

TOWN OF PATTERSON
PLANNING BOARD MEETING
January 4, 2007



AGENDA & MINUTES

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| 19) Minutes – November 30, 2006 and December 7, 2006 | 79 – 80 | Approved |

PLANNING DEPARTMENT

P.O. Box 470
1142 Route 311
Patterson, NY 12563

Melissa Brichta
Secretary

Richard Williams
Town Planner

Telephone (845) 878-6500
FAX (845) 878-2019



**TOWN OF PATTERSON
PLANNING & ZONING OFFICE**

**ZONING BOARD OF
APPEALS**

Howard Buzzutto, Chairman
Mary Bodor
Marianne Burdick
Lars Olenius
Martin Posner

PLANNING BOARD

Shawn Rogan, Chairman
Michael Montesano
David Pierro
Maria DiSalvo
Charles Cook

**Planning Board
January 4, 2007 Meeting Minutes**

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

APPROVED

Present were: Chairman Rogan, Board Member Pierro, Board Member Montesano, Board Member DiSalvo, Board Member Cook, Rich Williams, Town Planner, Ted Kozlowski, Town of Patterson Environmental Conservation Inspector, Anthony Molé, from Town Attorneys Office, Curtiss, Leibell and Shilling P.C., David Raines, Interim Building Inspector (arrived late, at 7:40 p.m.).

Meeting was called to order at 7:30 P.M.

Michelle Russo transcribed the following minutes.

Chairman Rogan led the Salute to the Flag.

There were approximately 16 audience members.

1) APPOINTING VICE CHAIR OF PLANNING BOARD

Chairman Rogan stated first, I would like to appoint Vice Chair Dave Pierro for 2007. I am not sure if anyone is here for Burdick Farms but just for the audiences' edification, Burdick Farms which was supposed to be number thirteen on the agenda has been pulled and also Greenlands LLC, there will be a small discussion but basically there is not any significant information that will go on tonight on that application. A reminder to the audience is to please turn off all cell phones or use the vibrate function. I am glad I said that, I noticed a lot of people reaching for them. I would like to also thank Mike Montesano.

Board Member Pierro stated for his years of service as Deputy Chair and his recent filling in as Chairman while Mr. Schech while he was absent. Thank you Mike.

Chairman Rogan stated thank you Mike.

Board Member Montesano stated thank you.

2) **GREEN CHIMNEYS SCHOOL – Public Hearing.**

Theresa Ryan, from Insite Engineering was present to represent the Applicant.

Chairman Rogan stated first up on the agenda this evening is Green Chimneys School. Theresa, Hi.

The Secretary stated do you want me to read.

Chairman Rogan stated I was waiting for her to put that up, I did not want to rush her. Secretary please read the public notice.

The Secretary read the Public Notice in the record.

Chairman Rogan stated that was a good summation.

Ms. Ryan stated that was very good thank you, Missy.

Chairman Rogan stated she did part of your job for you.

The Secretary stated except I left Commerce Drive in there, you didn't pick that up Theresa.

Chairman Rogan stated no we didn't.

Ms. Ryan stated as Missy stated the property contains 47.2 acres, it is located in an R-4 Zoning District on the east side of Doansburg Road, this is the entire boundary of the parcel. There is an existing barn right here which they are going to add a barn addition to as Missy indicated. The Health Center is here, this is the new addition, these are your enlargements and the areas, these dashed areas are the portions of the existing health center that are going to be removed, this is the addition and the barn addition. We are also proposing on behalf of the Applicant to dredge the existing duck/goose pond, over time it has filled in with material from the bird wildlife and they are going to excavate the material, bring it up to the upper part of an existing open field that is used for horses to let it de water and then they are going to spread it over the field when it dries out. Basically that is the straight forward application that we have for the Board.

Chairman Rogan stated do we have any comments from the audience. Do that as a part, do you want to close the public hearing and then do that. Can I have a motion to close the Public Hearing.

Board Member DiSalvo stated make a motion to close the public hearing.

Board Member Montesano seconded the motion.

Chairman Rogan asked for all in favor:

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

Motion carried on a vote of 5 to 0.

Chairman Rogan stated Ted, just please use the microphone.

Ted Kozlowski stated Theresa, how are they going to dredge the pond itself, is it hydrologic or is it going to be clamshell.

Ms. Ryan stated they are going to have an excavator within the pond that is going to load the material into a rubber track loader that is going to take it through the field. This is the path that they are going to take, it is all open and there are no trees, it is already a field and bring it up to that point there.

Ted Kozlowski stated and I am assuming that they are going to do that in low flow, August or September is that what they are looking to do.

Ms. Ryan stated actually there is no flow in this stream most of the time. In order to keep that pond full of water they have an on site well that pumps water into it for six hours a day. So they are going to wait for at least three days of predicted no rain and they should have it accomplished in three days time, to get all the material up and into this area to dewater.

Ted Kozlowski stated okay, thank you.

Ms. Ryan stated alright.

Chairman Rogan stated we had spoken to you Theresa, about the wetland perimeter signs and actually Ted had brought up the idea as using them as an educational feature of Green Chimneys and I know the Applicant was looking for a little bit of direction on that.

Ms. Ryan stated some guidance.

Chairman Rogan stated yes, some guidance.

Ms. Ryan stated on what the signs would say on the sides.

Chairman Rogan stated since Ted, we figured this would be your area that you could maybe help us out on this.

Ted Kozlowski stated I will fax you some stuff and I will C.C. the Board.

Ms. Ryan stated okay great.

Ted Kozlowski stated does that work.

Ms. Ryan state sure.

Chairman Rogan stated that would be great.

Board Member Pierro stated very well.

Chairman Rogan stated also Rich, there were some concerns in your memo about the way that they do their check dams and did you get a chance to see.

Ms. Ryan stated Rich and I talked about it and it is an easy modification.

Rich Williams stated they were pretty minor.

Chairman Rogan stated okay, any comments from the Board.

Board Member Pierro stated we have a resolution.

Chairman Rogan stated we need a SEQR determination and the resolution, if anybody.

Board Member Pierro stated let me just look at the SEQR.

Board Member DiSalvo stated I make a motion in the matter of Green Chimneys School for Little People that the Planning Board of the Town of Patterson finds that the proposed action will not have significant action on the environment and hereby issues a negative declaration of significance.

Board Member Montesano seconded the motion.

Chairman Rogan asks for all in favor:

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

Motion carried on a vote of 5 to 0.

Board Member Pierro stated I stepped on you.

Chairman Rogan stated that is alright. Anyone for the resolution.

Board Member Pierro stated in the matter of Green Chimneys School for Little People, I make a motion that the Town of Patterson Planning Board grants final site plan approval with the five general conditions and three special conditions outlined in the resolution prepared by the Planning Board office dated January 4, 2007.

Chairman Rogan asked for a second.

Board Member DiSalvo seconded the motion.

Chairman Rogan asks for all in favor:

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

Motion carried on a vote of 5 to 0.

Ms. Ryan stated thank you very much.

Chairman Rogan stated thank you. As big as they built these, we could always use a file cabinet right here.

3) BREWSTER PLASTICS – Steel Storage Containers

Mr. Brett Wallace, Vice President of Brewster Plastics was present.

Chairman Rogan stated okay, next up is Brewster Plastics.

Board Member DiSalvo stated it has been awhile.

Chairman Rogan stated it has been awhile.

Mr. Wallace stated good evening.

Chairman Rogan stated good evening, if you could just state your name for the record sir.

Mr. Wallace stated I am Brett Wallace, Vice President of Brewster Plastics.

Chairman Rogan stated Mr. Wallace, if memory serves me, we gave you basically an extension on keeping the storage containers on site.

Mr. Wallace stated yes.

Chairman Rogan stated if I remember right, we put it to the new year because of the contracts that are in place that you renew in the beginning of year. What is the status on that situation.

Mr. Wallace stated one contract is still undetermined and there is a second contract for the same fragrance materials that we spoke of that is due to be determined by the end of next week, so we won't know for a week or two of the status of that particular contract. I can let you know where we stand right now.

Chairman Rogan stated yes.

Mr. Wallace stated unfortunately I was not part of the meeting but Rich has set up a meeting with my father, who is the president of Brewster Plastics with David Raines back at the end of December to discuss what kind of options we have to put up a building, a steel building, to find out what the requirements for what types of buildings are allowed and then try to make a determination from there as to what type of building we can put up, hopefully within the next six months or so.

Chairman Rogan stated Rich what was your feeling on the discussion with his father, was he open to the idea or did you get a sense.

Rich Williams stated it wasn't me that went out there.

Chairman Rogan stated oh, I'm sorry, I apologize, I thought it was.

Rich Williams stated it was Dave Raines who went out and met with your father. Dave said he was going to be here to discuss it with the Board apparently he had another commitment.

Chairman Rogan stated any discussion from the Board.

Board Member DiSalvo stated the extension is up tonight that we gave him and there is a meeting next week with everyone.

Chairman Rogan stated I think it was actually up at the first of the year.

Rich Williams stated I think, was it, or the first Planning Board Meeting.

Chairman Rogan stated it might have been.

The Secretary stated it was the, it might have been the first, either way it would be tonight.

Chairman Rogan stated I don't think that the Board has a problem granting an extension so long as we realize it is towards an end, not towards an extension that we are going to be doing every six months. That is why we put a time frame on it acknowledging that the reason that you need these storage containers is on a temporary basis, but also acknowledging that if you keep renewing these contracts that is more of a permanent basis and we would be looking for an extension of the building. Given this information does anybody on the Board have anything they would like to propose on this?

Board Member Pierro stated we would be willing to work with you in putting together a definite plan for construction in gear of that facility, it make for a better site all together.

Mr. Wallace stated I agree.

Board Member Pierro stated and it allows for expansion for your business if you need that.

Mr. Wallace stated it is just a difficult position to be in as far as that particular customer that is affected by that fragrance product.

Board Member Pierro stated Rich do we have prohibition, he had mentioned steel buildings. I know our Code doesn't permit those but under commercial uses are they allowed or are they not allowed at all.

Chairman Rogan stated not steel sided.

Rich Williams stated they are not allowed at all.

Board Member Pierro stated okay, I just wanted to make sure he is clear on that.

Mr. Wallace stated that is one of the reasons that we wanted to meet with David to find out exactly what the requirements are and obviously do the right thing and get it done with.

Board Member DiSalvo stated then we have to do an extension of something for tonight to get him to our next meeting.

Chairman Rogan stated sure.

Mr. Wallace stated there is nothing we can do until the spring anyway as far as construction.

Chairman Rogan stated would the Board be comfortable with extended, actually doing. Here he comes, good timing.

Board Member Pierro stated give him a moment to get in the door at least.

Chairman Rogan stated your ears must have been ringing.

Board Member Pierro stated we were discussing, Dave, your discussions with this gentleman regarding Brewster Plastics.

Dave Raines stated where were we.

Chairman Rogan stated we were just about.

Board Member Pierro stated we were looking for your input.

Chairman Rogan stated we were waiting on your input.

The Secretary stated he has to get a microphone too.

Chairman Rogan stated just please use a microphone, even if you use the wireless.

Dave Raines stated I'm sorry I'm late, I was at another meeting.

Chairman Rogan stated it is alright.

Mr. Wallace stated you had met with my father.

Dave Raines stated yes, I did. We reached the issue of the temporary, year to two year out buildings to replace some of the storage with the steel containers and some of the outside pallet storage. Is that where we are.

Mr. Wallace stated we had just gotten to that.

Dave Raines stated my concern is, I talked to.

The Secretary stated is the green light on.

Dave Raines stated no it isn't. I talked to Mr. Williams briefly.

Chairman Rogan stated now you are on.

Dave Raines stated just from a conceptual stand point of we know we have to get rid of the sea containers time is up, they have to go. They need the storage, there is no question I walked through the facility they are looking at, they are probably 90 days out in getting a temporary structure up to replace them. I said to Rich I would really like the Planning Board to look closely at can we do this, can we put a 40 by 60 temporary structure up, but my concern is I really want it to blend into the existing building even though it is going to be a temporary structure, in color, in design, in roof type and that what not. There are two potentials, one is to have it outside the loading dock area behind the building, I am not really oriented with north, south, east, west at the point or within the previously approved area where the

expansion would be, which would mean that we would sink the footings for the expansion prior to putting up this temporary building. When the temporary building does come down we would already be ahead of the game and there would footings in for the new building. I think it something that you guys need to look at and say okay do we want this temporary, when I say temporary, we are talking a year to two years, do we want to go that route do we want to allow them to have the sea containers remain until they can get this temporary building up and I think that is how I kind of left it. There is definitely a need to move in one direction or the other.

Chairman Rogan stated yes.

Dave Raines stated I really don't want to see these c-containers remain because I have numerous violations out throughout the Town, especially along the 22 corridor to get these things removed from other locations.

Chairman Rogan stated let's talk for a minute about a temporary structure I am not even sure that I know what that would consist of. Is that a framed structure?

Dave Raines stated it is a steel framed building with metal sides.

Chairman Rogan stated which is something that we wouldn't be looking for.

Board Member Pierro stated it is not permitted by our code.

Dave Raines stated yes.

Chairman Rogan stated to solve one problem are we creating another problem with a temporary structure that doesn't meet Code. I actually figured that we were going to look towards, if the contracts we more dependable, towards a permanent extension on the building or some type of.

Mr. Wallace stated we would prefer that we did the permanent one right off the bat or at least a half addition to the original full expansion. It just comes down to the finances.

Chairman Rogan stated I understand.

Board Member Pierro stated do you own that building sir.

Mr. Wallace replied yes.

Chairman Rogan stated I think I would be more comfortable even though we want to get rid of those containers, I think that we are justified in allowing them to keep the containers if we were working on a plan and towards a permanent solution.

Dave Raines stated again we looked at six prototypes and they all looked like butler buildings as far as temporary buildings.

Chairman Rogan stated yes.

Dave Raines stated and even cost wise if we can give them let's say 120 days to continue with the sea containers use, I don't know again, I don't know how close you are to doing this kind of a project for a permanent expansion, is that going to help you or are you just going to be back in here in four months.

Mr. Wallace stated we would be back here in four months because there is no way we could get the financing together for a permanent addition within that time frame.

Board Member Montesano stated my only problem with, we have one person that has been in six or seven times for extensions on a building that we allowed as a temporary building and so far they didn't get the contract for the property there on Route 22 and that thing is still there.

Chairman Rogan stated is that the thing across from the ski area, we are talking about.

Board Member Montesano stated yes, it is still there and it was a temporary building. If we are going to continue with temporary buildings then let the c-containers stay there. We are going to run into problems with the Applicant because he won't be able to get the financing within that short period of time that is his statement. Then we are going to put something temporarily, I would rather leave the containers there temporarily rather than give them the opportunity to put in another piece of metal that has to come down that is an added expense. He already has these and he can work with them on the fact that and he has said that four months is not going to be sufficient.

Board Member Pierro stated it seems to me that sometimes folks with the greatest of the intentions get amnesia. I would be comfortable with granting the extension for four months, I don't think it is so painful that you have to come and see us.

Mr. Wallace stated I enjoy it.

Board Member Pierro stated okay, thank you.

Board Member DiSalvo stated what happens at the end of four months.

Board Member Pierro stated at the end four months we either grant another extension to allow the sea containers on the site or we move this process along a little bit and at that time they will have their capital improvement plan put together.

Mr. Wallace stated we are working on it.

Dave Raines stated Mr. Chairman, just a question, do you want my office to send a letter to Brewster Plastics indicating that the proposal that they sent for the potential butler building is not something.

Chairman Rogan stated what I think would be appropriate is that they at least understand what they are working towards that if they are going to do something then here is what they would be allowed to do, so if it means that maybe you even have to meet with the Building Inspector and Rich, to just get a sense of what buildings you would be allowed to do because again, don't spin your wheels on something that you wouldn't be allowed to do. I think that would be appropriate, is there a reason why we are picking four months because I actually thought it would be six month extension, not that I am trying to cut you loose until mid-summer but.

Board Member DiSalvo stated I would go with six.

Chairman Rogan stated I don't see the harm in six months, however and I think we discussed this at the work session, I'm sorry you weren't there, but I think that at six months from now you come back and say look, we are in the same boat we were in back in January. I think we are going to be hard pressed to be granting extensions of course to keep these boxes. I think what you need to be doing is coming back with a plan six months from now that we have investigated it and we are working on a capital

improvement project, if we are going to continue in this business with this contract we realize that we have to invest in our business or move it inside which I know really is not suitable for you. But I think that is what you need to be considering.

Mr. Wallace stated okay.

Chairman Rogan stated okay.

Board Member Montesano stated when we were out on the site we have discussed having the existing boxes moved to a different location.

Chairman Rogan stated there were some that were outside and some that were up front.

Rich Williams stated there were two that were on the north side of the building.

Board Member Montesano has that been considered in any way, shape, or form since we suggested it.

Mr. Wallace stated again one the proposals that we had was more of a long term fix was to remove the ones that are on the north side of the building that can be seen and either move those to the south west side or remove those two all together and just leave the two that are hidden in that back corner.

Board Member Montesano stated if we grant the extension, should we have those two boxes moved out of line of sight.

Rich Williams stated to the southwest corner.

Board Member Montesano stated right.

Chairman Rogan stated yes.

Board Member Montesano stated get them out of the line of sight. Now we are going to have them out there for another six months they should be moved at least.

Chairman Rogan stated to another more appropriate location.

Board Member Pierro stated but it doesn't you know.

Board Member DiSalvo stated does that interfere with your operation.

Mr. Wallace stated it will, especially in the winter because the two containers that are on the north side are ones that are exclusively for finished product.

Chairman Rogan stated what winter are you referring to.

Mr. Wallace stated the one that I expect to come in about a week or two.

Chairman Rogan stated always the optimist.

Mr. Wallace stated because the machines run that product right by that door, so it is very easy to grab a box and bring it out.

Board Member DiSalvo stated so a six month extension.

Chairman Rogan stated can I have a motion on a six month extension.

Board Member DiSalvo stated I make a motion in the matter of Brewster Plastics that we extend the steel storage containers to be kept in the same location for six months, after six months we will review it for possible permanent storage building to be erected and to continue conversations with our Building Inspector.

Chairman Rogan asks for a second.

Board Member Cook seconded the motion.

Chairman Rogan asks for all in favor:

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

Motion carried on a vote of 5 to 0.

Chairman Rogan asked for any opposed. Thank you. Sharpen your pencil.

4) TALI ANTIQUES RESTORATION – Sign Application

Chairman Rogan stated for the audiences' edification, Tali Antiques which was third on the list, we approved a sign application at the Work Session. A sign that conforms to the Town Hamlet requirements.

5) WIRELESS CONNECTIONS – Sign Application

The Applicant was not present.

Chairman Rogan stated next up is Wireless Connections sign Application.

The Secretary stated I don't see anyone here.

Chairman Rogan stated no one here.

6) MAGNOLIA'S RESTAURANT – Sign Application

The Applicant was not present.

Chairman Rogan stated Magnolia's Restaurant sign Application.

The Secretary stated I am not sure that she knew she had to attend, I am not positive of that.

Chairman Rogan stated well we discussed it at the work session, there is not much other then sending back, we can have Rich send her something that shows what we were looking for.

Board Member Montesano stated we discussed allowing her a hanging sign because of the uniqueness of the location.

The Secretary stated we can ask Rich if he has talked to her in between, maybe we can get back to that later.

Chairman Rogan stated well, let's move on and when Rich comes back in we can jump back into it.

7) GEORGE APAP – Sign Application

George Apap, the Applicant was present.

Chairman Rogan stated George Apap sign application.

The Secretary stated George, he didn't get a chance to see this yet. I don't think there were any major issues, I don't think there were.

Chairman Rogan stated no. Good Evening, how are you. Can you state your name for the record please.

Mr. Apap stated George Apap.

Chairman Rogan stated George, we have the sketch that you wanted to put of the sign. It was pretty much the way you show it, the white background with black lettering. We have discussed at the work session that first of all the color of the building that you have, the house is a really nice color but you are in a painting company and it is such an ordinary sign. In the Hamlet which you are not, but in the Hamlet there is a sign standard, that uses certain colors, you notice the entering the Hamlet sign I think it is green with gold leaf lettering. We are okay with the sign that you are proposing, it meets the standard but we were wondering if you would be willing to consider using the colors of the Hamlet, I think it would be a more attractive sign for what you have going on.

Mr. Apap stated all of my trucks and everything are all lettered to black and white, it is a very simple logo. It is kind of my brand and a lot of people pass by it everyday, I would like then just to see that, I don't even have a phone number on there, I just want people to recognize that that is my building and I am proud of the building and I want people to know that it is ours.

Chairman Rogan stated okay and we wanted to ask you, Rich isn't here but the trailer and the carport overhang that are in the back of the building. Those were there when you bought the building. What year was that?

Mr. Apap stated I bought the building just over a year ago.

Chairman Rogan stated oh okay.

Board Member Pierro stated are those visible from the street, not that it doesn't change the fact that they are in violation but are they visible from the street.

Board Member DiSalvo stated kind of, you can probably see them in the parking lot of the Mobil station or something.

Board Member Montesano stated those buildings have been there for quite awhile.

Board Member Pierro stated right.

Board Member Montesano stated I know we have the pictures but from how long ago.

Rich Williams stated I have no idea how long ago those containers were there.

Mr. Apap stated I would guess, I inherited them but I would guess twenty years or more they have been there for a long, long time.

Board Member Montesano stated when it was a residence, if I remember right, they were there.

Mr. Apap stated they are on my short list to go.

Board Member Pierro stated because we would much rather see a framed garage there.

Mr. Apap stated I have been in contact with Rich and we have been passing some ideas back and forth about something that we could do to replace them.

Chairman Rogan stated do you think that we could take of those within the next.

Mr. Apap stated I am hoping that this time next year to be in construction of something new. We are in contact with our engineer and still I am in contact with Rich about the best location, I am sure we will back in touch with you very soon.

Board Member Pierro stated Rich can we make a date certain to have Mr. Apap back in here if nothing is done to remediate the violation. I would like to be on record that we will be contacting you.

Board Member Montesano stated issue a violation, we have no proof, what I am saying is that it has been there over twenty years is it a violation right now or is it a pre-existing situation.

Rich Williams stated that is a question I can't answer, I haven't done any research on it and ultimately it would fall on Dave Raines who is going to make the determination on if it is a violation. It may be something that the Town is going to determine pre-existed the requirement, we have had this conversation, my opinion is they were never permitted in the code in the first place and as Anthony will

tell you that after a certain period of time it gets more and more difficult to enforce a violation on something that has been in existence for ten, fifteen, twenty, or thirty years.

Board Member Pierro stated can we look into at least the history of these items on site and maybe ask Dave to take a look into that.

Dave Raines stated the sea container.

Board Member Pierro stated yes.

Chairman Rogan stated the one sea container with a shed or dormer.

Board Member Montesano stated we can show you a photograph.

Dave Raines stated I have one. It is in my file. We have issued violations on all the ones that we found consistently. All the ones that we could find have been issued violations included the box trucks that are being utilized for (unable to hear, unable to transcribe).

Board Member Pierro stated we don't want to give you the impression that we are out to harpoon you George because we think that you have done a wonderful job on that building and it really has dressed up that area and we would like to work with you further to get this taken care of.

Mr. Apap stated if you give me a little latitude on those, I am going to come up with a proposal for a really nice building very soon, it is all finance related, we spent a small fortune on that building already. I am hoping buy this time next year we can get into something else.

Board Member Pierro stated as long as you are realize where we are coming from.

Mr. Apap stated I know.

Board Member Pierro stated it is very difficult to enforce the law on one side of Town and not enforce it on the other.

Rich Williams stated if I could just ask Dave, are you looking to maybe ask Mr. Apap to come in say in six months to update the Board, would that be reasonable.

Board Member Pierro stated I could work with that.

Mr. Apap stated that would be fine.

Board Member Pierro stated very well sir. So we can put him on the agenda for six months from now.

Rich Williams stated yes I will.

Chairman Rogan stated Rich while you were out, we did mention to George about considering the idea of more of the Hamlet colors for the sign and he did explain that that is more of the logo and the colors of his trucks. I didn't realize that at Work Session, if someone said it I missed, so I can understand a sign that is an identifier for a business and it does meet the requirements of the Town Code. Are you proposing any lighting with this sign, no lighting. The proposed site doesn't cause any problems with site distance coming out of the place, it doesn't seem like it would Rich, from where it shows it on there.

Board Member Pierro stated no, I looked at it a couple of days ago.

Chairman Rogan stated is everybody comfortable with the sign.

Board Member Pierro stated I am fine.

Chairman Rogan stated can I get a SEQR determination and a motion on the sign, please.

Board Member Pierro stated in the matter of George Apap, 1278 Route 311 Patterson New York, I make a motion that the Patterson Planning Board makes a negative determination of significance of SEQR and also votes to approve the sign as requested in documents stated November 20, 2006.

Board Member Montesano seconded the motion.

Chairman Rogan asks for all in favor:

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

Motion carried on a vote of 5 to 0.

Chairman Rogan asks for any opposed. Thank you, we will see you in six months, Thank you.

Board Member DiSalvo stated it is not going to be that big this sign.

8) MAGNOLIA'S RESTAURANT DISCUSSION

Chairman Rogan stated Rich we went through Magnolia's. We were waiting for Rich to get back and we wanted to know if he had been in communication with the owner.

The Secretary stated she is not here.

Rich Williams stated not since the initial application.

Chairman Rogan stated okay, if she doesn't show up tonight, can we ask you to reach out to her and let her know what we discussed at work session. We are fine with the transom sign with her coming in with that as an application and also considering the vertical sign. As something we would be.

Board Member Montesano stated attuned to.

Rich Williams stated let me ask you a question here, the vertical sign (unable to hear).

Chairman Rogan stated I have not personally seen the barber shop sign, how big is the barber shop sign, the vertical. It would make sense to make them kind of uniform wouldn't it.

Board Member Montesano stated well he has the revolving pole up there.

Chairman Rogan stated it is a pole, it's not a sign.

Board Member Pierro stated twenty four or thirty inches.

Chairman Rogan stated so let's determine the height of that pole and kind of figure out what the sign would be in the same height and may be no more then a foot, I don't even think a foot wide, probably just be the letters Magnolia's down the side or something to that effect. She is not requesting it but at least we could put the notion out there that it might be especially since the sign is set in on the transom so far.

Rich Williams stated I know that they are seeking to open relatively soon which is an issue for her. Is there any interest on the part of the Board to approve that application for the sign in the transom and the sign as proposed conditioned to the Applicant amended her application.

Chairman Rogan stated we can approve the sign proposed subject to her meeting the Hamlet color requirements.

Rich Williams stated she did meet the requirements.

The Secretary stated Mr. Chairman, if I could just remind you. We really need to use the microphones and talk one at a time the reason being is that I am not transcribing these minutes, Michelle in our office is and it will be difficult on her because she is not present at the meetings.

Chairman Rogan stated sure, so Rich you need to use the microphone.

The Secretary stated yes and not just Rich, Mike and Maria kind of bring them in because I am just trying to cover it so that she is able to hear it.

Board Member DiSalvo stated I guess we need to get a sample of the exact kind of green that she wants to use. This is more like a teal, she needs to use something like Tali is using.

The Secretary stated again I mention that a lot of time, when it prints on different printers the color tone changes.

Board Member Pierro stated have you provided the names, the color chart.

The Secretary stated they are provided with the sign application in the regulations, it just says the colors. That I really think is just case, she has spoken with Rich, I think that is a case of when they print, it changes the tone.

Chairman Rogan stated it is that printers version of the color. I understand.

The Secretary stated exactly but we will make sure it is the forest green.

Chairman Rogan stated so we are looking for an approval to mount the proposed sign in the transom area of the front door, the size is okay and the color we just want to have Rich verify with them before they, that we are using the appropriate colors and I think we are all set.

Board Member Pierro stated Shawn, for clarification we are saying the transom area. The transom area is the area of glass above the door.

Chairman Rogan stated which is why, exactly, so we can't approve it in the location that she proposed so we are moving it to the transom area above the door, not up on the building the way they proposed it.

Board Member Pierro stated I just wanted to be clear.

Chairman Rogan stated but not in the window.

Rich Williams stated not in the window.

Board Member Pierro stated Rich, the sign application says a two foot by five foot nine inch sign and I am not sure if that is going to fit in the transom area.

Rich Williams stated it won't fit in the transom area, that is why I just kind of threw out, are you talking about the transom or the window itself, she can actually paint it on the window.

Board Member DiSalvo stated that is how the barber shop sign is.

Board Member Pierro stated so we are not talking in the transom, that rectangular box above the two doors.

Rich Williams stated that sign was not proposed for the transom.

Board Member Montesano stated Rich, if I can, the barber shop has their sign in the transom.

Rich Williams stated correct.

Board Member Montesano stated if she put that sign in the transom, then she can not put one in the window.

Rich Williams stated she can put up building mounted signs up to a certain extent, she can have one in the transom, on the window, any combination as long as she does not exceed the maximum allowed.

Board Member Montesano stated what I am trying to figure out, if you were to paint the sign on the window with the name and what actually it is so people will be able to read because they occasionally do that. If we put Magnolia's on it or the restaurant something of that nature, she can put that on the glass at the window.

Rich Williams stated if the Board approves it, yes.

Board Member Pierro stated I would much prefer this painted on the glass as opposed to it being mounted in the area above the transom.

Chairman Rogan stated yes but we weren't even considering that Dave.

Board Member Pierro stated right.

Chairman Rogan stated just to be clear we were talking about the sign being mounted on the transom, which would be the area directly above the door, which isn't that a six foot opening for that door.

Board Member Pierro stated is everyone aware that we are not approving a sign that is two foot by five foot nine inches.

Board Member Montesano stated I realize that. We are not approving her application at the present time. We can direct Rich to explain to her what we think we so desire to approve the sign fitting over the transom which would match the barber shop. Also she would have the option if she wanted to either hang something from the side because of the uniqueness of the street.

Chairman Rogan stated for the pedestrian traffic.

Board Member Montesano stated she can do that, these are suggestions she can use if we agree to that idea and we approve that and if she says no she doesn't want that then she has to come back in here.

Chairman Rogan stated okay just so we are all clear, the barber shop has a sign that is above the transom, I'm sorry at the transom, not above it, above the doors. Would we not want to keep the signs all on the same parallel? The window idea might be appropriate but maybe not in this building that if we paint the sign Magnolia's in the window we are now breaking up where the signs are going to appear on this building.

Board Member Montesano stated what I am trying to find out is if we allowed the one over the door, is she still, can she still qualify to paint it on the window, which would be her prerogative.

Chairman Rogan stated two things I think Rich said, one she would need approval from this Board and secondly it can't exceed the total allowable square footage for the sign basically, right.

Board Member Montesano stated basically what we are doing is asking Rich to explain to her and I am looking for more then one option, if she feels the sign on the window would be beneficial and it would break up what we are trying to do which is to keep everybody uniform.

Chairman Rogan stated she needs to come back in before us then if she doesn't want the transom area then she would need to come back in and request that of the Board. We can also let her know in the approval that we are not open to that idea so she wouldn't waste her time. I just think it makes sense to have the signs in that building conform to be all in the same areas.

Board Member Montesano stated that is why I suggested that little hanging sign just to get the people to see that there is restaurant there.

Chairman Rogan stated the vertical sign is not part of this application we can let her know that that is an option, if she wants to pursue it we would be willing to approve, but it is not part of this application so we are not going to approve it at this time, just the transom. Is everybody on the same page with this.

Board Member Pierro stated I am fine.

Chairman Rogan stated Charlie.

Board Member Cook stated yes.

Chairman Rogan stated okay so I am looking for a SEQR determination.

Board Member Pierro stated in the matter of Magnolia's, 21 Front Street, Patterson New York, I make a motion declaring sign application negative determination of SEQR and also grant to approve a sign of Hamlet colors that will fit above the doors on the transom.

Rich Williams stated subject to my verification of the green color.

Board Member Pierro stated or of any Hamlet color, as long as it is a Hamlet color.

Board Member Montesano stated green or red.

Rich Williams stated I am comfortable verifying the green colors, the green and white sign because that is what the Board has seen, if she wanted to come and all of sudden change it to blue and gold or red and gold.

Chairman Rogan stated wouldn't you think that the gold leaf lettering would be better on that green but whatever it's not my business.

Rich Williams stated that is fine, I can do the green and the gold lettering so as long as it is basically a green sign.

Chairman Rogan stated who was the second on that.

Board Member Montesano seconded the motion.

Chairman Rogan asks for all in favor:

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

Motion carried on a vote of 5 to 0.

Chairman Rogan asks for any opposed.

Chairman Rogan stated Magnolia's will be open before we know it. Wireless is not here, correct. So we are up to Plunkett Lot Line Adjustment.

9) PLUNKETT LOT LINE ADJUSTMENT

Mr. Frank Plunkett, property owner and Ms. Judy Terlizzi from Putnam Land Trust were present.

Chairman Rogan stated they have been waiting patiently. Wireless doesn't need to be here because they already have a sign up.

The Secretary stated do they?

Chairman Rogan stated a banner sign that sign Verizon Communications that is what is says.

Rich Williams stated do you want me (unable to hear, unable to transcribe).

Chairman Rogan stated yes, with the proof they were going to bring.

Board Member Pierro stated does Plunkett require SEQR Shawn.

Chairman Rogan stated yes, just not a public hearing.

Mr. Plunkett stated good evening.

Chairman Rogan stated good evening.

Mr. Plunkett stated we have submitted an application to have a line lot adjustment.

Chairman Rogan stated are you Frank Plunkett.

Mr. Plunkett stated yes, I am Frank Plunkett.

Chairman Rogan stated okay just wanted to get that for the record sir.

Mr. Plunkett stated presently I own all of this, fifteen acres.

Chairman Rogan stated could you use the microphone sir. We have a wireless that we can let you use if you would like.

Mr. Plunkett stated presently I have fifteen acres and I am in the process of subdividing a three acre piece line lot adjustment and now we are in here tonight to propose a 5.6 acre line lot adjustment to the Putnam Land Trust which will include all of this area here. This will allow them to come to Route 164. basically this area is just cliffs and undeveloped at this point.

Chairman Rogan stated I noticed we have someone here from Putnam Land Trust. I am sure I know the answer to this but I wanted to ask it anyway. This parcel does connect to a larger piece so it is providing more of a corridor wildlife corridor through this area, is there any plan to provide access from Route 164, I know it is rather rugged terrain. Yes we need to get you a microphone it was little more then yes or no.

Ms. Terlizzi stated in terms of a plan.

Chairman Rogan stated I am talking in terms of like a parking area where people would need to get off of Route 164.

Ms. Terlizzi stated not at this point we will also be acquiring the parcel across the road, the Zanti property so that might provide a better parking area then this particular lot.

Chairman Rogan stated because I know that the sight line distance is rather difficult and we had walked there earlier, maybe a year ago or so and I just wanted to make sure. Does anyone from the Board have any concerns or comments on this project?

Board Member DiSalvo stated this connects with the property in the back on Couch Road also.

Mr. Plunkett stated yes, this is presently Land Trust property. This is a strip right in here that would connect with that.

Board Member DiSalvo stated (unable to hear, unable to transcribe).

Board Member Pierro stated that connects with the former Luschynski Property, which connects with Sterling Preserve.

Chairman Rogan stated excellent.

Ms. Terlizzi stated this is the Sterling Preserve over in here. I am Judy Terlizzi from the Land Trust.

Chairman Rogan stated thank you Judy.

Ms. Terlizzi stated now this is the pond property which was acquired two years ago I believe and that over here I believe is the Sterling Farm and this is privately owned. This I believe is the Sterling Farm, so here the property goes up this way and then it goes that way.

Chairman Rogan stated is there currently any accessibility to this piece of property that the Putnam Land Trust has, is there any place for people to use this property.

Ms. Terlizzi stated this, Couch Road.

Chairman Rogan stated that parcel in the shaded area that you just referred to, the Mendel Pond parcel.

Board Member Pierro stated Mendel Pond.

Ms. Terlizzi stated it is my understanding that the access would be down through Couch Road and we are in the process of creating trails that will come down that way and I think it would be ideal at one point to put some small, limited parking along Cornwall Hill Road.

Chairman Rogan stated along the high side of the pond, you can come up and around, that is pretty rugged also.

Ms. Terlizzi stated right, yes.

Board Member Pierro stated it is pretty wet over there.

Ms. Terlizzi stated there is a small pull off area that might possibly, I'm not sure we have to see if it is on our property or the adjoining property. It is difficult there really is not a lot of good land to do parking areas.

Chairman Rogan stated now the open space property that we have been discussing with the Couch Road subdivision, that is not shown in the shaded area here but it will abut this property.

Ms. Terlizzi stated yes.

Chairman Rogan stated and there is no access proposed through that subdivision though that is just adding open space to this parcel. We are working on, for this area, what we should be working on is a suitable place for a central and safe parking area and you might get it with the other side of the road. It

is probably not the best idea for people to be walking across Route 164 but given some of the other areas, it may be suitable.

Ms. Terlizzi stated it might be our only option.

Chairman Rogan stated it might be the only option.

Rich Williams stated if I might interject, probably the only logically option for access in through here is off of Couch Road. You won't want to have access or a parking area on the other side of the road.

Chairman Rogan stated okay, are there any other concerns. We are looking for a determination of SEQR and a approval on this.

Board Member Pierro stated okay.

Board Member DiSalvo stated I make a motion in the matter of Frank and Katherine Plunkett that the Planning Board of the Town of Patterson finds the proposed action will not have a significant impact on the environment and hereby issues a negative declaration of significance.

Board Member Montesano seconded the motion.

Chairman Rogan asks for all in favor:

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

Motion carried on a vote of 5 to 0.

Chairman Rogan asks for any opposed.

Board Member Pierro stated no. In the matter of Frank and Katherine Plunkett, 308 Route 164, Patterson, I make a motion granting approval for a lot line adjustment on a specific parcel on Route 164 with the six general conditions and one special condition outlined in the January 4, 2007 resolution of approval prepared by the Patterson Planning Board.

Chairman Rogan asks for a second.

Board Member DiSalvo seconded the motion.

Chairman Rogan asks for all in favor:

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

Motion carried on a vote of 5 to 0.

Chairman Rogan asks for any opposed. Thank you Mr. Plunkett.

Board Member Pierro stated most importantly the people of Patterson that are going to walk that property in the future thank you.

Unknown Speaker stated I would just like to comment that the money from the (unable to hear) grant which Patterson is a partner in has made this possible.

Chairman Rogan stated wonderful, Thank you.

Board Member Pierro stated that is great.

10) RONAN BROWN – Request for Site Plan Waiver

Ronan Brown, the Applicant, was present.

Chairman Rogan stated Ronan Brown. Good Evening, could you please state your name for the record.

Mr. Brown stated Ronan Brown.

Chairman Rogan stated we have your application, can you explain what you are looking to do at your site.

Mr. Brown stated we just want to get approval for office space down stairs, approximately six or seven hundred square feet for a real estate.

Chairman Rogan stated for real estate.

Mr. Brown stated yes.

Chairman Rogan stated I didn't know Harry was. Is Harry Nichols, who is representing you.

Mr. Brown stated yes, he is. I got the water meter so we started two days ago and we are going to do it for three weeks and he is going to look at that end for us.

Chairman Rogan stated I think Michelle is going to have an interesting time with Ronan's Irish grog.

The Secretary stated I will help her, I am used to it.

Chairman Rogan stated do you have any idea as to what the hours of operation would be for the real estate office.

Mr. Brown stated I believe regular office hours.

Chairman Rogan stated regular office hours. Our concern.

Board Member Pierro stated can we ask the real estate broker.

Chairman Rogan stated please come up and use the microphone, I'm sorry I didn't realize that you were here.

Mr. Brown stated sorry, I should have told you that Shawn.

Chairman Rogan stated please state your name for the record.

Ms. Babarose stated I am Debbie Babarose and this is Kathy Oaks we are the owners of 524 Realty Group. There will basically seven days a week nine to five, nothing later, we don't want to interfere with Ronan's restaurant business, it is going to be small office five to six people, and one in house mortgage broker.

Chairman Rogan stated there was discussion that first of all we did look at an old map from the Poitin Still prior to you owning it for the parking and I think that the plat that we looked at, the site plan that we looked it or it may have even been a survey had approximately twenty-five or so parking spots some of which aren't even constructed on the current site.

Mr. Brown stated that was the only paper work we could find.

Chairman Rogan stated I understand, so we are trying to assess whether or not the site can handle the added parking and that is why we are asking about hours of operation acknowledging that the bar and restaurant aren't as busy during those hours, there is kind of a share. We understand that there is a sharing of services or sharing of parking, the one concern, you mentioned the water meter being installed and that is really related to the Health Department and we don't have a lot of say over their approval on this, what we are concerned about is not knowing what kind of septic system is in this facility. I think we are inclined to have you get their approval first on this and that when you get their approval that they say that the office space acceptable because of your septic area then we would be favorable for it.

Mr. Ronan stated to do this site plan do we have to wait for another meeting or when we get their approval we can just go ahead.

Chairman Rogan stated I think that is drastically dependent on if you need to modify your site because of maybe, you may find that when they look at your septic area that you don't even have the septic capacity for what they would want for your restaurant. Granted a real estate office doesn't use a lot of water, it is a bathroom but I think we felt that it was appropriate. Rich at the work session do you remember anything else that we were kicking around with this, parking and hours of operation.

Rich Williams stated the two primary issues always have been the parking or whether the sanitary facilities were there to support the operation with the expansion.

Board Member Montesano stated the location of these tanks.

Chairman Rogan stated the septic tanks are in the rear of the facility underneath the gravel. Maria you had also brought something up this evening that you mentioned.

Board Member DiSalvo stated is your facility serviced by a well.

Mr. Brown stated yes.

Board Member DiSalvo stated because that is not indicated on here at all.

Chairman Rogan stated and actually I was thinking along the, you were talking about the fence also.

Board Member DiSalvo stated yes, some of the fencing along the adjoining property next door, we went to look at it, Mike and I and some of the fencing was falling down on the neighbors property and some of the fencing was wrapped around a tree over there, could we get that improved a little bit more and even some of the parking spaces nothing is really designated, there weren't any parking barriers set up, I have been to your restaurant a few times and it has been tight parking around the back too.

Chairman Rogan stated is kind of begs the questions that since there is no demarcation of the blacktop, is parking left up to peoples imagination, when they pull in they all kind of follow the leader. Rich took some pictures today of the facility and it doesn't seem to indicate that there is any parking outlined at all.

Rich Williams stated if I might, the lines were there but there were very, very light.

Board Member DiSalvo stated and around back there aren't any lines.

Chairman Rogan stated maybe we can repaint those lines that exist to get a better sense of the parking because that might help with people knowing where they should and should not park.

Board Member Pierro stated you are talking about this fence along this corridor.

Board Member DiSalvo stated yes.

Board Member Pierro stated some of those large stones there that I am sure are impeding the parking process are well, if they are on your property it might be advantageous to get those out of the way.

Chairman Rogan stated Rich what do you think about the idea, and of course the rest of the Board of approve the use contingent upon Health Department but provided that nothing changes to the site in terms of septic because that really is what we are talking about.

Rich Williams stated if you are comfortable with parking layout that they provided then that would see appropriate the only thing that I would to add in there or would like to see you add in there is acknowledging the hours of operation that we are talking about here.

Chairman Rogan stated we are talking approximately nine typical hours but you are talking seven days a week.

Ms. Babarose stated usually in the summer it is nine to five, in the winter we usually cut our hours because business is slow, we usually cut it down to ten to four, the weekends. We very simply forward the phones when no one is there. We are not having a big office there, we are located in Carmel.

Chairman Rogan state you said five employees.

Ms. Babarose stated that's it and one of them is really a mortgage broker. It is a smaller office that, we are in Carmel now and it is just going to be another little office over there, a satellite office.

Board Member DiSalvo stated so the mortgage broker would be like by appointment only. You are talking about the possibility of five employees, seven days a week.

Ms. Babarose stated no, we work on shifts. Up time and so forth like that, Terry the gentleman back there will be there most of the time. Kathy and I stay in Carmel and there would be a couple of others, we like to have a free agent.

Board Member DiSalvo stated and you will have clients parking too.

Mr. Brown stated we do not open until four.

Chairman Rogan stated Dave is there any, when you look as a Building Inspector, when you look at a proposed office space, how much square footage did you say.

Mr. Brown stated it is six or seven hundred.

Chairman Rogan stated six or seven hundred.

Dave Raines stated I was just in there and I did an inspection and assuming that there would (unable to hear). I have no concerns now, my concern would be if they looked to fill out another space, I think we are going to address that. I went through the whole septic issue with downgrading the whole two family to a one family, it is on the adjoining property here it is served by the same septic and you are looking at the septic and it is a six month investigation and documentation on it.

Chairman Rogan stated I guess where I was going with this was is there a standard in the Building Code that says for office space for safe occupancy would be one hundred square foot per person for safe set up. One hundred square foot a person.

Dave Raines stated you are not going to fit six people in there are one time, the office is not setup for that, it is a three or four person office.

Ms. Babarose stated a real estate office isn't designed to work that way.

Dave Raines stated I am just saying, just so that the Board understands that this is a three to four person office that way it is set up.

Chairman Rogan stated I can not avoid the thought that seven hundred square foot is enough for eleven people. The rest of the world seems to have better offices.

Dave Raines stated the way the primary and secondary egress. No it is not going to be a seven person office.

Chairman Rogan stated I think that is something, the reason I brought that up the Board is that right there is a limiting factor on how many people can be working out of this office and kind of control, I'm thinking about the number of cars.

Board Member DiSalvo stated Dave, go back to the house here, she has a separate septic too.

Dave Raines stated yes.

Board Member DiSalvo stated and right now they have a two family house.

Dave Raines stated it is a one family now, it was a two family. It is now an official one family back to a one family.

Board Member DiSalvo stated when was that converted.

Dave Raines stated the first of the year.

Board Member DiSalvo stated so someone had to move out.

Dave Raines stated they were evicted. They have a permit and they are moving a wall and it is going to be a one family.

Board Member Pierro stated so there it is.

Dave Raines stated there was a whole legal battle.

Board Member Pierro stated so there is less of impact on the septic next door at present.

Dave Raines stated and the well system which is shared.

Board Member Pierro stated it is a shared well as well.

Dave Raines stated there are water tanks, holding tanks, as well as two wells holding tanks.

Board Member Pierro asked do you know where the well is.

Dave Raines stated I know where two of the wells are, I believe there is a third on the fence line around there.

Mr. Brown stated we actually have two for the restaurant.

Dave Raines stated you have two for the restaurant, then there are four total on this condo, whatever you want to call it.

Board Member Pierro stated right.

Board Member Montesano stated can you verify that we went from storage to authorizing office space down there, does that remain verified from the original.

Chairman Rogan stated it sounds like what you are asking is it okay for us to approve office space in this basement.

Board Member Montesano stated I would like to know, I don't recall it having originally office space I thought it was under storage only but I may be mistaken so I would just like to clarify.

Rich Williams stated I believe that is the correct assessment. That is was originally storage space and the application before you tonight is to approve that change to office.

Board Member Montesano stated we can approve office space there legitimately without.

Chairman Rogan stated as long as the site.

Rich Williams stated it is a permitted use within that zoning district, if the site improvements warrant the change, sure, absolutely.

Board Member Montesano stated thank you.

Chairman Rogan stated okay, that is a great question Mike.

Ms. Babarose stated it better be a tape too.

Chairman Rogan stated it is a great question though, just to make sure that we always keeping that in mind.

Board Member Cook stated Shawn, we had said at the work session that we would want Health Department approval first and then we would approve it.

Chairman Rogan stated that is correct.

Board Member Pierro stated well we are making, I think Shawn's suggestion was that we do it contingent.

Board Member Cook stated let me finish, I was going to say but then with Maria bringing up the question about location of wells and Dave being able to answer that and then the question of the septic system, can it handle it, that is the main issue.

Chairman Rogan stated that is the essence of what the Health Department has to address.

Board Member Cook stated plus designating the parking spaces.

Chairman Rogan stated right, what I think our Board has to look at is whether or not there is adequate parking and whether the site can handle it and also whether or not the area or the septic system can support it. I think all we are trying to avoid here tonight is if it goes through and the Health Department approves it without any changes to the site and if we are comfortable with the site then there is no reason to have this gentleman come back another month from now. That is where we are at.

Board Member Cook stated great.

Chairman Rogan stated I would like to see the parking re-stripped so that we can make sure that we are going to maximize the number of safe parking spots here.

Mr. Brown stated I am going to do that.

Board Member Pierro stated do you have handicap parking outlined there.

Mr. Brown stated no, not that you would recognize.

Chairman Rogan stated the facility is not even handicap accessible.

Ms. Babarose stated it is not handicap accessible to get to the restaurant.

Chairman Rogan stated it is a heck of a flight of stairs. What does everybody think.

Board Member DiSalvo stated I think parking is kind of tight there. I want to make one of the conditions about reviewing the number of parking spaces as determined.

Chairman Rogan stated I think if we are going to do that then we might as well review it and we can always approve. Here is the thing Ronan, I think that the main thing is getting it approved through the Health Department, getting that approval, the Board does has a concern that your parking area is not very well defined and so if you can get those striped, is that something that, do you want to at least get a number maybe you don't have to go and out and take a look at it but at least know how many spots we have out there.

Board Member DiSalvo stated I will go out and take a look anyway but just to visualize it a little better.

Chairman Rogan stated so that we are not saying the area looks like it is sufficient but we don't really know how many spots it can handle.

Board Member Pierro stated Rich, you had a memo.

Rich Williams stated you have a parking plan.

Chairman Rogan stated but the plan isn't what is out there.

Rich Williams stated I understand that but that would be the base. It shows the site.

Chairman Rogan stated potential, that is true.

Board Member DiSalvo stated it shows an island here.

Rich Williams stated it shows a number of parking spaces.

Chairman Rogan stated I guess Rich's point is that it shows potential.

Rich Williams stated and that could be used to delineate the lines, unless you can figure out a more suitable parking layout that would provide more spaces on the site.

Board Member Pierro stated Ronan what is the seating capacity of your restaurant.

Mr. Brown stated seventy-six.

Board Member Montesano stated trombones.

Board Member DiSalvo stated there are like seventeen or eighteen, the dumpster is here it has to be moved back.

Board Member Montesano stated can you tell me what the distance is here.

Board Member DiSalvo stated this.

Board Member Cook stated Rich does the Code call for X number of spaces for his type business and then X number of spaces for the real estate business.

Rich Williams stated I believe that the Code calls for two spaces per seat, no, yes, one space per each two seats.

Board Member Pierro stated opposite.

Rich Williams stated it is after seven. Also one space per every two hundred square feet of office space. Charlie the thing you have to remember though is that we are talking about a shared parking scenario so that essentially the parking demand for the office space is not going to be at the same time the parking demand for the restaurant exists, so that the office would be using the vacant spaces otherwise occupied by the restaurant when the restaurant was in operation.

Board Member DiSalvo stated say in the future, can they expand the rest of the office spaces that go underneath the catacombs that go to the other side of the building.

Rich Williams stated with Planning Board Approval.

Dave Raines stated that is where I think, as I stated earlier, where we are going to have a problem but I don't think that is an issue now but we are not anywhere near the parking, we are at about twenty-five or twenty-four spaces total. Again six months of septic review we came up with nothing, working with the Health Department, going back to when this thing was subdivided and that condo unit set up and we are going to be hard pressed to get a response, because again we have been working on this since 04 to really to get the resolution on the septic.

Chairman Rogan stated which I think is why they have an engineer because they have to assess and determine what the capacity is of that system and come up with something because that is what engineers do.

Dave Raines stated which is a holding tank system, there is no leaching, just do a calculation based on volume on outflow because there is no leaching to the system it is just tanks that are pumped out, just holding tanks.

Chairman Rogan stated wow.

Dave Raines stated there is a series of tanks.

Chairman Rogan stated how often, Ronan, how often do you have to have those tanks pumped out.

Mr. Brown stated every six months.

Chairman Rogan stated they have to fill up, that can't be right. There has to be leaching, they would fill up in six days.

Dave Raines stated in the documentation that we have there isn't and that is from the Health Department.

Mr. Brown stated the size of the tanks are pretty large (unable to hear).

Board Member DiSalvo stated you mean 1,000 times.

Board Member Pierro stated they were estimating to be 1,000 gallon tanks.

Chairman Rogan stated well 3,000 gallons of water that is probably even guessing low that is two weeks worth of water maybe less, so it has to have some absorption area whether it was designed to or not.

Dave Raines stated yes, the last documentation we had showed it was being pumped out quarterly, through 01 and 02.

Chairman Rogan stated wow.

Dave Raines stated and then the documents kind of stopped.

Chairman Rogan stated okay so where are we at.

Board Member DiSalvo stated I am going along with the waiver provided with the Health Department report and then the situation with the parking a little more defined.

Chairman Rogan stated what are you saying exactly. Can you say that a little more clear.

Board Member DiSalvo stated he is looking for a site plan waiver pending.

Chairman Rogan stated you are saying pending Health Department approval or contingent upon Health Department approval.

Board Member DiSalvo stated contingent upon Health Department approval.

Chairman Rogan stated and re-striping the parking.

Board Member Pierro stated I think I can do a better job in making a motion.

Chairman Rogan stated that is not in the form of a motion, this is a discussion.

Board Member DiSalvo stated I am not making a motion, we are discussing this. Also, repairing the fence along the other side of the property, okay.

Chairman Rogan stated Charlie how does that sound.

Board Member Cook stated I think that sounds good.

Board Member DiSalvo stated if you want to put in a motion.

Board Member Pierro stated do we need SEQR on that for a waiver.

Chairman Rogan stated do we need SEQR on a waiver.

Rich Williams stated no.

Board Member Pierro stated okay.

Rich Williams stated if you want to put in a time frame for all these things to be complete.

Chairman Rogan stated I don't, you know what the approval should not be valid until the striping is done and they get the approval from the Health Department, so isn't it self regulating, just based on a motion, the way the motion is worded.

Rich Williams stated if you want to do it that way, I still would put a time frame in which they need to meet those conditions, simply because if you don't three years from now they are still valid.

Board Member DiSalvo stated so what is the time frame that the Health Department will respond.

Chairman Rogan stated let's just set for 90 days.

Board Member Montesano stated 90 days.

Chairman Rogan stated because they are either going to know or they are not going to know here pretty soon and within the next couple of weeks you are going to know.

Mr. Brown stated (unable to hear) this weekend.

Chairman Rogan stated yes. So you could do it 90 days.

Board Member Pierro stated okay.

Chairman Rogan stated so we don't need SEQR but we do need a motion for the waiver.

Board Member Pierro stated in the matter of Ronan Brown, Poitin Still, 173 Haviland Drive, Patterson, New York. Is that the address of the restaurant.

Mr. Brown stated yes.

Board Member Pierro stated okay. I make a motion that we grant site plan approval.

The Secretary stated site plan waiver.

Board Member Pierro stated site plan waiver to convert basement storage area to a real estate office contingent upon limitation of the hours of operation for that real estate office to be generally between nine and six.

Ms. Babarose stated nine and five.

Board Member Pierro stated I was trying to be generous.

Ms. Babarose stated I would rather just say what it is.

Chairman Rogan stated thank you.

Board Member Pierro stated okay.

Ms. Babarose stated I get out late sometimes.

Chairman Rogan stated so 5:01 is cocktail hour.

Board Member Pierro stated I understand.

Board Member Montesano stated they just drink (unable to hear).

Board Member Pierro stated contingent upon designating the parking lot for parking and Board of Health approval pending the outcome of the investigation of the limitations of the septic system.

Rich Williams stated Board of Health approval that does not result in any changes to the site.

Board Member Pierro stated that does not result in any changes to the septic system. Thank you.

Chairman Rogan stated thank you for the reminder.

The Secretary stated and the fence.

Board Member Pierro stated and the repairing of the fence and that this waiver shall be completed within 90 days.

Board Member Montesano seconded the motion.

Chairman Rogan asks for all in favor:

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

Motion carried on a vote of 5 to 0.

Chairman Rogan asks for any opposed.

The Secretary stated who was the second, I'm sorry.

Chairman Rogan stated Mike.

Board Member Montesano stated the guy that mumbles.

Chairman Rogan stated so you have your work in terms of Health Department approval, striping on the pavement, and work on that fence and obviously your biggest chore is getting other approval.

Mr. Brown stated we are in the process of that.

Chairman Rogan stated if you get that all, you don't have to come back here. If something changes, if Health Department says look you have to extend your septic system and you have to do this and you have to modify things, then you have to come back to us.

Mr. Brown stated okay, when we get finished we can get on the phone and (unable to hear).

Chairman Rogan stated call Rich and tell him what your outcome is.

Ms. Babarose stated I will hand deliver it to him.

Chairman Rogan stated okay.

Board Member Pierro stated we are going to need documentation from the Health Department.

Chairman Rogan stated they will get a letter.

The Secretary stated the Building Department will probably get a letter too.

Chairman Rogan stated and Harry Nichols is working.

Board Member Pierro stated we don't need any more real estate brokers in Patterson. Thanks girls.

Ms. Babarose stated you need good ones.

Board Member Pierro stated drive carefully ma'am.

Chairman Rogan stated they may want you to stay for the next case.

Board Member Pierro stated do you know why she said that because she is a Port Chester girl, she knows she can get away with it. I have known her a long time.

11) CAMP RE/MILLWORKS – Lot Line Adjustment

Ms. Theresa Ryan, from Insite Engineering was present to represent the Applicant.

Chairman Rogan stated we have Camp Re/Millworks Lot Line Adjustment. Theresa, you get all the fun work.

Ms. Ryan stated (unable to hear).

Chairman Rogan stated are they the same. Same date, must have been an amendment. Good evening Theresa.

Ms. Ryan stated good evening.

Board Member Pierro stated we talked about doing a site walk.

Ms. Ryan stated apparently there was a miscommunication, Terry had staked everything out before the holidays and I didn't get the message until after.

Chairman Rogan stated it is not like the snow wiped it away. Rich, you want to bring us up to speed on what is going on around this site. You had mentioned but I never really got a clear.

Board Member Pierro stated you were supposed to go out there, correct.

Rich Williams stated we were supposed to go out there, Theresa is just telling us now that it is staked out and we can go out there. One of the other issues was that there is another application pending for this site for a cell tower and whether the Board is going to do that currently with going out and looking at the location for the cell tower and whether they were going to do that with the Zoning Board of Appeals during a potential balloon test. I did meet with representative of the proposed cell tower last Friday and they were planning on doing the balloon test relatively soon, they were hoping to have an application in the ZBA for this month but apparently did not make it.

The Secretary stated they did not make it.

Rich Williams stated we did talk about the need to provide pictures which represent what the tower was going to look like on the site which the Board requested and we did talk about the potential of evaluating two different locations on the site and they were going to contact the property owner and discuss that with them.

Board Member Pierro stated has Dave Raines been out to this site to look at the construction issues or the building issues are there any violations.

Rich Williams stated Dave, I believe has been out to this site a number of times. Actually I noticed when I was out there, I was on the site Friday like I said for the first time in many, many years and there is actually a dry hydrant out on the site that I know that Paul and Dave were working on at one point. So I think that they are aware of the site, they must have done fire inspections on the site. Shawn to get back to your original question, the original plat showed surrounding properties were owned by a number of different property owners, Xolar Corporation from Florida, Josh Arno was another property owner. The latest plat that has been submitted now shows that Camp Re has purchased all the property surrounding this site which raises one question on my memo, that this is a lot line adjustment between Millworks and Camp Re, which parcel we are actually talking about that this parcel is going to merged into, because now Camp Re owns both residential and commercial parcels within the area.

Ms. Ryan stated on the original plan it was a little more clear which line was going to be extinguished, so on here, Terry did put that there was an old property line this is going to be the old property line, in other words this is the green dashed line is the one that is going to be extinguished. This will become part of the old Camp Alliance property. That was the intention from the beginning and I think that when we made the application, I think in our letter we indicated that these two pieces were going to be merged. That is still the intention and these are the intersecting lines from the Camp Alliance.

Chairman Rogan stated okay.

Ms. Ryan stated and that brings up another point that Rich brought up about the Camp Alliance property survey is not included as part of this, those are the only two lines that are shown on there so I guess it would be a matter of the Board deciding if they want to waiver that requirement because if they require that then Terry would have to do her own survey of that entire Camp Alliance piece.

Chairman Rogan stated which is how many acres.

Ms. Ryan stated I don't even know.

Chairman Rogan stated over a hundred. Dave, he is holding court out there.

Board Member Pierro replied yes.

Board Member Montesano stated it would benefit the Town to have the entire piece of property shown.

Chairman Rogan stated we would have it in the form the metes and bounds description that needs to be filed for the new parcel, correct. We are on the conversation of whether or not, you are going to have to have the metes and bounds prepared.

Ms. Ryan stated of this piece yes, this is the piece that we need a description for because this is the piece that is going to be conveyed to them.

Chairman Rogan stated but don't you need the metes and bounds description to be of the entire parcel for the deed.

Rich Williams stated at this point you don't actually need it and because of the adjacent property owners now being under the ownership it is less of an issue than I had with having metes and bounds descriptions on the intersecting property lines.

Chairman Rogan stated I would have expected, this is why I am not a surveyor I guess, that you would need a metes and bounds description and a plat creating the new parcel, showing it in its entirety.

Ms. Ryan stated that is what this is showing.

Chairman Rogan stated no, no, you are showing a piece that is going to be connected to another parcel to now make that one parcel, that new parcel that you are creating to have that recorded properly in County Clerk's or in real property you don't need to file something, you just need to file and say we are taking this chunk and adding it into this, you don't need to have a new.

Ms. Ryan stated they are conveying this described property to this other parcel.

Chairman Rogan stated as an attachment.

Anthony Molé stated how it works as far as legal is the only description they would need it for is that top piece there because that is the piece they are conveying to the other party as far as filing with the County, I think that the County would do is take the tax map number and merge that parcel into the tax map without actually delineating the entire overall parcel that is going to exist.

Board Member Montesano stated theoretically we would never have a full description of the other property other than what is in the old book which may or may not be correct.

Anthony Molé stated well.

Chairman Rogan stated not until they propose something.

Board Member Montesano stated now with that in mind would it be beneficial to the Town to have the entire property with all the proper metes and bounds on it while this is going on.

Anthony Molé stated I think that would come into play if the owner of the now full parcel wanted to do something with that parcel, they would have come back to you with a full map of their parcel and what they wanted to do with it. In the mean time, I don't know.

Chairman Rogan stated so I guess, what are you saying is that.

Board Member Montesano stated what you are saying that it is a future thing if they want to do anything with it.

Chairman Rogan stated when they propose to do something which I'm sure they are planning.

Board Member Montesano stated better not prepare for it, wait until the fires start, then we will worry about it.

Ms. Ryan stated well I believe that the Applicant submitted a letter saying that they have no intention of doing anything.

Chairman Rogan replied today.

Board Member Montesano stated that is what General Custer said about the Indians.

Chairman Rogan stated so then we just have to get out there and do a site walk.

Board Member Pierro stated okay.

Chairman Rogan stated right, it has been staked so maybe we can coordinate with Zoning and do it within the next, they don't even have an application yet, is that what you are saying.

Rich Williams stated they don't have an application and generally they want to do the site walk when the balloon test is done.

Chairman Rogan stated yes.

The Secretary stated it is going to be February, I don't have an application, the next deadline is the beginning of February.

Chairman Rogan stated we will do the site walk with them.

Ms. Ryan stated when will that take place, before the next meeting.

Rich Williams stated no, again we don't have an application before the Zoning Board of Appeals, the cellular company has not come in and said when they are going to be conducting that balloon test so we don't know for sure.

Ms. Ryan stated well since this is a separate application would it be.

Chairman Rogan stated this is separate.

Board Member Montesano stated you are going to have to take two, the object is that we are going to have to take two trips if we want to get this particular thing out of here.

Ms. Ryan stated because they would really like to.

Chairman Rogan stated move along with this.

Board Member Pierro stated right, I think that we should do it sooner rather than later.

Chairman Rogan stated so we can site walk this parcel and then the balloon test is on the parcel.

Board Member Pierro stated adjoining.

Chairman Rogan stated adjoining. Okay, it is already staked and ready to go.

Ms. Ryan stated yes, so we can come back next month.

Chairman Rogan stated when would everybody like to do a site walk, Saturday morning.

Board Member DiSalvo stated Saturday is good.

Chairman Rogan stated is anybody free to do it this Saturday.

Board Member Cook stated yes.

Chairman Rogan stated are you going to be feeling alright.

Ms. Ryan stated I heard that it was going to be sixty and sunny.

Board Member Pierro stated that means that Rich can't do it.

Ms. Ryan stated this is lousy winter weather.

Rich Williams stated (unable to hear).

Chairman Rogan stated we actually have quite a few on here that we were looking to do site walks, I don't know if any of the others, I was reading last months agenda, we can take a look at Neubauer potentially. Okay so it sounds like we might be out there this Saturday.

Board Member Pierro stated pending the rain event.

Ms. Ryan stated okay.

Chairman Rogan stated about 5 o'clock in the morning 5:30.

Ms. Ryan stated you don't need me there anyway, right.

Board Member Montesano stated yes we have to have somebody come out there and light the way.

Chairman Rogan stated oh yeah.

Ms. Ryan stated okay, no problem.

Chairman Rogan stated okay, so it sounds like we are going to get this site walk done certainly before the next meeting.

Ms. Ryan stated great, thank you.

Board Member Montesano stated (unable to hear) blizzard.

Chairman Rogan stated and I still, Theresa, before you run away.

Ms. Ryan stated I have another, the next one.

Chairman Rogan stated I know you are not running away for this one, we still haven't resolved the issue of how this new property is going to be classified and I know that we have almost beaten that to death but the point being that I am still not comfortable with the idea of a commercial piece of property being attached to residential unless it is converted to residential.

Ms. Ryan stated which you can, we discussed that, which you can petition the Town Board to do that at any time, we did not want that to hold up the application.

Chairman Rogan stated can we petition the Town Board to do that if they are not willing, that has to be a condition of our approval.

Anthony Molé stated it has to be petitioned and you make your recommendation.

Ms. Ryan stated that would not have to be a condition of our approval, right.

Chairman Rogan stated should we get them started on that.

Rich Williams stated if I can jump in there, I believe that the Planning Board can make a recommendation without a petition. You can make a recommendation to the Town Board at any time concerning any Zoning change.

Ms. Ryan stated but that is not something that you would condition this approval on, is it really.

Chairman Rogan stated personally I think that this almost the crux of this lot line adjustment.

Rich Williams stated I know but I think that you would be on shaky ground conditioning your approval on the action of another Board, totally independent of what the proposal is.

Chairman Rogan stated okay, what we can do is build a record though that we are not comfortable with a commercial piece of property being accessed though a residential parcel.

Ms. Ryan stated that is fine.

Chairman Rogan stated it's on, there it is. Got that Michelle, okay.

Ms. Ryan stated thank you.

Board Member Pierro stated a question in that regard, most of the properties on that end of the road are zoned residential, why was this particular property allowed to remain commercial.

Chairman Rogan stated it was already being used commercial.

Rich Williams stated it is currently being used as a commercial property when we changed the zoning in 2003, the old method of setting zoning boundaries was they would create arbitrary distances from the road, like two hundred, three hundred, five hundred, what was occurring what that zoning boundaries were bisecting individual properties. That individual property owner would come in with a specific intent whether it was commercial or residential or one acre zoning or four acre zoning and the Board

would always have to wrestle with the problem about how do you do the front half a commercial and the rear half as residential. So when we changed the zoning in 2003, I drew the zoning boundaries around the perimeters of properties.

Board Member Pierro stated what was the commercial use at that time.

Rich Williams stated of Millworks.

Board Member Pierro stated yes.

Rich Williams stated the last known commercial use that we have a record of was for U.S. Plywood as a research facility. There is nothing that has been before the Planning Board or in our Planning Board files concerning any change of use we have had.

Board Member Pierro stated and the commercial activities that are occurring there now.

Rich Williams stated I am not sure what commercial activities are occurring there right now.

Board Member Pierro stated there was some mention about a plumbing supply or plumbing outfit.

Rich Williams stated right, I was on the site but I did not go back into the smaller buildings to look around, to see what might be there. I was there specific to the cell tower issue.

Board Member Montesano stated a brown mushroom building.

Board Member Pierro stated right, the buildings that remain on site Dave, plumbing garage or whatever it might be, I don't know the site, I will have to look at it when I get out there but how large are these structures.

Dave Raines asked what structures are we talking about, just the out building.

Rich Williams stated yes, the out building in the back.

Board Member Pierro stated Millworks.

Dave Raines stated we still have the water proofing outfit, are we talking about the same out building or no.

Rich Williams stated I don't know.

Dave Raines stated we have a water proofing outfit, that I don't remember the name of it but they basically store their equipment there, their materials, they do foundation water proofing and as far as any others, there are none that I am aware of and I have been out there, we just a put a hydrant in behind the building, a dry hydrant with tanks, they are using the tanks for geothermal but we have ten thousand gallons of fire water now there but I am not aware of, Dave, I'll check and I will update the Planning Board is there are any other uses but I am just aware of the one occupying that.

Board Member Pierro stated okay.

Board Member Montesano stated the last building as you are going down the dirt road, towards the back of the property on the right hand side there is a building there, there was a sign laying there, whether they are still occupying it, there was sign and a vehicle.

Dave Raines stated I will check that, I am not aware that there are any other but I will check that.

Board Member Pierro stated okay, very good.

12) PLAZA AT CLOVER LAKE SUBDIVISION – Continued Review

Theresa Ryan, from Insite Engineering was present to represent the Applicant.

Chairman Rogan stated Clover Lake Subdivision. Theresa, we see that you have modified the lot line as we had requested and we appreciate that for lot number three so that we are not crossing over lot number one.

Ms. Ryan stated okay, we used a generally, the zone line but Rich has suggested we put it just behind the Industrial Zone line but generally it is running right along that.

Chairman Rogan stated okay and the conversation that came up at the work session was that, a couple of things, thank you Maria, what is the intent of the very narrow strip of land which is on the rear of the property, the northeast corner.

Ms. Ryan stated yes, I know where you mean, part of the property.

The Secretary laughs and stated Charlie.

Board Member Cook stated I was wondering what that noise was.

Chairman Rogan stated wondering what that was, imagine what it sounded like back there.

Board Member Cook stated sorry.

Ms. Ryan stated the owner of the property Mr. Schwartzberg, would like to leave his options open to make a donation of a portion of the remaining lot two to, you are probably aware that Camp Herrlich has been transferred ownership to the County.

Board Member Pierro stated right.

Chairman Rogan stated that is what we guessed was a very narrow walkway.

Ms. Ryan stated and the only way he could do that that one L-shaped corner there is the only concurrent corner of that whole back part of the property. So the only way he can do that transfer is to keep that part open.

Board Member Pierro stated what is that topography there.

Chairman Rogan stated that is the thing that we were saying that the topography is not walk-able in that area that he is giving, you have about, did we say these are ten foot contours or two foot contours. These are ten foot contours, you have about a fifty foot change in elevation over, it is a cliff off of one corner.

Board Member Montesano stated it gives a new meaning to drop over.

Board Member Pierro stated there may be something that they can do with that.

Chairman Rogan stated we see that the existing and proposed acreage is remaining at fifty acres and I know that that is a requirement a minimum requirement from Zoning was that the Clover Lake parcel remain at fifty acres. If it ends up at fifty and one half acres we won't shoot you for that, it is not a problem.

Ms. Ryan stated okay thanks.

Chairman Rogan stated it is not a requirement to stay at exactly fifty. We are concerned that the new line shown running more or less along the shore line of the lake, we don't know what the future use of lot two will be but let's say that it is residential use, residential uses on that lake, they are not legally going to have any access, especially in that area. It was seem more appropriate to try to make the line go through the center of the lake, because they would not have legal rights.

Ms. Ryan stated that is about where it is now.

Chairman Rogan stated is it.

Ms. Ryan stated yes, you see the dash line in the middle of lake, that is the one two be extinguished, that is the existing property line now.

Chairman Rogan stated okay, yes but the area that it runs through the center of the lake, you are saying the old line.

Ms Ryan stated yes.

Chairman Rogan stated where the new line is proposed right up against the shore line.

Ms. Ryan stated well they wanted to maintain access to the water for lot two, they did not want to give up those rights.

Chairman Rogan stated what we are saying is that I think it should even be a little more access.

Board Member Cook stated this is what they have.

Chairman Rogan stated in the old line you have more access to the lake.

Ms. Ryan stated oh, I see.

Chairman Rogan stated you are really limiting, in some cases these people might not be able to put a dock out or I am not saying that they are going to be motor boating around Clover Lake, but it really limits. It may be possible to shift the line more to the center of the lake and then lose some of the back end of the property, maybe shift the line in the back where you can't really use, anything behind the lake

isn't able to be utilized, the topography is very difficult. I think that your client is acknowledging that with the idea of possibly donating some open space to the County in this case and I understand that.

Ms. Ryan stated yes, that is a possibility.

Chairman Rogan stated so let's look at least making sure if, this would be zoned residential, lot two.

Rich Williams stated R-4.

Chairman Rogan stated R-4.

Ms. Ryan stated yes, the whole back part of that property.

Chairman Rogan stated so let's assume that someone is going to want to have, this is what eighty acres, that would be great for one lot, right, we are only going to do a single house out there.

Ms. Ryan stated there is a single house out there.

Chairman Rogan stated oh that's right, yes but can anyone live in that.

Ms. Ryan stated yes.

Chairman Rogan stated let's see if we can clean that up so that we get better use of that shore line for the, because it is not going to hurt going through the center isn't it going to hurt the use from the other side. I don't see any of the residents of Clover Lake out there boating.

The Secretary stated maybe that is proposed boat rides.

Board Member Montesano stated they could get some sun fish and put them out there.

The Secretary stated senior activities.

Chairman Rogan stated and then I guess I would also say that given the topography I am not objectionable to the idea of having some area that would connect it so we do have some connectivity, while it will be there regardless, if you want to legally define where somebody could walk from one parcel to the other it might be better to then to have more, that looks like about a ten foot strip.

Ms. Ryan stated I think it is twenty.

Chairman Rogan stated is it twenty.

Ms. Ryan stated this is a two hundred scale map.

Chairman Rogan stated the realty is that if this piece were, if part of this were donated and connected and somebody wanted to hike through they are going to hike through anywhere behind the lake because the topography is so steep, you would be hard pressed to delineate that area. I don't know what we would be achieving by having that be twenty feet or fifty feet, any thoughts on, I mean should we leave that in there as a twenty.

Rich Williams stated from a planning perspective.

Chairman Rogan stated yes, it doesn't really matter.

Rich Williams stated creating a corridor that doesn't serve any purpose.

Chairman Rogan stated other than physical connectivity to another piece.

Rich Williams stated yes, it doesn't seem to be very sensible.

Chairman Rogan stated it doesn't connect to much else.

Board Member Montesano stated insensible.

Rich Williams stated if the County, let me ask you this, if they did the transfer of property.

Chairman Rogan stated they wouldn't do anything with it.

Rich Williams stated what would the County use the property for.

Chairman Rogan stated right, it is just open space.

Board Member Pierro stated it only serves as a donation by the grantor.

Rich Williams stated it would be totally unusable unless you donated all of lot two, in which case the you would still have access and the County would still have access off of Commerce Drive.

Ms. Ryan stated or unless the County obtained additional property to the east.

Chairman Rogan stated but there is no access through there, it is all going through peoples' back yards and it is steep.

Rich Williams stated there may be a lot off of Carolyn Drive.

Chairman Rogan stated that is right through here.

Board Member Montesano laughs.

Chairman Rogan stated Ted wasn't here for that.

Rich Williams stated he wasn't here.

Chairman Rogan stated that is not too far off this corner.

Board Member Montesano stated build a walkway.

Chairman Rogan stated does anyone have any other comments or questions.

Board Member Pierro stated not at the moment.

Board Member DiSalvo stated what is this down here, is this a pump up system for the nursing home.

Chairman Rogan stated yes it must be, it is a long way, this is not a very large area.

Board Member Montesano stated with the creation of the.

Chairman Rogan stated you are so soft spoken.

Board Member Montesano stated I am trying to remember and unfortunately I can't yell when I am thinking at the same time.

Chairman Rogan stated are you saying that when you are yelling you are not thinking.

Board Member Montesano stated right, if I was then I might not be here. Would this parcel here, this is the road, is there going to be a right of way for this parcel or do we have enough frontage here to approve this lot.

Ms. Ryan stated there is enough frontage and there is an easement over that existing driveway in a favor of lot three.

Board Member DiSalvo stated then you will access it through the main road the facility.

Board Member Pierro stated right.

Board Member DiSalvo stated and then they would access the existing driveway up the hill.

Ms. Ryan stated there are two hundred feet of frontage along Fair Street.

Rich Williams stated is lot 3 the new lot.

Chairman Rogan stated lot 3 is the new lot.

Ms. Ryan stated yes.

Board Member Montesano stated right.

Rich Williams stated so you are telling me that there is already an easement filed.

Ms. Ryan stated no proposed.

Rich Williams stated okay so it is not filed.

Ms. Ryan stated no.

Board Member Montesano stated what I want to know is if this is used, will that driveway be able to maintain any kind of constant heavy traffic.

Rich Williams stated well.

Chairman Rogan stated we don't know because there is nothing proposed out there.

Rich Williams stated that all depends on what is proposed.

Board Member Pierro stated it is a Town standard driveway.

Rich Williams stated well no, it is a commercial driveway.

Board Member Montesano stated Town standard driveway.

Board Member Pierro stated it is a commercial driveway.

Rich Williams stated but one of the other questions that come up are the subdivision line actually goes through the driveway entrance, essentially you are talking about crossed easements.

Ms. Ryan stated now it is on the north side, so that the driveway is entirely on the senior facility lot.

Rich Williams stated except for the entrance.

Ms. Ryan stated except for the very beginning. There is a small triangle, there is just a small triangle of an easement.

Rich Williams stated that would be the entrance.

Board Member Montesano stated the line is now here on the north part of the driveway, are there any violations of a side variance required because the road is on the property line.

Ms. Ryan stated what do you mean.

Chairman Rogan stated I see what you are saying.

Rich Williams stated they kept the property line ten feet away from the road, from the driveway so there is no violation in that regard, except for the frontage and the Code only deals with the side and rear property lines.

Chairman Rogan stated and the question we brought up initially when we first looked at this plan, trying to entertain the idea of what would be permitted there and what kind of use would be appropriate and that is when something is proposed here we have to determine using this entrance that goes to a senior complex. What kind of traffic you want going in and out of this place to access this lot or it can be its own separate drive, with the grading and with the storm water it seems kind of silly to use a whole separate road there but acknowledging also the type of traffic you have going in and out of there.

Board Member Montesano stated what I was worried about was the day we were out there was that little lady that was walking up to catch the bus.

Chairman Rogan stated there are no sidewalks.

Board Member Montesano stated and there are no sidewalks and she was walking on that road to get up there and once she is there, traffic is coming through and no matter what it is it turns out to be some kind of business that has any kind of traffic. Is there any consideration for those people coming from Clover Lake to have a sidewalk or some means of walking other than being on the road. It is just a point.

Rich Williams stated no one is proposing one at this point.

Board Member Montesano stated I don't know how the Board feels, do they feel a suggestion would be in order.

Board Member DiSalvo stated I do.

Chairman Rogan stated absolutely.

Board Member DiSalvo stated not only for the residents but I think there is a bus that goes down Fair Street, people that work there, I am sure that some of them walk up to take the bus.

Chairman Rogan stated it is such a difficult piece of property, not the property itself but it's location its access, the combining of uses.

Board Member DiSalvo stated we don't want to approve lot three and have someone come in for a use and then they have to go and get variances, then we are back to that again.

Ms. Ryan stated why would they need variances.

Board Member DiSalvo stated even if they wanted to put another driveway in or what kind of use could be there to warrant not an increase in any kind of traffic on that road.

Chairman Rogan stated I think that you even initially or it might have been Gene that putting in another roadway in that narrow of an area with that grading would be virtually impossible.

Board Member Pierro stated it would be difficult.

Chairman Rogan stated Gene, when we were on site did you venture to guess.

Gene Richards stated I don't remember.

Chairman Rogan stated that is alright.

Board Member Pierro stated the grade going down.

Ms. Ryan state there are two hundred feet there, I don't know if it would be virtually impossible but it is your requirement that the access come off your frontage through your frontage, their frontage is on Fair Street. You would have to waive that in order to allow them to come off of that existing driveway, which would make sense to come off that existing driveway that is already there.

Chairman Rogan stated and this is zoned Light Industrial. I mean there could be uses, there could be facilities, light industrial that would fit in here but we don't have anything in front of us so it is the kind of thing that you are creating something. You need to state in this process what the concerns are so we have it on record that there are significant concerns with this. It would be a great parcel to attach over to the County and have them put a garage in there and have them access it from the other side. Maybe they will want to sell it.

Board Member Montesano stated we already have one for the Board we don't need two.

Chairman Rogan stated I understand. Okay, does anybody have anything else.

Board Member Pierro stated I think that in the process of grating the waiver to access that parcel through the side we can express our concerns to mandate sidewalks be installed on the other side of the road.

Chairman Rogan stated those are off site improvements.

Ms. Ryan stated if that is ever developed you mean.

Rich Williams stated yes, exactly it is going to be a required improvement on somebody else's property and make it difficult.

Board Member Montesano stated that is why I suggest that we talk about it now and instruct the person, if that is going to be utilized by two people then a side walk of some sort or safety zone should be incorporated.

Board Member Pierro stated in granting the approval or in granting the waiver for the access, don't we have to create the access now for this same applicant.

Ms. Ryan stated no, the waiver would come if they came in for an application for that lot three. There is no access proposed at this point.

Rich Williams stated they have frontage, the assumption is that they are going to use that frontage for access.

Board Member Pierro stated right.

Chairman Rogan stated well if that is the assumption then the sidewalk issue would be more of a customer service issue for Clover Lake, not an issue for this application.

Board Member Montesano stated it would be on Clover Lake's property that you would have the sidewalk rather than try to have Clover Lake put a sidewalk in because the guy next door wants to utilize it.

Rich Williams stated on the other hand if I might interject, if a use comes in which would be appropriate to that site which would be also amendable to the adjacent use of that new site coming to the Planning Board may require sidewalks for that site.

Board Member DiSalvo stated sidewalks.

Rich Williams stated sidewalks.

Board Member Montesano stated but then would the use of those sidewalks by the people other than the owners of the property, can we do that, can we say that we are opening your sidewalks to the public.

Rich Williams stated no, that you can not do.

Board Member DiSalvo stated Rich, based on your experience, give me a suggestion or what you can do on lot three.

Rich Williams stated doctors offices, medical center.

Ms. Ryan stated is that allowed in the industrial zone.

Rich Williams stated yes I believe it is.

Chairman Rogan stated doctors office would be.

Rich Williams stated office building.

Board Member DiSalvo stated (unable to hear).

Chairman Rogan stated walking distance. But I am only a dentist. Oh I could just see it.

Board Member DiSalvo stated that would increase the traffic though.

Chairman Rogan stated oh I know it.

Rich Williams stated there are other uses that would be conducive to the adjacent use.

Chairman Rogan stated can the owner of the property, is that the same, I mean the owner of the property owns the complex, the Clover Lake complex, so the access easement that is proposed as part of this, they know about this, the people that are operating this center.

Board Member DiSalvo stated now get back to lot two, there is an existing house on here somewhere.

Ms. Ryan stated down toward the road.

Chairman Rogan stated is comes off Commerce Drive.

Board Member DiSalvo stated is there an existing septic there.

Board Member Pierro stated yes, there has to be.

Chairman Rogan stated well how long, I have never seen that lived in.

Board Member DiSalvo stated back in the eighties.

The Secretary stated no, no, no.

Board Member Pierro stated ninety-one or ninety-two or ninety-three. I bought a log splitter from a guy that lived there from his tag sale.

Rich Williams stated there must be some waste disposal system because it has been occupied.

The Secretary stated it has been.

Board Member Pierro stated yes.

Rich Williams stated the type is unknown.

Chairman Rogan stated there is a stream there.

Board Member DiSalvo stated that is where it goes.

Board Member Montesano stated it goes through the house and back out.

Ms. Ryan stated into the stream.

Board Member Pierro stated we would expect that in the nineties or in the mid-nineties there was a septic system in there, that house is really falling apart now I understand.

Rich Williams stated it is a very old house, that is why it may be accessible.

The Secretary stated but it definitely was occupied.

Board Member Pierro stated okay.

Board Member Cook stated Shawn, just a question here is it the same owner currently for lots one, two, and three.

Ms. Ryan stated no, lot two is currently owned by Clover Lake, it was the Gardens at Clover Lake, there were two different The Plaza at Clover Lake and the Gardens at Clover Lake, the larger piece is owned by the Gardens at Clover Lake and then once this subdivision takes place the lot three will also belong to the Gardens at Clover Lake.

Board Member Cook stated and who owns lot one.

Chairman Rogan stated it is not created yet.

Ms. Ryan stated lot one is the facility, that is the Plaza at Clover Lake.

Board Member Pierro stated one is the Plaza.

Chairman Rogan stated do you want to do the classification on this tonight on the major or minor subdivision it is pretty minor deal to do. We usually do minor on four lot or less, correct.

Board Member DiSalvo stated this would be a minor right.

Rich Williams stated without a doubt yes.

Board Member DiSalvo stated in the matter of the Plaza at Clover Lake subdivision, I would like to make a move that the Board declares this a minor subdivision.

Chairman Rogan asks for a second.

Board Member Montesano seconded the motion.

Chairman Rogan asks for all in favor:

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

Motion carried on a vote of 5 to 0.

Chairman Rogan asks for any opposed.

Board Member Pierro stated okay.

Ms. Ryan stated I believe you have the option of doing an coordinated or uncoordinated review.

Chairman Rogan stated I was just about to say that I don't see, there is nothing proposed so we don't have to do a coordinated review on this because there really is no one to coordinate with. Let's do a motion for an uncoordinated review. That always sounds so fun, you don't have to.

Rich Williams stated you really don't have to, you can just do it.

Chairman Rogan stated that is the funniest terminology, I always thought negative declaration and positive declaration were funny, I thought that positive would be there are no impacts, negative sounds so negative but they wonder why people get confused. Alright so we are going to do an uncoordinated review.

Board Member Pierro stated for the record.

Chairman Rogan stated let's see if we can clean up some of these.

Ms. Ryan stated you also have the opportunity to do a SEQR determination and schedule a public hearing.

Rich Williams stated that is if we had a subdivision plat first.

Ms. Ryan stated yes.

Board Member Pierro stated nice try Theresa, you almost had us there baby.

Chairman Rogan stated you are good though, are we all set on this.

Ms. Ryan stated do you have enough information to schedule a public hearing do you think.

Rich Williams stated that is if we had a subdivision plat.

Board Member Pierro stated twice she tried Rich.

Ms. Ryan stated I am asking the Board.

Board Member Pierro stated no.

Board Member Montesano stated we are bored.

Chairman Rogan stated are you here for a Barnes Subdivision.

Ms. Ryan stated no.

Chairman Rogan stated then have a nice evening.

Ms. Ryan stated thank you very much.

Chairman Rogan stated thank you Theresa.

13) BARNES SUBDIVISION – Continued Review

The Applicant was not present.

Board Member Pierro stated Barnes.

Board Member DiSalvo stated he is usually here, Harvey, where is he.

Chairman Rogan stated is anyone here for Barnes subdivision.

The Secretary stated Rich.

Chairman Rogan stated Rich, you are here for Barnes Subdivision.

Rich Williams stated really the outstanding issues at this point are very minor, there is really nothing that this Board can do until it goes to the Town Board for the determination on the variance requested.

Chairman Rogan stated can I get a motion to set a public hearing.

Board Member Pierro stated in the matter of Barnes Subdivision I make a motion that we set a public hearing for the general meeting in February.

The Secretary stated February 1st.

Chairman Rogan stated February 1st.

Board Member Pierro stated February 1st.

Board Member DiSalvo stated that is the Town Board meeting.

Chairman Rogan stated no, no, that is for us.

The Secretary stated no, this is for the Planning Board public hearing.

Chairman Rogan stated for our public hearing.

Board Member DiSalvo stated oh okay.

Board Member Pierro stated for our public hearing.

Board Member DiSalvo seconded the motion.

Chairman Rogan asks for all in favor:

Board Member Pierro - aye

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

Motion carried on a vote of 5 to 0.

Chairman Rogan stated okay.

14) CIPRIANO SITE PLAN – Continued Review

Mr. Peter Cipriano, the Applicant was present.

Chairman Rogan stated Cipriano.

Board Member Pierro stated Cipriano.

Chairman Rogan stated good evening.

Mr. Cipriano stated how are you guys doing.

Board Member Pierro stated what is copia.

Mr. Cipriano stated abundance.

Board Member Pierro stated abundance.

Mr. Cipriano stated if I make it.

Board Member DiSalvo stated has deep pockets on this one.

Board Member Pierro stated I was going to guess.

Board Member DiSalvo stated I think they used that name once before.

Chairman Rogan stated where did you get that word from.

Board Member Pierro stated it is one of the, they changed it.

Board Member DiSalvo stated on one of the sketches.

Mr. Cipriano stated I am Peter Cipriano by the way.

The Secretary stated you need the microphone Pete.

Board Member Pierro stated I misplaced that recent review.

Chairman Rogan stated I understand you have been busy with the engineering technical aspects. We are all done with the road issue, through the Town end I mean, has that been resolved, the realigning.

Rich Williams stated there are still a lot of outstanding issues, I did go to the Town Board to present the plans. The Town Board was fairly receptive to doing the road re-alignment and abandonment procedures.

Mr. Cipriano stated in terms of, I had a question real quick, I don't know how it works, just as a minor point, the stone retaining wall in the back, there is a wall on the property, can you use that as a partial retaining wall or no.

Chairman Rogan stated it is an old hand laid stone wall, natural stone wall.

Mr. Cipriano stated yes.

Board Member DiSalvo stated let's keep it.

Rich Williams stated can you use the stone.

Mr. Cipriano stated instead of having a stone wall here and having a stone wall within ten or fifteen feet of it could we re-grade to the stone wall. I saw the plan that the engineer gave me and all of sudden there was a drop off at these points.

Rich Williams stated possibly but your engineer would have to take a look at whether it is feasible or not and if you can achieve an appropriate slope.

Gene Richards stated Peter, what you can do is just talk to your engineers and tell them what your thoughts are and let them study and see if they can make the grades.

Mr. Cipriano stated in terms of the Town, if it works, the grades would work with the existing stone wall could it be done or no.

Gene Richards stated we would have to see it.

Rich Williams stated we would have to see it.

(TAPE ENDED)

Mr. Cipriano stated I just saw this sort of added to my plan and I spoke to my engineers about it, I don't know when that came up, the billboard to be removed.

Rich Williams stated why is it already gone.

Mr. Cipriano stated no, it is there right now but I was wondering, I never spoke to them about it and they said that it was mentioned to them, so I don't know where it came about to remove the billboard.

Chairman Rogan stated I did not even know there was a billboard up.

Board Member DiSalvo stated I think we were joking about it one time.

The Secretary stated a couple of meetings ago.

Rich Williams stated yes, I think it came up in one of the review memos about whether it was going to be removed or not.

Gene Richards stated we had a meeting sometime back here at Town Hall, with Steve and with the Highway Superintendent, Rich Williams and myself and I know it was discussed back at that time and I guess the question just came up as to what was going to happen with it and what was presented at the time was that the billboard was going to be removed.

Mr. Cipriano stated I spoke to Steve about it, I think what was originally intended was that if the retention pond went into the billboard was that the billboard would have to be removed otherwise, we never really spoke about removing the billboard. I would love to remove billboard but in order to, part of this construction right now I am renegotiating something with the billboard company so that I can start using some of that income to pay the taxes on that property and some other things.

Chairman Rogan stated hey Rich, refresh my memory but back to the Master Plan Committee, back when we did that seven years ago, thank you Maria, we discussed quite a bit billboards in the Town of Patterson now is it that there are no new billboards allowed to be placed.

Rich Williams stated correct.

Chairman Rogan stated boy it would be nice if we could even phase even all the old ones over a ten or fifteen year period.

Rich Williams stated to do that the Town would need to adopt a law which there is precedent for it. Amortizing the existing billboards giving them time in which to recapture the value of their investments and in doing that we could start getting rid of the billboards.

Chairman Rogan stated we didn't go that far but we did limit new, in the Master Plan at least, we spoke to the not adding billboards.

Mr. Cipriano stated I would be willing to remove this as well it is just in time, I wouldn't mind if somebody, if you want to remove it I don't really care I think it is pretty ugly but in order to recap some investment that I put into this piece of property and to cover some taxes because I wouldn't mind keeping it and then phasing it out over a period of time once I begin building on the property and using the property.

Chairman Rogan stated if it could be, we could do a phase out though, if the Applicant is willing to do that through this process. If he wants to include in that some kind of that five year phase out.

Rich Williams stated if the Board feels very strongly about that billboard being removed because impacts the overall development of the site, sure you can do that.

Chairman Rogan stated well not even the development of the site but the aesthetics of the community, it has to tie to the.

Rich Williams stated it should probably tie more to the issues of the development of the property than the overall community.

Chairman Rogan stated okay.

Board Member Pierro stated on a side note I had mentioned at a meeting two months ago that I had some information on this company.

Rich Williams stated which company.

Board Member Pierro stated Griese, I may have had the address from them from a former life I think I said, I was involved in a litigation in Binghamton New York and a road was redesigned and a car struck that billboard facility and it killed the occupants in the car and they paid dearly. On a serious note if you can, these things are old, they were built a lot of years ago, if you can see your way clear of finding another way of an income stream I would love to see that out of there because they are dangerous.

Mr. Cipriano stated but the billboard is, I guess on northbound traffic, you would have to really be an errant driver to hit that billboard.

Board Member Pierro stated stranger things have happened. A car coming, gets cut off because it is turning into the new road and it drives off the road for some reason, it happens.

Mr. Cipriano stated I would be willing to phase it out but I do want to recoup some of the investment on the original piece of property.

Chairman Rogan stated where are we, I have notes here Rich from storm water, landscaping plans, and signs. We have incomplete information in that regard.

Board Member Pierro stated we don't have a sign proposed.

Chairman Rogan stated do we even have a proposal.

Rich Williams stated a sign, there is a sign proposed for the sign.

Board Member Pierro stated I thought this was the one where we did not have a sign.

Rich Williams stated there is a sign detail shown on the overall plans but there are, yes there is a property boundary adjustment plan that we need, there is storm water, erosion controls, and you showed no erosion controls. There are other details that need to be added to the plans. One of the issues that did come up at the work session if I recall were the architectural plans, significant architectural plans have been provided, second floors were shown on a couple of the buildings, I don't know if the Board has had a chance to take another look at them.

Chairman Rogan stated actually Maria, you had some questions as well.

Board Member Pierro stated you had mentioned as well, excuse me, you have mentioned also with the architectural there was no spot to put a sign on the building.

Rich Williams stated correct.

Chairman Rogan stated they were all roof.

Board Member Pierro stated yes.

Mr. Cipriano stated they are all roof, there has been, we are going to perhaps consider proposing office space on these two buildings on the top floors, one being the garden center office for the garden center because there will be no office space there.

Chairman Rogan stated you mean for the garden center or separate.

Mr. Cipriano stated no, for the garden center and on top of this actual retail space so we would want to put an office there above the retail space because there will be no offices in this structure. On this structure as well we would like to consider a second floor to have offices and perhaps putting the bathrooms upstairs, I am not sure how it works what is required that all comes down to the Building Department.

Chairman Rogan stated well it also is a customer service kind of thing, if you have bathrooms on the second floor I don't know what the proposed use it for that spot.

Mr. Cipriano stated well these would be individual retail units, I don't know what exactly is going to be there. Let's say if it is a wine store or something, they are really employee bathrooms.

Chairman Rogan stated so they are really employee bathrooms.

Mr. Cipriano stated so if they are on the second floor and combined with the office space, because I don't think I have a lot of space for the Board of Health approval, I don't have a lot of space for toilets in terms of my septic size.

Board Member DiSalvo stated on these plans that were submitted, it says building one, building two, which is, what is building one, is it supposed to be retail.

Mr. Cipriano stated this would be would be the three retail stores. Now this is just very preliminary, I wanted him to get something done in a timely fashion to get something in so at least we could start looking at them.

Board Member DiSalvo stated building two would be more retail.

Mr. Cipriano stated yes, building two would be this building which hopefully would be an A & S store, something like that, a fine food store, produce, market, whatever.

Board Member DiSalvo stated and building three would be your building.

Mr. Cipriano stated building three would be, this was, it is probably going to be a café in that spot connected to the garden center which would still be a separate retail.

Board Member Montesano stated you must be very pleased to have a bakery sitting in one part of the building.

Board Member DiSalvo stated like what Salinger's has, Salinger's orchard.

Board Member Montesano stated yes, (unable to hear). They have a utilization, they have the bakery on one side of the side street, they have the retail market in the middle, they have a garden center, they have. I am trying to describe Patterson's Fair Acre Farms.

Chairman Rogan stated I can barely hear you.

Board Member Montesano stated I have to use the box here. On describing Adams Fair Acre Farms has in their Poughkeepsie development, they have one building that is an ice cream parlor, a chocolate bakery on one side, and then the retail center has the supermarket so to speak, it has foods and cheeses and what have you and then they have the garden center on the other side and it is set up as a complex all intertwined. You can walk from one building to the other without going outside.

Chairman Rogan stated it is similar to the idea we have here, the courtyard and some connectivity.

Board Member Montesano stated right.

Chairman Rogan stated so people can park their cars and they go to many stores, we are hoping.

Mr. Cipriano stated many stores. There are some things that we still have to adjust because when we went to do building plans we were looking at putting doorways where we originally had landscape plans.

Chairman Rogan stated sure.

Mr. Cipriano stated so we still have to do a lot more work on that plan. Regarding office space on top of these spaces, is that, I know it is not part of the commercial zoning just because I am going for more uses, can we apply for a permit for that when we get to that point, is that how that works.

Rich Williams stated it is a C-1 zoning district, so commercial, there is a variety of commercial operations that would be permitted on the site, included office or retail, with regards to the retail because there are multiple stores of course. You still have to at some point get to the ZBA and get a special use permit for that retail operation but office would be permitted you just have to show it on the site plan and show it as a use, define the square footage so that the site improvements can accommodate the use.

Chairman Rogan stated the biggest site improvement would be parking for that.

Rich Williams stated probably, parking and septic.

Board Member Pierro stated you are speaking of office space to be used by your personnel for these businesses.

Mr. Cipriano stated no, one of them would be for my personnel to be used for the garden center part but the other building, depending if there is more space, in the other building as well, if there is enough room for parking but we have a septic issue on the site where we can not go above and beyond the certain amount of toilets and that is what is going to really stop us from doing whatever.

Board Member Pierro stated again, my question is these office that you are speaking of are for use by these businesses only, you are not talking about renting out space.

Mr. Cipriano stated I'm thinking that no, I don't think they are going to be used by the retail stores beneath them, those are separate offices above.

Chairman Rogan stated so will they have separate entrances from the outside or some internal.

Mr. Cipriano stated internal, I think one of the building plans shows what the architect did in terms of putting a central stair well and those are the three buildings here, putting an inner entrance here to the upstairs portion of the building.

Chairman Rogan stated so they would walk into a lobby in the lower area maybe with a store off to each side, something like that.

Mr. Cipriano stated yes, they would walk into a lobby and can walk up the stairs but I am not sure, he also mentioned that he was unsure about the Fire Code requirements up here, if he can do that.

Chairman Rogan stated he is hiding. Dave with Uniform Building Code, we always here people say we are not sure about the requirements in this area as opposed to others. Isn't that the intent of having a Uniform Code.

Dave Raines stated we are under the ICC, New York Code has some variations from the International Building Code so any one has access to the International Building Code will have boiler plating and some modifications in the New York Code.

Chairman Rogan stated would the code here be similar to the code in Long Island.

Dave Raines stated oh yes. New York is New York is New York.

Chairman Rogan stated okay, so then that is something familiar.

Dave Raines stated the only exceptions being New York City, for what the use, for what we are doing.

Chairman Rogan stated right, in terms of building standards and safe occupancy.

Dave Raines stated and the changes are being wind, seismic, and soils but that is specific to region and we just plug in when we are doing our calculations.

Mr. Cipriano stated okay, thank you.

Board Member Pierro stated thank you Peter.

Chairman Rogan stated is there anything else that we need to cover on this tonight.

Board Member Pierro stated you did receive Gene's memo.

Mr. Cipriano stated yes, just tonight.

Chairman Rogan stated Rich do you have anything else that you think we should talk to Peter about tonight.

Rich Williams stated no.

Chairman Rogan stated I just don't want to miss anything.

Rich Williams stated I think the Board has been more then receptive to the overall concept for some time, it is just a matter of the design staff getting the plans together.

Chairman Rogan stated Missy, I think you had a question though right, about which location the ice cream store was.

The Secretary stated that was you Mr. Chairman every time.

Chairman Rogan stated I am only thinking in terms of the kids that are going to want to sit here and have a place to get ice cream.

The Secretary stated every time, it has to be those Cold Stone's are getting real big.

Chairman Rogan stated the power of persuasion. One of the small little two hundred fifty square foot café area store fronts has to be an ice cream parlor.

Mr. Cipriano stated the café might have all that within it.

Chairman Rogan stated that would be wonderful, that would be great, a little open up window there. I hope that I don't have a vision, you how we always say that we envision on thing and it gets built and then you say wow that is not what I expected.

Mr. Cipriano stated I am hoping that it is a place for people to come and congregate but I know I have to tie up a lot of engineering things and now the next process.

Chairman Rogan stated we are excited about this project, this is something that we are looking forward to.

Mr. Cipriano stated well, let me get it done, alright, Thank you.

Board Member Pierro stated Thank you Peter.

Chairman Rogan stated we have a lot to live up too, we have been talking about. Thanks. I lost my agenda.

The Secretary stated Burdick Farms, that is off.

Board Member Montesano stated Burdick Farms, Greenlands.

Chairman Rogan stated Burdick Farms is off the agenda, Greenlands.

Board Member Pierro stated Greenlands withdrew.

Chairman Rogan stated we mentioned that we were going to talk about it.

The Secretary stated oh we are.

Chairman Rogan stated do you want to set that off until the end of the meeting.

15) NEUBAUER SITE PLAN – Concept Review

Mr. John Neubauer, Mr. Randy Neubauer, and Mrs. Christine Neubauer, the Applicants were present.

Chairman Rogan stated Neubauer site plan.

Board Member Pierro stated and his son who is a landscape architect.

The Secretary stated he used to work for (unable to hear, too many speaking).

Chairman Rogan stated yes, that's right.

The Secretary stated yes.

Chairman Rogan stated Neubauer, concept plans.

16) BURDICK FARMS – Discussion

Gene Richards stated hey Shawn, let me tell you one thing, on Burdick Farms, I am not sure how much of you guys are aware of, Rich and I both did reviews on it. As a result it has been pulled off the agenda and I think that pretty much Rich and I would be in agreement of how we should proceed from here is to keep them off the agenda until they get things cleaned up and at a point where Rich and I can look at it and say it is clean enough, because it makes no sense to waste your time.

Chairman Rogan stated that is exactly why we had requested that if that is where they are, then they can be pulled from the agenda. I think unless something changes with the layout or something, this Board is comfortable and we are waiting for both the Planning and Engineer approval to be able to complete the project so I think that is appropriate.

Gene Richards stated and the Board is okay with that.

Chairman Rogan stated is everybody okay with that. I think that is actually what we prefer so that we don't keep wasting everybody's time by having them come in and we also know that you and Rich and Mr. Conditto and the engineer probably will be meeting sometime within a week or two.

Gene Richards stated next Thursday.

Chairman Rogan stated okay perfect, yes, that is great we appreciate that and you are burning the midnight oil, is that what they say.

15) NEUBAUER SITE PLAN – Concept Review

Mr. John Neubauer, Mr. Randy Neubauer, and Mrs. Christine Neubauer, the Applicants were present.

Chairman Rogan stated good evening sir.

Mr. John Neubauer stated good evening.

Chairman Rogan stated can you state your name for the record please.

Mr. John Neubauer stated I am John Neubauer, this is Randy Neubauer, with apologies for the cover letter which was addressed to Chairman Schech, who I am afraid has deceased, and this is my wife Christine. What we are bringing to you tonight are two concepts on an expansion of our business. We have been in business since 1985, so it has been twenty-two years, we have been here and we have been on what is essentially a hundred foot wide by approximately two hundred feet deep lot since then. In 1985, we were a typewriter business and I bought the store and I took the typewriter repair business and we began there, what has happened over the years is that we have evolved from a typewriter repair business to an office machine and supplies business. We are doing the same kind of thing we were doing twenty-two years ago but we are evolving with the industry. As we have grown, we have out grown the space that we have so the plan is as follows, Randy has been working for me now for about three and a half years, I am going to be retiring probably in a year or two and the game plans.

Chairman Rogan stated you will be on your own.

Mr. John Neubauer stated you'll be on your own. The game plan is to the grow the business so that Randy can run with it and obviously we need more space, so what we had then we that original space and what we did over the last twelve months was to purchase 2705 Route 22, which is the piece next to our existing property, which is a tiny little place that was affectionately called the Summer Cottage by the Wooded Hills, there are couple of other names I could think of but that is the one that they used. Then the one next to that which was 2713 Route 22 and then 2705 Route 22 was the next one to the south and it has Wooded Hills Drive, so this is a road coming into Wooded Hills, this is Steak House 22 over here, so what we now have is a continuous three lots. Christine owns 2705 Route 22 and I own 2713 and 2717 which is the one I bought twenty-two years ago. What we are bringing to you tonight then is a couple of concepts that I will let Randy talk to you more about, basically what we are talking about then is a need, anybody who has been in the building knows that we are bursting at the seams. Randy with his experience in landscape architecture is doing a great job at selling plotters, plotters are huge, so they take up a lot more space and since we have graduated from typewriters to other types of office equipment mostly copiers now, fifty percent of our business is really centered around copiers. They are also big and they are getting bigger and they require more space and I will let Randy pick up from there.

Mr. Randy Neubauer stated thanks Dad, good evening, just to top off so that everybody, I hope has had a chance to look at, we just figured that we would start out with two concepts just to basically get our ideas out there and let you know what we are looking to do. Just to recap as you know, in case you don't, our existing building is currently being used as a combination of retail, office, and storage and pretty much has been the whole time that we have been there. The combination of these uses fluctuates, sometimes office supply is a bigger thing and we need more room for office supplies but what has changed in our business is the need for space for storage of temporary equipment, equipment coming in from lease returns equipment needing to be stored temporarily and then being turned around in a time period that requires floor space. Everybody as you probably know in a commercial business especially office supply related needs warehouse type space, you need a lot of room and that is what we are trying to do is gain what we have right now in two floors take what we have downstairs, we have been living with our service men never needing gym memberships because they have to carry machines down a seventeen stair flight of steps down stairs to our repair department. We are trying to take that existing use and bring it all onto one level so we are going to have the ability for customers to come in and for machines to be brought in on the same level as where the office supply business is. We are looking to make it more convenient for our usage as well as for our customers to have more access to products and what we can do. The existing parcel is less than a half of an acre, .452 acres and the concept of buying this separate, second lot, 2713 as we call it, because it is .68 acres, we are getting closer to the two acres

that the C-1 zone requires and what we are looking to do is simply add on an approximately seventy foot by thirty-five foot three story building. Currently we have about twelve and one half foot ceilings in the basement of our existing building and then the second floor that is basically the main floor everybody uses, in working with the topography of the site which is quite severe for being two hundred feet deep, if we were to put a second floor or I'm sorry a lower level matching the elevation of this existing building we would need to bring in quite a bit of fill which would have to be structural fill so for that money we might as well be building a lower level than that. So what we are looking to do is have three levels in this building and be able to provide storage for our needs and potentially what we have are the two plans revolve around a mixed usage of retail and office space and storage for our business as well as in doing this expansion. We have this now, these two other floors of space that we would be interested in trying to offset the cost of the project as well. In concept A, we have on the first floor, basically that would be all of our use for audio visual products, John W. Neubauer Audio Visual Products and the second floor would be for office space and the third floor storage. On option B is would be basically for storage on the second and third lower levels and then just AVP on again the first main level. The projects, both options work within the lot coverage for the C-1 zone, we do not exceed the sixty-five percent impervious surface, again these are concepts so fifty to sixty percent more or less is our coverage, we comply with the set backs for structures and what is the other one here and the floor area, the minimum floor area is fifteen hundred square feet and we are 2450 plus or minus per level of the proposed building. We are less than an acre of disturbance because again the lot is really not that large, it might be somewhat close but I think we are pretty much going to be less than an acre of disturbance and I think that is pretty much it in a nutshell, there are a plethora of other things to discuss. Do you need me to discuss the idea of flow with vehicular access coming into the site.

Chairman Rogan stated I think that would be helpful with the different plans.

Mr. Randy Neubauer stated our main entrance to the property right now is located here to 2717, we are looking to come in and basically have parking now not just to the right as it is but also to the left and because we have sixty-five feet basically from the front property line to the front of the existing building, it doesn't make it possible to have a tractor trailer come in and turn around the way we ideally want it to have but it does give us more room. What I am looking at trying to do, basically what happens now is we receive deliveries, we have a loading area basically directly when you come in and that would remain and then we would have parking on the south side as well as the existing parking on the north side. Concept A which has additional office space that we would be looking to rent out, parking would be provided in front of that addition as well as on the other side of the existing residence that we would try to continue some type of usage for that existing structure. The septic area for lot 2713 is to be verified completely but its behind the building and that has been outlined with approximately one hundred percent expansion area, in case we needed that with gravel access to that lowest level coming off of Wooded Hills Lane, which is the access road down to the residences below. None of this would involve disturbance to the existing residence on 2705 because we would come across with an easement that was built into when we purchased 2705, we were granted an easement across the back of this property to be able to have access to 2713. Plan B requires less parking because we are not looking to have additional twenty-five hundred square feet of office space on that middle level so therefore we do not need as much parking but we are trying to get some better vehicular flow by having this driveway coming down and accessing Wooded Hills Lane and as well as the gravel access to the lowest level. Those are pretty much the details that I thought we would touch on.

Mr. John Neubauer stated mention the lot line adjustment.

Mr. Randy Neubauer stated I forgot about the lot line adjustment.

Mr. John Neubauer stated what we did as part of the sale was on 2713, we have an additional ten foot strip what was then Wooded Hills so we would be looking for a lot line adjustment to show an additional ten feet.

Mr. Randy Neubauer stated the west side of the property.

Mr. John Neubauer stated so basically this lot become ten feet deeper, it is two hundred feet long and it is ten feet wide and by obtaining that strip of land from the seller we can comply with front and rear yard set back. One thing I should have mentioned earlier, I think that it is worth mentioning because one of things that we are considering here is that we need to, not only do we need to grow because of our own internal purposes and for my future and Randy's future but we sell Cannon copiers, Cannon is the number one selling copier in the world, believe it not we are the largest copier dealer in Putnam County, we think that if we sell the number one selling copier in the world, we really need to do a better job, we need to have a larger presence, we need to show the world what we are selling. A lot of what happens today is that people still don't know we exist and when they remember or are told where we are they say that little white house, we would like to get over that and get into something that is more appropriate for the products that we sell. Another thing that I will mention that hopefully you have noticed that since we bought these properties, we have painted the exterior on this and we did some renovations on here and we have also done considerable improvements to this property here, so what we have tried very hard to do is to improve what we just bought with the idea of moving toward this expansion and that is really what has consumed most of this year are these improvements to what we just bought.

Board Member Pierro stated the gravel drive is in the back, the proposed, why are they gravel.

Mr. Randy Neubauer stated why gravel.

Board Member Pierro stated is there any requirement or is there any.

Mr. Randy Neubauer stated we are just trying to keep the impervious down as well as cost considerations but it does not have to be gravel.

Board Member Cook stated what type of traffic would come, on Plan B, coming off of Wooded Hills Lane are we talking large trucks, small trucks.

Mr. Randy Neubauer stated no, small trucks, again due to grade and topographic changes as well as the size of the site we would not really be able to get a tractor trailer to come and try to drive through here just physically can not make the turns. This is intended to allow to some access to Wooded Hills for improved vehicular flow as well as access for us to get from one level to another.

Board Member Pierro stated is there any reason why there is not connectivity between the Wooded Hills access drive and the alternate parking lots.

Mr. Randy Neubauer stated I am not sure I understand.

Board Member Pierro stated the front parking lot that is number 2, there is a 2 and a 4, on Plan B.

Mr. Randy Neubauer stated yes, Plan B.

Board Member Pierro stated why is there not any connectivity, is there any reason.

Chairman Rogan stated I see what you are saying, there is a narrow strip that is shown.

Board Member Pierro stated there is a narrow strip.

Mr. Randy Neubauer stated no, I see what you are saying, he is talking about this small wedge here, oh okay. There would be a retaining wall here due to the nature of the change, this where the 2 and the 4 are, that parking would be for the same level as Route 22 but then these spaces which would be accessed off of Wooded Hills which basically is just loading would be able to access the second floor because we are calling that just storage so we are getting loading to that level this way otherwise there is physically no other way to work with to try to get access to that second story.

Board Member Pierro stated I didn't realize that the grade was that different there without going out there and looking at it.

Chairman Rogan stated now is the existing one family residence that is shown right near that area that you were just talking about where your access road is right up against the house, that dwelling is to be removed.

Mr. Randy Neubauer stated we were not intending to, we were trying to work with it, again this is a concept, we don't have exact locations of buildings, so there maybe some fudge as well as the fact that this, that piece that it is actually against, is a decrepit porch that really is serving no value to anything so it will probably be removed.

Chairman Rogan stated certainly you picked up a couple of parcels to increase the size so that you can do a bigger commercial operation, then taking that and wrapping around the existing houses, I can picture the front of the building but I am not very familiar with the site, so I need to take a look at it, I know we all do.

Mr. Randy Neubauer stated right.

Chairman Rogan stated I guess off the concept I am more apt to leaving the house that is to the south, I can understand that, that is kind of separate and on it own. Both of your proposals, it seems that you are seeing what we are seeing, is that the existing residence is wrapped right inside of your project and I will be interested to see what that looks like out in the field to get a better idea, that is probably what we want to start with is looking at this site.

Mr. Randy Neubauer stated sure that is certainly something that, it is something that again to offset the cost, I am sure as you guys realize, property along Route 22 is expensive and trying to keep something that we are going to be able afford, there is certainly rental income from the residents that are there, even if we didn't keep it as a residence maybe we could possible have that as office space or some sort of additional commercial use for the future. It doesn't necessarily have to stay residential that is just because of what it is now and that is sort of what we are considering.

Chairman Rogan stated that is understood.

Board Member Pierro stated Concept A is the plan with the second story.

Mr. Randy Neubauer stated they all have the three floors, it is just a question of whether the middle floor is going to be for rental office space or if the two floors below the main level that is the same level as Route 22 are going to be used for basically dead storage.

Board Member Pierro stated yes, an additional question in concept A, have you considered a secondary access drive going out to 22 or is the topography restricting you there.

Mr. Randy Neubauer stated the topography is restricting us there. We would have to fill significantly probably, just so you understand, where it says proposed asphalt twenty-five foot aisle typical, that twenty-five is about probably six or seven feet below the elevation of Route 22 and then as you get down to where it says one hundred feet from well on the western end of that, that is probably about fifteen, maybe ten to twelve feet from the level of Route 22 and there is a significant amount of fill involved. That existing residence would basically be practically buried because there would be filling of three to six to eight feet all around it.

Board Member Pierro stated okay.

Mr. John Neubauer stated what happens here, right now, there is a driveway which is used for this residence and immediately when you pull off of Route 22 it goes down about four or five feet, so it is not a good situation because you would have to come up and then immediately are on Route 22 and we want to solve that problem.

Board Member Pierro stated right.

Board Member DiSalvo stated Rich, Wooded Hills Lane, is that a Town road.

Rich Williams stated it is private development.

Board Member DiSalvo stated private development.

Mr. Randy Neubauer stated these are just an aerial photos with the layouts, it just helps to give you a little bit because you can see where the residences are and where the driveway is for that. Again it is blurry, it is just taking what is available for free on the internet.

Board Member DiSalvo stated unless it's my eyes.

Board Member Pierro stated lodge local.

Mr. Randy Neubauer stated it just gives you a relative idea for where our building is on the left right now, where the existing structure is, you can see right about where the number two is for the parking spaces, you can see that is the asphalt driveway, you come in and it immediately drops down to get to that existing residence.

Mr. John Neubauer stated one of the things we are looking to solve is right when the semis back in to unload copiers it is impossible for anyone else to get in and out of our parking lot. What this would do is to make it wide enough so that now, even with a semi backed up and unloading, now there is enough room for cars to get by.

Chairman Rogan stated how do they get in there, backed up, do they have to pull off on the shoulder of Route 22, heading south bound.

Mr. John Neubauer stated usually their truck is going north and he then ends up backing across lanes, which is a little tricky, sometimes he is coming south.

Chairman Rogan stated fast area, fast road. What makes to me think though is that if we going through the motions of modifying your site is that a great way to plan for something that you are already acknowledging is already a difficult thing for somebody to get in and out to back into that spot with your site.

Mr. John Neubauer stated it is ultimately is up to the truck driver, to me, it is smarter for him to go up and make a u-turn and come around here because he could then park on the shoulder and back in there more safely, it is a question of what they do.

Mr. Randy Neubauer stated the majority of them do that right now.

Mr. John Neubauer stated one comes from the south and a couple of others come from the north. Cannon copiers come from the south and EMF brings them in from the south.

Mr. Randy Neubauer stated we have actually gone through, we have looked at that quite a bit because our whole initial concept was hey, great, now that we have this property to the south we are going to somehow be able to get tractor trailers in here to turn around. For them to be able to come in, the radius that they would use would basically take, it would have to go through that house and use all of the parking spaces just to be able to turn and come in and then he still has to be able to turn and get out, so it involves a significant amount of asphalt area that would be basically, would be presented on Route 22 that couldn't even be able to be used for parking because it would be sort of dead area for the turning area for a tractor trailer. Again we thought that it would be great maybe if they could come in off of Wooded Hills Lane but just once you go out there and see the grade changes significantly, it just does not work.

Chairman Rogan stated but yet, you are relying on that Wooded Hills to get to the back of the building with the three, you have three loading spaces for the back of the building.

Mr. Randy Neubauer stated those are just more shown, they could be parking space, that is just shown for overhead doors or something there and there would be some type of vehicular access to the back of the building there.

Chairman Rogan stated the intent of this plan is not for tractor trailers to get to the back.

Mr. Randy Neubauer stated no, I apologize if that leads to think that a tractor trailer would go there.

Chairman Rogan stated well looking at the size of the space.

Mr. John Neubauer stated it would be for a for like a box (unable to hear).

Mrs. Christine Neubauer stated can I make a comment.

Chairman Rogan stated you need to use the microphone.

Mr. Randy Neubauer stated Mrs. Neubauer come on up.

Chairman Rogan stated we should be able to hear but I don't know if we will all be able to hear you with the minutes.

Mrs. Christine Neubauer stated one of the problems, more of our service technicians come in and park in the morning and they may do repairs before they head out on the road if we could get them to park down

back and then they can take the machines right out to their cars and go, that is why it looks more like a loading dock plus we have a van that we load up and we have a box truck, so it wouldn't be a trailer truck coming down there but we would be loading smaller vehicles down there and then freeing up parking spots up on top for customers.

Board Member Pierro stated thank you Christine Neubauer, for the record.

Chairman Rogan stated Rich, oh I'm sorry, go ahead.

Board Member DiSalvo stated they would have to get permission from Wooded Hills Lane to access that property off their private road.

Board Member Pierro stated they already have an easement.

Mr. John Neubauer stated we already have the easement.

Board Member DiSalvo stated they have the easement but they want to get the lot line adjustment for another twenty feet they said.

Mr. John Neubauer stated for the ten feet by two hundred foot strip.

Chairman Rogan stated for us to go and site walk this, do you think that we can do a reasonable job of getting a sense of this without anything being marked or labeled.

Rich Williams stated we have, yeah.

The Secretary stated okay.

Rich Williams stated we have the aerial photos but it would be more beneficial to have a plan with dimensions on it. Certainly I can take some time and scale things out get a good approximation.

Chairman Rogan stated especially give the existing structures out there, two houses.

Rich Williams stated there are enough features in the field to draw lines off of I'm sure.

Mr. Randy Neubauer stated it would not be unreasonable for us to basically stake out the corners of the proposed building, that is not going to be a problem.

Chairman Rogan stated probably also, the building is probably the easiest one to locate, it adjoins the existing building proposed.

Mr. Randy Neubauer stated correct, it is just a matter of going seventy feet off of the existing business to the south as well as you can also get some reference by it in relation to the existing residence there.

Board Member Montesano stated there is a centerline here somewhere.

Mr. Randy Neubauer stated sure, okay.

Rich Williams stated Randy, is anybody living in either of those two residential buildings now.

Mr. Randy Neubauer stated yes, the 2713 is a single family, that is currently being rented right now and 2705 is a two family that has an upper and lower level.

Board Member Pierro stated this asphalt here, when he comes around the back of the building why isn't it not going through, I am looking at the flow.

Mr. Randy Neubauer stated go ahead, please ask.

Board Member Pierro stated the existing driveway, the existing asphalt driveway.

Mr. Randy Neubauer stated right, down around the back of 2717, around the west side of it.

Board Member Pierro stated that is to the north of the building of the facility.

Mr. Randy Neubauer stated correct.

Board Member Pierro stated why is there not any connectivity at the Wooded Hills Drive with the proposed gravel, is there also a problem with topography there.

Mr. Randy Neubauer stated yes, it is going to be about a six foot grade change from this level to that level so it would have to be a very short steep and we would basically lose your parking here because this would be a driveway dropping down that doesn't make it to about the center here, so you wouldn't have any, you would have maybe one the ability for vehicular access or an overhead door at this one location because of grade changes that much. It is a tough site.

Board Member Pierro stated yes.

Chairman Rogan stated okay.

Board Member Pierro stated I would like to take a look at it.

Chairman Rogan stated let's go take a look at it, there is a lot to look and a lot to consider. They are very challenged sites.

Mr. Randy Neubauer stated yes.

Rich Williams stated is the Board planning on go out Saturday.

Chairman Rogan stated that is why I brought up about any staking because we mentioned about possibly doing it Saturday.

Board Member Pierro stated I would be limited to, I have some previous appointments scheduled for Saturday but I would be limited to two or three site walks.

Chairman Rogan stated they are both on Route 22, what we can do Theresa what is it called, Millworks and do this and just limit it to the two for Saturday morning.

Board Member Pierro stated and then we will have to arrange to go, what was the other one that we were going to do.

Board Member DiSalvo stated well the cell tower that is going to be a while.

Board Member Pierro stated I thought that there was a third that we wanted to look at.

Chairman Rogan stated I can not recall, we'll have to look back to the notes.

Rich Williams stated are we doing the usual.

Chairman Rogan stated yes.

Rich Williams stated we are going to meet at seven and kind of head out at eight.

Chairman Rogan stated no, we told Theresa that we would be there at 5:30 A.M.

Rich Williams stated oh okay.

Board Member Montesano stated we'll be there with a big flashlight.

Chairman Rogan stated yes, seven.

Board Member Pierro stated it has to be early I have ten o'clock appointments.

Rich Williams stated Randy.

Mr. Randy Neubauer stated yes, whatever times just let us know.

Rich Williams stated we don't necessarily need to you there.

Mr. Randy Neubauer stated just to have it done, have it staked out.

Rich Williams stated if you have any staking that would be great, if you can provide a sketch before tomorrow night.

Mr. Randy Neubauer stated a sketch with?

Rich Williams stated showing where the stakes are.

Mr. Randy Neubauer stated sure.

Rich Williams stated but more importantly, because we are out pretty early in the morning, if you could just notify the people living there.

Mr. Randy Neubauer the people living there, sure.

Rich Williams stated so that when they see all these strange people walking around.

Chairman Rogan stated those suspicious characters in their yard at around eight the morning.

Mr. Randy Neubauer stated we will try to meet with you then and try to answer some of your questions.

Chairman Rogan stated this one is closer to the diner we can probably do this one first.

Mr. Randy Neubauer stated you can park in our parking lot, we will have enough room then, Saturday, we aren't open.

Board Member Pierro stated it is miniscule but with all the amount of work that appears to be going to happen, that shed to the north of the building, is on a precarious foundation there, it is stacked eight by eight P.T.. That concerned us, when we were out there the last time.

Mr. Randy Neubauer stated that can go.

Board Member Pierro stated that is going, okay, alright, great. It is still on the plan it doesn't say to be removed so I thought maybe.

Mr. Randy Neubauer stated okay, it will say to be removed.

Chairman Rogan stated great, it will be great to see it in the.

Board Member DiSalvo stated he has the lot line adjustment application too.

Board Member Montesano stated yes that is for the ten foot spot.

Mr. Randy Neubauer stated yes.

Chairman Rogan stated yes.

Board Member DiSalvo stated I'll open that too.

Chairman Rogan stated sure.

Board Member Pierro stated that is pretty straight forward, you have a willing seller there for that lot line.

Mr. Randy Neubauer stated it was already, it was part of the contract for the sale of the property to us, so we own it is just a matter of.

Mr. John Neubauer stated the existing line, on the existing plat, the lot line adjustment can be ten feet to the west of the existing line.

Mr. Randy Neubauer stated down hill from there.

Board Member Montesano stated is this for my file or yours.

Mr. Randy Neubauer stated yes, sure you can have it if you want to, I don't know if it helps, it just an overall reference.

Board Member Pierro stated the other question I have is for Ted, is he going to be out there on Saturday. He looks like he boogied

Chairman Rogan stated there are no wetland issues out there.

Board Member Pierro stated there is a water quality basin.

Chairman Rogan stated that is proposed.

Mr. Randy Neubauer stated no that is proposed.

Board Member Pierro stated yes, but is that large enough for that area.

Chairman Rogan stated at this point I don't think we have any idea.

Mr. Randy Neubauer stated we don't really have any, probably not but.

Chairman Rogan stated we have a paved back area.

Rich Williams stated this might be a good time to mention a couple of things. Randy, when you are calculating out your impervious coverage our Code says anything that doesn't have vegetation on it, so even the gravel would count.

Mr. Randy Neubauer stated okay.

Rich Williams stated the second is DEC, this week, released chapter nine of the storm water design manual.

Mr. Randy Neubauer stated okay.

Rich Williams stated okay, you must if you worked on it, which has to do with re-development projects.

Mr. Randy Neubauer stated re-development projects.

Rich Williams stated re-development projects which is what we are talking about.

Mr. Randy Neubauer stated okay, so I should take a look at that.

Rich Williams stated it might give you some guidance.

Mr. Randy Neubauer stated great, thank you.

Chairman Rogan stated Maria what you were asking about was the lot line adjustment application, did you want to take care of that, it is just a ten foot strip.

Board Member DiSalvo stated I don't know, did you want to look at the property first, do the site walk first.

Board Member Cook stated I think we should go take a look.

Chairman Rogan stated okay, great, thank you.

Mr. Randy Neubauer stated okay, great, thank you very much.

Board Member Pierro stated we are looking forward to working with you on this project.

Mr. Randy Neubauer stated we appreciate that very much.

Board Member Cook stated see you on Saturday.

17) OTHER BUSINESS

a. Kessman Subdivision

Ms. Theresa Ryan from Insite Engineering was present, representing the Applicant.

Chairman Rogan stated Theresa you are here for Kessman and Frantell, you are up. Mr. Kessman must be one of the most patient people I have seen in the audience in awhile. Kessman, what do we need just an extension.

Ms. Ryan stated just an extension.

Chairman Rogan stated we are going to resolve the deed issue through their process correct.

Ms. Ryan state those deeds just so that you know, were prepared to be filed with the map that is before you, that we already have approval on, for some reason they were filed with the deeds that were only supposed to transfer ownership, so there is supposed to be a correction deed filed very soon, I hope. There are two ways that I guess it can be done one is to reference the original deed with any exceptions and another way is to do a description of the existing parcels, the way they are now, there is a 47 acre piece and a 10 acre piece, and if that is the way they decide to do it, then they would make descriptions of those two existing parcels and file those instead.

Chairman Rogan stated it is a shame that there is not a way in Real Property to extract something that was erroneously filed.

Ms. Ryan stated like a never mind clause.

Chairman Rogan stated like an oops clause.

Board Member Pierro stated what did we discuss 90 days.

Chairman Rogan stated that was the other question, what are you requesting here.

Ms. Ryan stated 90 days.

Chairman Rogan stated 90 days.

Board Member Pierro stated in the matter of Kessman's lot line adjustment and subdivision I make a motion that we grant a 90 day extension.

Chairman Rogan asks for a second.

Board Member DiSalvo seconded the motion.

Chairman Rogan asks for all in favor:

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

Motion carried on a vote of 5 to 0.

Chairman Rogan asked for any opposed.

Ms. Ryan stated thank you very much.

b. Frantell Site Plan

Ms. Theresa Ryan from Insite Engineering was present, representing the Applicant.

Chairman Rogan stated Frantell. What is going on there.

Ms. Ryan stated we are still dealing with the DEC.

Chairman Rogan stated so you still need about 90 days.

Ms. Ryan stated the application was made, revisions were made, subsequent revisions and they also had the staff member that was reviewing it has since left the DEC, so now it has to be reassigned, so it goes on.

Chairman Rogan stated you have to tell the new staff member you are this close to getting it finished,

Ms. Ryan stated once we find out who that is.

Chairman Rogan stated time frame, what are you requesting 90 or 120 days.

Ms. Ryan stated 90 days.

Chairman Rogan asks for a motion.

Board Member Pierro stated in the matter of Frantell, I make a motion we grant a 90 day extension.

Board Member DiSalvo seconded the motion.

Chairman Rogan asks for all in favor:

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

Motion carried on a vote of 5 to 0.

Ms. Ryan stated thank you very much.

18) GREENLANDS, LLC. – Continued Discussion

Chairman Rogan stated thank you. We need to go back to Greenlands for a discussion.

The Secretary stated Greenlands.

Board Member Montesano stated the Town Park about twenty-five years ago. Yes well I like to keep it where I feel comfortable.

Chairman Rogan stated before we all run away, Greenlands, LLC.

Board Member Pierro stated Greenlands.

Chairman Rogan stated they have requested to hold off until next meeting we need to determine where we are going and give them some direction on this as to what we are thinking.

Anthony Molé stated I think they requested to hold off until they had a new tenant.

Chairman Rogan stated oh that's right.

The Secretary stated yes.

Chairman Rogan stated thank you for reminding me, it was a long meeting tonight, I kind of lost track.

Board Member Pierro stated we were discussing earlier that we would like to keep this process going and maybe advise them that we would like to discuss this again at the next meeting and have them here and that we would desire to discuss improvements to the driveway entrance and the parking layout to allow us to make for better movement in there.

Anthony Molé stated that is probably a good idea, if there are going to be issues, it is better to address them now instead of addressing them as they come up (unable to hear).

Chairman Rogan stated why not have them come in and work towards approving a use out there that they are looking for a percentage of the building.

Anthony Molé stated their application is pending, they have not withdrawn it.

Board Member Pierro stated it is still pending.

Chairman Rogan stated it seems that it would make more sense then waiting, as Rich had said with an open ended application that could sit, it becomes ridiculous to keep track of these things.

Rich Williams stated also as a general rule, we don't approve a tenant when they come in but we don't approve a use when they finally get a tenant, we approve a site and then they go market the site and they are trying to do it backwards here to keep their options open so that they can pick and chose whatever they like.

Chairman Rogan stated I think that we have been clear that we would much rather approve it. If we are going to approve a use and not think about the actually tenant that we are looking at a particular use whether it is personal services, if we are looking at retail and let's have them come in and ask for what they want and let's work on the engineering on it. Maybe it can't be done but we don't know because we haven't taken a hard look at that.

Anthony Molé stated as we discussed at the last meeting, regardless of what the use is if they come in with a particular tenant you are not going to limit your scope of review to that particular tenant, it is that use. So that tenant could leave and they could bring in different tenant under that category of use and site would be appropriate for that tenant as well.

Chairman Rogan stated I would not want them to have to come back in, I know that they were saying that they will but I think that is poor planning. Let's try to plan for the anticipated use and let's see if we can reach to them and let them know what we just said, they may decide that they don't want to pursue coming back in a month but if that is the case then we need a letter from them withdrawing their application. Either they are here next month to discuss the furtherance of their application or they put in a letter to withdraw it completely, I think that would be appropriate.

Rich Williams stated so essentially we are going to prepare a letter under your signature that advises them to come back in at the next meeting to discuss site plan issues relative to a change of use or withdraw the application.

Chairman Rogan stated sure, excellent.

Board Member Cook stated in that letter can we emphasize the fact that this was originally approved for office space and the design of the site was office space et cetera.

Rich Williams stated if you would like.

Board Member DiSalvo stated reconsidering a change of the design of the building because the uses that he has provided, he has to figure out how to change the design of the building.

Chairman Rogan stated I don't think that it is the building, it is the layout of the site.

Board Member DiSalvo stated oh that's right, not the building itself but parking and the layout.

19) MINUTES – November 30, 2006; December 7, 2006

Chairman Rogan stated anything else that anyone has other than minutes.

Board Member Pierro stated I make a motion that we approve the minutes of November 30 and December 7.

Board Member DiSalvo seconded the motion.

Chairman Rogan asks for all in favor:

Board Member Pierro - aye

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

Motion carried on a vote of 5 to 0.

Chairman Rogan stated motion to adjourn.

Board Member DiSalvo seconded the motion.

Chairman Rogan asks for all in favor:

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

Motion carried on a vote of 5 to 0.

Chairman Rogan asks for any opposed.

Meeting adjourned at 10:23 P.M.