

TOWN OF PATTERSON
PLANNING BOARD MEETING
January 8, 2009

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**TOWN OF PATTERSON
PLANNING & ZONING OFFICE**

**ZONING BOARD OF
APPEALS**

Howard Buzzutto, Chairman
Mary Bodor, Vice Chairwoman
Marianne Burdick
Lars Olenius
Gerald Herbst

PLANNING BOARD

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

**Planning Board
January 8, 2009 Meeting Minutes**

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

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

The meeting began at 7:32 p.m.

There were approximately 15 members of the audience.

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

Chairman Rogan led the Salute to the Flag.

Chairman Rogan stated thank you, please be seated. Our first order of business this evening, I would like to appoint Dave Pierro as Vice Chairman of the Planning Board for this year.

1) MEADOWBROOK FARMS – Continuation of Public Hearing

Ms. Diane Larkin, of JGZ Corporation was present.

Chairman Rogan stated the first item on the agenda, we have Meadowbrook Farms and we left the public hearing open from last meeting, Mike.

Board Member Montesano stated I am going to recuse myself because I am one of the people in the five hundred foot zone.

Chairman Rogan stated okay. I believe we have counsel for Meadowbrook Farms.

Ms. Larkin stated yes.

Chairman Rogan stated we had gotten public comment on this, obviously this is for a wetland/watercourse permit application. A lot of the public comment from the Homeowners, revolved around issues such as the roads, the improvements that have been made out there or improvements that have not been brought up to certain standards, issues of the water supply adequacy. One of the main focuses that this Board has taken a hard look at the roadway infrastructure to see what would need to be done to bring it up to Town road specs. Rich did a little research from the original approval and found that there was an irrevocable offer of dedication for the road area but obviously those improvements haven't been made, in other words it hasn't been brought up to Town specs. At our work session the Planning Board discussed going back and looking at the bonds that are in place from the original approval and doing an assessment of that bond, I understand that we have it in the purview of the Zoning Code that we can do that and bring it up to today's dollars and cents, in other words to complete those improvements. We have not heard back from the Health Department yet, in terms of the water supply.

Rich Williams stated no, I have not yet had an opportunity to talk about the project with Mr. Budzinski.

Chairman Rogan stated okay.

Board Member Pierro stated Rich, I failed to bring that copy of Code that you e-mailed out to us this week but can we touch upon that a little bit more so that it's clear to the people that are here from Meadowbrook.

Rich Williams stated I believe what Mr. Pierro is referring to is a provision within our Code that says bonds are established for a period of three years. This is typical within the State statutes and we follow the State guidelines and that every three years the Planning Board has a duty to review those bonds to make sure they are sufficient for the remaining improvements. Any time that the Board finds that those improvements or the bond being held are not sufficient to complete the improvements they can make a recommendation to the Town Board to increase the bond amount, commerce rate with the current costs. So, one of the things we've talked about is doing phase two, Merle Lane, we still have to establish a bond amount and a bond will need to be posted for that to be constructed and at the same time we can take a look at the existing road to make sure that the money that the Town is holding is adequate to cover the remaining improvements that need to be completed, in order for that to be accepted by the Town.

Chairman Rogan stated and the addition to that would be, the loop, the existing loops that are off of Sonnet Lane, I know those are not currently set up to be offered, we were talking about seeing if we have enough area to do a fifty foot right of way and.

Rich Williams stated well let's take a step back, I did a little bit of research on the past history of the project and essentially what I concluded is that, although somewhat poorly written, there is an irrevocable offer of dedication for the main drive coming in from Route 292 back to Sonnet Lane. That Merle Lane, the new subdivision road in phase two was not included in that irrevocable offer of dedication, nor were the loop driveways that went around which were included in a much larger parcel. So, there has been some concerned expressed by the residents about the Town possible taking over those loop driveways and the Town as a general policy now is looking less favorable about roads that are not offered for dedication. So there has been some discussion and I have talked to Ms. Larkin about the potential for you know, discussing whether Merle Lane could be offered for dedication and/or what we could do with the loop roads. I don't know if you want to add anything on to that.

Ms. Larkin stated the issue with the road.

Board Member Pierro stated please state your name ma'am.

Ms. Larkin stated my name is Diane Larkin; the issue right now is the dedication. We are ready to close Sonnet Lane any time but the issue with the road has always been the dedication and that is why it hasn't been finished.

Rich Williams stated right.

Ms. Larkin stated and this hearing right now has always just been about the permit for the wetland, so we are hoping to close this out tonight, which you and I have talked about and just be able to go and forward the action on all the issues because we can't forward the action in this hearing so we are hoping to do that tonight.

Chairman Rogan stated the public hearing is still open, please state your name Mr. Cantor.

Mr. Cantor stated Mark Cantor, president of the Meadowbrook Farms HOA. The residents continue to object to the issues at hand, want the Board to know that on two occasions I reached out to Ms. Larkin, both were rejected out of hand, she basically told us that they had no intention of doing anything to provide assistance to the HOA or the residents. They [JGZ] further indicated or she further indicated that none of these issues are relevant which we don't believe, we believe they are very relevant to the issue of perpetuating the rest of the subdivision or continuing the rest of the subdivision. The other thing that I might bring to the Board's attention is that there is no such thing as a phase two, when you look at the subdivision prospectus and you look at the plat, it is all referenced as a subdivision, there is not separation between a phase one and a phase two. So, their attempt to try and segregate these issues and to indicate that they completed phase one and therefore have no obligation to the Association, you again, belies any logic or any reference to the prospectus that the Town approved. I think that the Board needs to keep that in mind as well and we still have no resolution on the issue for the generator, when I further inquired with Ms. Larkin, she indicated that the builder's son-in-law, who acted as the property manager, believed that the generator and the water pump house was to run the electric heater. Again, that is contrary to everything that exists right now, there is a full panel switch in the pump house that is all connected to the generator, as are all the components in the pump house, both well pumps, both boost pumps, the compressor and the chlorinator. So if, as they suggest, that the only point of this generator was to run an eleven watt heater, then you know, you'd think that would have been directly connected so, that is an illogical representation to use anyway. And my discussion with her referencing the Board's request to engage an engineering firm to look at the capacity of the water system was entirely rebuked. They believe they have no obligation to do so, they have you know, no, have not done anything in the way of reaching out with an engineering study, whether the water system is capable of handling the additional twenty-four homes. So we have had zero progress on our end and I think the Board needs to be aware of that.

Chairman Rogan stated thank you Mr. Cantor, actually if you could, Ms. Larkin, before you comment, not to put you on the spot Tim. One of the concerns that this Board has had from the beginning with, since the public hearing was initiated is making sure that we don't run afoul of our purview in this case.

Tim Curtiss stated true.

Chairman Rogan stated because we are here for a wetlands/watercourse permit application. I'm glad that we had the public hearing to hear these concerns, I want to make sure that we procedurally again, don't run afoul, so if you could just make sure you keep us on track.

Tim Curtiss stated I'll do that, I think that there are two actual issues, one is what is actually before which is the road dedication and the wetland/watercourse permit but in the overall scope, in developing these twenty-four lots, they are going to have to address the water system, they are going to have to address you know, septic, sewer those issues with the Health Department and probably it would be constructive for everybody, no necessarily in our jurisdiction if you would like to comment on that in the second phase.

Mr. Cantor stated that is for the public permit.

Chairman Rogan stated thank you.

Ms. Larkin stated Mark, as Mark indicated, I've spoken with him a couple of times and I spoke with Harry Nicholas, many times, I've spoken with Rich Williams many times. Rich made it really clear to us that we have issues with the water system that you all are going to make it abundantly satisfactory, the water system is going to be satisfactory and adequate to support both phases. The road dedication is an issue and that there is going to be a stormwater infrastructure issue and that you all are going to be satisfied with those three pieces before we have approval. So I know that the HOA is going to be protected, you know, we are not balking at these, you are going to be satisfied, the HOA is going to be protected and we know that. We are not, when I say forward the action, I mean forward the action, I'm not balking at these protections.

Chairman Rogan stated well I think the Planning Board would want to especially.

Ms. Larkin stated I want to move along with you.

Chairman Rogan stated prior to a final determination the Planning Board is going to want to have confidence that certainly from the Health Department that an assessment is being done of the water supply that it can handle the increased use.

Ms. Larkin stated that is what Rich and I talked about.

Chairman Rogan stated that is another agency approval that is something that we are going to want to have certainty on that that will be handled. The road ways are something that would be directly before us and making sure, in some cases we have for the new phase, the intent is not to be offered. We want to, correct me if I'm wrong Rich but I think that is what you just said a few minutes ago, Merle Lane.

Rich Williams stated right.

Chairman Rogan stated which will be the new branch off of Sonnet Lane for the proposed phase two if you will and making sure that that can be offered for dedication and that we can you know, not repeat the problems that these people certainly have faced over the last so many years.

Ms. Larkin stated I can't represent anything on behalf of my principal but Rich and I talked, I will sit down and talk to Rich and the Town Attorney and the dialogue is open.

Chairman Rogan stated sure.

Mr. Cantor stated are you finished.

Chairman Rogan stated if you are finished Ms. Larkin.

Mr. Cantor stated I think from our perspective we have two concerns with that representation, number one, that their and this is what Ms. Larkin has represented to me. Going back to November I believe and that is that they would like us to withdraw and objections to the permit being approved and with their verbal representation that they will make sure nothing goes wrong and we are taken care of and quite honestly, we have no faith in that representation. Mr. Ginsburg has walked away from us for the past four years as I provided each of you on the Board with financial statements, we have no support, I repeat, zero support from the developer at this point. We get no money, no assistance, we don't ever get a phone call returned from them except after perpetual phone calls, so we are getting no support at this point and the verbal representation that they will take care of us, we have no faith in. Secondly, I don't think that the Board given the track record of the developer, can accept that representation and act upon it with the hope and the sincere representation that they will make sure everything is right because we don't believe that.

Chairman Rogan stated okay, to be honest Mr. Cantor.

Mr. Cantor stated and so I think it would irresponsible for the Board to act with the expectation and the hope that they are going to do what they need to do down the road because I don't think that its going to happen.

Chairman Rogan stated and to be honest Mr. Cantor, bringing the concerns that you folks have brought, if you then came back next meeting and said you know, we are happy please proceed, that really isn't going to impact on our decision. We are taking the concerns that you have and the ones that we have purview over.

Mr. Cantor stated okay, great, thank you.

Chairman Rogan stated we are going to see that they are resolved. Whether you all of sudden now have a good relationship now, the concerns are the concerns, it really, you don't have to rescind any objection to this phase, in my opinion anyway.

Mr. Cantor stated okay, that's great, thank you very much.

Ms. Larkin stated I want to make a clarification I think too, it's not about, I'm not talking about money, if you want to sue us on a money issue, please sue us on the money issue. I'm not making a money representation here; money is a different situation, your money concerns. I'm not talking about money here and I don't think the Town is talking about money here.

Mr. Cantor stated no but the two are inextricable linked.

Ms. Larkin stated not really, you might think they are but the Town isn't concerned with your money. The Town doesn't have jurisdiction over your money concerns and when I'm talking to the Town I'm not talking about your money concerns. So when I say to the Town, I'm willing to talk to the Town about the water and I'm willing to talk to the Town about the streets and I'm willing to talk to the Town about what the Town has jurisdiction over and what I say to you I'm willing to, I'm sitting here having a dialogue with the Town about what the Town has jurisdiction over, I'm not talking about money. So by all means, sue us if you'd like to, do whatever you want, I'm not here about money. So I'm trying to be as clear as I can about that. I hope I'm being very clear about that because they are two separate situations, okay.

Chairman Rogan stated okay, let's not make this a debate between you two.

Mr. Cantor stated and I don't want to do that but.

Chairman Rogan stated I appreciate that.

Mr. Cantor stated I understand and I will happily set this aside but I don't know how you can differentiate between one and the other, number one and number two, I don't know how you can act with an expectation of a faithful representation when the track record of the developer isn't so good.

Chairman Rogan stated well that is the benefit of us, we don't need to have that faithful representation, what we need is the mechanism isn't place that says these things will be corrected, whether it is the engineering to show that the road can be constructed to a certain standard. Whether it is proof that with these modifications required by the Health Department, whether the increase generator or the improvements to the water supply that they can handle the sum of this development. Those are assurances that are not good faith type assurances; they are enforceable assurances, so.

Mr. Cantor stated can you expand on that a little bit.

Chairman Rogan stated for instance the Health Department would not give a permit for approval to build a phase if the water supply is not deemed to be sufficient to handle the entire subdivision. Obviously, however many homes are out there now, plus the additional twenty some odd homes. We are looking for an assessment from the Health Department that Harry Nichols is certainly or another engineer is going to have to be involved with to say here is what we have for the water supply. It may need these upgrades to meet today's standards, so we can now built additional units and in lieu of that they won't get approvals for that. In terms of the roadway, what I heard from this Board was, that we were looking for some engineering to be looked at on the plans on the existing proposal to see whether or not we can get enough area to be dedicated to the Town that we can have brought up to a certain standard with the new phase. We already have found out that the old, the existing road, the Sonnet Lane, has that dedication but has not been brought up to standards, that is why we are talking about looking at the old bond and bring that up to today's standards. The question we still have is, whether or not those existing loops, off of Sonnet, whether there is enough area, now we drove, many of the Board Member's drove up there since the last meeting, I was there this morning and its looks like the area may be available, it may be a matter of redefining, it may be a matter of moving parking spaces further into the island so we can create those areas but that is the concentration of this Board right night. The Building Inspector also has some information that he wanted to speak about.

Mr. Cantor stated there was one other issue and that was the retention pond.

Chairman Rogan stated and the retention pond needs to be.

Mr. Cantor stated the second retention pond.

Chairman Rogan stated increased in size, correct.

Rich Williams stated that is the proposed.

Chairman Rogan stated for the new phase and I believe that you brought up last time that that pond is on community property.

Mr. Cantor stated correct.

Chairman Rogan stated actions on community property, need to be voted on by the HOA, by the majority of the HOA, so certainly you have some leverage there that I can't speak to.

Ms. Larkin stated maybe, maybe not.

Chairman Rogan stated do or don't but bottom line is we would need certain improvements to be done on site to facilitate the stormwater for phase two. So all of those things would have to be lined up before an approval would be done by this Board, for a final approval.

Mr. Cantor stated okay, so you're looking for our approval before that pond approved.

Ms. Larkin stated maybe, maybe not.

Chairman Rogan stated we are looking for the ability for them to effectuate the changes that they are showing on their plans.

Mr. Cantor stated so basically you are leaving me with the only choice of going into Federal or State court to get an injunction to preclude them from digging, getting a bulldozer and starting to dig.

Chairman Rogan stated I can't speak to that, I'm not a lawyer.

Mr. Cantor stated I mean, I guess I'm asking the Board, if you go ahead and give them authority, what avenues then become available to us to control things that are beyond the scope of.

Ms. Larkin stated a public hearing doesn't do that.

Tim Curtiss stated no, no, you are putting the cart before the horse.

Mr. Cantor stated okay.

Chairman Rogan stated thank you.

Tim Curtiss stated what you are saying is, you're assuming that the Board is going to give them authority to do something.

Ms. Larkin stated the public hearing doesn't do that.

Tim Curtiss stated what the Board is saying is they want to make sure that there is appropriate authority before they give the approval, that's the difference.

Chairman Rogan stated lawyers always say it much nicer.

Ms. Larkin stated (inaudible – not using microphone).

Chairman Rogan stated what Ms. Larkin is speaking about, we are currently, we have an open public hearing, generally speaking we accept, as I had said last time, we accept comments, we bring out these concerns, we close the public hearing. It doesn't close the process, it just means that we accepted and as you've, if you hang around for the next case, as you'll see, we may not have a public hearing open, we still

get public comment, we get written comment all the time and we certainly always accept them into the record and we react to that, we don't just read it and say well it came in, it wasn't part of the, so we are not going to pay attention to it.

Mr. Cantor stated so it is not the intention of the Board to approve their permit tonight.

Ms. Larkin stated no.

Chairman Rogan stated no absolutely not, we are not nearly at that point.

Mr. Cantor stated I misunderstood, I thought that is what JGZ was asking for.

Ms. Larkin stated no, no.

Chairman Rogan stated what we are at a point is making sure that we don't open a public hearing just for the sake of holding it open, there has to be some reasoning. Last time we were waiting for some additional information from Mr. Williams, he has provided that, Mr. Raines has been waiting patiently here to make comments and we are going to turn it over to him.

Dave Raines stated I was enjoying the civil debate.

Tim Curtiss stated good man.

Chairman Rogan stated you like that, we try.

Dave Raines stated thank you for everything. David Raines, acting Code Enforcement Officer, I apologize for my voice. I realize this may not be the proper venue to bring this up but it was, I want to call it an oversight on my part, I realize this is a public hearing for a wetlands/watercourse issue but one of the things that I wanted you to be able to bring back to your client is that, one of the pieces of the infrastructure was not looked during the initial approval of the subdivision were fire suppression tanks, static water supply tanks.

Ms. Larkin stated say again.

Dave Raines stated fire tanks, within the subdivision.

Ms. Larkin stated fire tanks.

Dave Raines stated fire suppression static.

Tim Curtiss stated fire suppression (inaudible).

Dave Raines stated so the local fire departments can adequately provide fire protection to this subdivision. Mr. Williams and I have reviewed the preliminary plan or the somewhat approved plan or whatever you want to call the plan.

Rich Williams stated previously approved plan.

Mr. Raines stated previously approved, we have some input that I will forward to you, I apologize that I didn't know, I didn't realize where we were in this process, I actually thought we were going back for another look at this but that may not be in the case in total.

Chairman Rogan stated not in terms of the layout.

Dave Raines stated right.

Chairman Rogan stated we are looking at the stormwater issues, the road and the infrastructure.

Dave Raines stated right, so I'll send that off, if I can get it out tomorrow and we can have some dialogue with your engineer just to talk about what would work but we would have to have before we issue any permits for any work to be done on any of the lots we would have to solidify and have that in place. I do apologize and its probably not the right venue but I don't know if I'll have another opportunity.

Chairman Rogan stated it's the perfect venue.

Ms. Larkin stated was this something that was supposed to be in the first approval.

Dave Raines stated it wasn't required when the first.

Ms. Larkin stated oh.

Dave Raines stated we didn't have that as part of the review process.

Ms. Larkin stated oh okay.

Dave Raines stated all the subdivisions in the last ten years, nine years.

Ms. Larkin stated okay.

Dave Raines stated we've incorporated that and when I looked at this as just an inland wetlands watercourse issue, I said I will have an opportunity to bring it up when they look at the subdivision again and after talking to Chairman he said, well we may not look at it as a whole again, so I just wanted to bring that up now.

Ms. Larkin stated okay, fire suppression tanks.

Dave Raines stated fire suppression tanks, okay.

Ms. Larkin stated okay, thank you.

Dave Raines stated Mr. Nichols is well aware of what we look for, we have worked with him on several.

Ms. Larkin stated thanks.

Dave Raines stated thank you.

Chairman Rogan stated thank you.

Mr. Cantor stated can you clarify, is that for the water for the pump house.

Board Member Pierro stated its for fire suppression.

Dave Raines stated no, no, its for fire suppression.

Mr. Cantor stated its for the homes in the subdivision.

Dave Raines stated it's a dry hydrant system; there is a buried tank that has a dry hydrant that would come up and out of the ground. You will see around Town the fire department hooks to it and lays hose to wherever the fire would be.

Ms. Larkin stated its for each home.

Dave Raines stated no, no, it would be centrally located.

Board Member Pierro stated no, community.

Ms. Larkin stated centrally located, community.

Board Member Pierro stated and in the past they have been stand alone systems that are filled by either private water companies or the fire department, they are not hooked up to your well system.

Chairman Rogan stated its just a big storage tank.

Dave Raines stated it has nothing to do with the well system.

Board Member Pierro stated its just a storage tank.

Chairman Rogan stated in fact, we have one approved to go in when the subdivision is built on [Route] 292, across the street, Paddock View Estates.

Dave Raines stated right.

Chairman Rogan stated all of the new subdivisions and some of the larger, well commercial projects have their own fire suppression systems.

Dave Raines stated right.

Chairman Rogan stated we have been incorporating depending on the size of the subdivision, the Building Inspector/Fire Inspector.

Dave Raines stated fire inspector.

Chairman Rogan stated gives a recommendation as to size, sometimes they are twenty thousand, sometimes thirty thousand gallon tanks, they are quite large.

Ms. Larkin stated wow.

Chairman Rogan stated and they are improving the fire protection for the greater community, so while they sit on the property here, they certainly could help if there is a fire half a mile down the road.

Dave Raines stated and it also allows you to maintain the insurance rating, I guess if we can't provide the water then the insurance goes up for all the homes in the Town.

Ms. Larkin stated great.

Dave Raines stated so that's, again I realize that this probably wasn't the right venue but I didn't know if I would get an opportunity to bring it. Rich or I will have something to your office.

Ms. Larkin stated okay, thanks.

Chairman Rogan stated Rich, can you pass Mr. Cantor the microphone please, thank you.

Mr. Cantor stated two questions in that regard, maybe, I don't know who is the right person to ask.

Chairman Rogan stated ask and we'll figure it out.

Tim Curtiss laughs.

Mr. Cantor stated would that become HOA responsibility then to manage that system.

Board Member Pierro stated I don't believe so.

Dave Raines stated anything going in, moving forward in the last few years becomes part of the fire protection district within the Town. You already have two fire protection districts that you pay for, one in Patterson and one in Putnam Lake and that would be once it's accepted by the building official, it gets incorporated into that fire protection district.

Mr. Cantor stated okay, I remember, just as an aside.

Dave Raines stated it used to be an HOA issue or a special tax district issue, it's not that way anymore because its not working. We have subdivisions that have defunct systems because there is no longer an HOA or a special tax district.

Mr. Cantor stated there is no one managing it.

Rich Williams stated right, correct.

Mr. Cantor stated when I bought my house, I was one of the, way back when, we were told that the, in fact I had an issue with the insurance company about the house because there are no hydrants, I was told by the fire department because I had to research this all and send it to the insurance company. I was told that the fire department had a tanker truck that is responsible for fighting the fire in that is that still the situation.

Dave Raines stated that is still the situation.

Mr. Cantor stated so this is an alternate to the.

Dave Raines stated right, and without having these static tanks on your, you would see an increase in your homeowners insurance because we have an ISO rating for the Town.

Mr. Cantor stated okay.

Dave Raines stated we have to provide so much water to the scene and within so many miles of the scene, so.

Mr. Cantor stated so this could potentially improve that situation.

Chairman Rogan stated could you hand the microphone.

Rich Williams stated to just clarify a little bit, we have the tanker truck to move the water, we need the water to move.

Tim Curtiss stated yeah.

Chairman Rogan stated right.

Tim Curtiss stated you need the water in storage.

Dave Raines stated once we show up with the two thousand gallons in the truck, we're done.

Mr. Cantor stated you're done.

Dave Raines stated we have several trucks but the point being we need a viable place to replenish that water.

Mr. Cantor stated would they dig a well to.

Dave Raines stated no, this would just be a static tank.

Mr. Cantor stated oh you bring a truck in and fill this tank and then it just (inaudible).

Dave Raines stated just sills.

Chairman Rogan stated we had kicked around the idea of having a dedicated well for these but we figured for the maintenance for the lack when they don't pump. As you know, things like well when they are not used daily they, then when they are needed, they don't work anyway, so we figured we would just be better off having a static tank.

Tim Curtiss stated a static tank.

Chairman Rogan stated Ted, good evening.

Ted Kozlowski stated yes, I would like to just get to the issue which is a wetlands issue and I would just like to remind the Board and I want to be on record that I had asked the applicant to consider relocating that pond out of the hundred foot buffer of a DEC protected stream and remind them that they will need a

wetlands permit from the DEC if they are within that one hundred foot buffer of that CTS stream and I've heard nothing from the applicant's engineer since that time.

Ms. Larkin stated we got a letter from the DEC that we don't need the permit.

Rich William stated could you provide our office with a copy of that.

Ted Kozlowski stated you would have to provide that.

Ms. Larkin stated okay.

Ted Kozlowski stated but also your engineer has to look at moving that out of the buffer.

Ms. Larkin stated we don't need to do that.

Ted Kozlowski stated well you don't need to do that for DEC but the Town of Patterson also regulates that and I am asking your engineer to look at the alternative and he did not do that.

Ms. Larkin stated okay.

Ted Kozlowski stated okay, you need permits if you are within 100 feet of that stream, you need one from the Town of Patterson, which you are presently in front of us for now and you need one from the New York State DEC, okay.

Ms. Larkin stated okay, we don't need one from DEC.

Ted Kozlowski stated okay now, just because the DEC says you don't need one.

Ms. Larkin stated right.

Ted Kozlowski stated doesn't mean you don't need one from the Town.

Ms. Larkin stated okay.

Ted Kozlowski stated there are two regulatory agencies.

Ms. Larkin stated so you want the letter from the DEC.

Ted Kozlowski stated yes, correct.

Ms. Larkin stated and you want.

Chairman Rogan stated and Harry to take a look at moving the pond.

Tim Curtiss stated moving the pond, just an alternative.

Chairman Rogan stated to minimize the impacts to the wetland buffer, which we ask with any application, look at the feasibility of minimizing the impacts.

Ms. Larkin stated you want the letter and you want Harry to consider moving.

Board Member Pierro stated moving the pond.

Chairman Rogan stated Harry had spoken about it when you first mentioned it and he said he would look at the slope, I think that he mentioned that Insite do something.

Ted Kozlowski stated he deferred to Insite Engineering but we wanted a little more than a two sentence response.

Ms. Larkin stated okay.

Chairman Rogan stated okay.

Ms. Larkin stated we'll talk about that, you know he's, a family thing.

Tim Curtiss stated yes, we understand.

Chairman Rogan stated okay, since the public hearing is still open, are there any other questions or comments or new issues that have not been brought up before this Board that anybody would like to bring up at this time. Again, we are not saying that you can't put them in writing, the Board will always accept comment like that but the actually public hearing we've held open, this is now the third meeting, which is now two full months. Anything from anyone, the people that are here, should reassured and I hope that you've gotten that sense that these are issue that we've heard from you and that make a lot of sense and this Board is committed to resolving before this goes forward. Regardless of any relationship issues that you guys have between the owner, the developer and you, these are issues that we've heard and I hope you get a sense that we are committed to resolving these, certainly with out purview. Anything from your gentlemen.

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

Chairman Rogan stated can I have a second.

Board Member Cook seconded the motion.

Chairman Rogan asks for all in favor:

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

Motion carries on a vote of 3 to 0.

Chairman Rogan asks for any opposed.

Chairman Rogan stated okay, where is Mike, ah there he is, Mike you can re-join the Board.

Rich Williams stated are you moving on to the next topic.

Chairman Rogan stated we are going to move on unless you have something to discuss. Okay, you are welcome to stay for the other items.

Mr. Cantor stated can I just ask a question.

Chairman Rogan stated sure.

Mr. Cantor stated when do you expect the actual application to come before the Board.

Chairman Rogan stated well the application is before the Board.

Mr. Cantor stated well the consideration of the approval.

Chairman Rogan stated well we are looking for now, we got a lot of information, we have a lot of information that Dave has to come up with, so the ball is really in their court in some degree. So we will see what they come back with on the engineering, on the roadway issues, certainly we still have communications to have with the Health Department.

Mr. Cantor stated so it's going to be until. Will you notify us.

Chairman Rogan stated we can have Rich reach out specifically to you, I think, we'll ask that and let you know at least that it will be on the agenda and you can certainly make sure that you come and listen in.

Mr. Cantor stated great, thank you.

Chairman Rogan stated great, thank you.

Ms. Larkin stated you'll see us because we'll be there, we'll be doing work there, we'll be on site.

Chairman Rogan stated okay give a second to let the room clear.

Ms. Larkin stated thank you.

Chairman Rogan stated thank you very much, we appreciate you coming tonight. Petrillo Wetland/Watercourse Permit, Sullivan Drive, John.

The Secretary stated you have a public hearing.

Board Member Montesano stated we have a public hearing.

Chairman Rogan stated public hearing, we do.

The Secretary stated yes you do.

Chairman Rogan stated you know, it doesn't say public hearing on the.

Board Member Montesano stated he doesn't believe in public hearings.

Board Member Pierro stated remember the letter, we discussed it last week.

Chairman Rogan stated yes, I'm sorry, yes.

2) **PETRILLO WETLAND/WATERCOURSE PERMIT**

Mr. John Petrillo, the owner, was present.

The Secretary read the following notice into the record:

NOTICE IS HEREBY GIVEN by the Town of Patterson Planning Board of a public hearing to be held on Thursday, January 8, 2009 at 7:30 p.m. or as soon thereafter as may be heard, at the Patterson Town Hall, 1142 Route 311, Patterson, Putnam County, New York to consider an application entitled **“John Petrillo Wetlands/Watercourse Permit Application. Applicant is requesting permission to repair/reconstruct an existing two bedroom residence within the 100’ buffer. The property is located at 36 Sullivan Drive,”** Patterson, New York. All interested parties and citizens will be given an opportunity to be heard in respect to such application.

Chairman Rogan stated thank you, is there anyone here for the Sullivan Drive application, specifically. What I'll tell the audience is that this is application, a wetlands/watercourse permit application to remove a dilapidated house and replace it with a new home. We have John Petrillo here who is the owner of the lot and we will certainly field and questions if anybody has any. Any questions or comments, we do have one in writing that was submitted to us, any questions or comments from anyone in the audience, see now questions or comments. Can I have a motion to close the public hearing.

Board Member Montesano stated so moved.

Chairman Rogan stated can I have a second.

Board Member Pierro seconded the motion.

Chairman Rogan asks for all in favor:

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

Motion carries on a vote of 4 to 0.

Chairman Rogan stated okay, so we do have one item that was submitted to the Board, it looks like an adjoining property owner, what I think they don't understand about this, is that we are building on the existing slab so the excavation on this site other than for a septic systems will be less then for building a house from the site.

Rich Williams stated Mr. Chairman, if I might.

Chairman Rogan stated please.

Rich Williams stated I had a lengthy conversation with that individual, she did understand that.

Chairman Rogan stated she did.

Rich Williams stated she felt there was going to be impact anyway.

Chairman Rogan stated which.

Dave Raines stated let me take.

Board Member Pierro stated are either of these.

Rich Williams stated Shawn, I (inaudible).

Board Member Pierro stated are either of these parcels that this comment letter is about, is one of the parcels that is going to be deeded land on the side or in the rear of that house.

Rich Williams stated no, both of these parcels are hydrologically down gradient of the wetland area we are talking about. One of the parcels and I really didn't read her letter well, so I'm assuming but I know the land that she is talking about that she was concerned with, one of these parcels is the parcel that is next to the gentleman who started bring fill in last year.

Chairman Rogan stated ah, okay.

Rich Williams stated you know where we are.

Board Member Pierro stated right.

Chairman Rogan stated Ted.

Ted Kozlowski stated John, good evening. I'm not opposed to this project and I think it would be a good thing that this site get fixed up, it's I believe an eyesore in the community. However I did, when we all went on the site walk, we did realize that the wetland line on these plans is very inaccurate and I had made a phone call to John, at your office to give you a heads up about that and then I wrote a memo which I did send to Harry Nichols to amend this application and he did not move the line. It is still the same line that is very incorrect, the reason for my concern is not to delay this permit process but the, this is a matter of record, a wetland permit for the future owner of the property and that plan is very misleading, giving the potential new owner that the wetland is further away than it actually is and we need to correct that. We physically measured it as you know, on the site, that wetland is within three feet of that existing shed and within 20 feet of the back of that house and those plans clearly show the wetlands not accurate, so John, we need that corrected. Harry needs to accurately put the line in the right spot.

John Petrillo stated okay.

Ted Kozlowski stated I don't want to hold you up by you know, I'm all for this project but you've got to do that.

Chairman Rogan stated John, I agree with what Ted was saying when we were out there, the lot is what it is, we are looking to replace the house in the existing location, I don't think anybody is against that, we want to make sure that the footprint stays the same for bulk area. There are some jogs in the existing house that you know, we were okay with the idea of straightening out those lines and keeping the same square footage.

John Petrillo stated my only question is, the shed that is on the right hand side, would you prefer that I just removed it, take it off the property period.

Chairman Rogan stated I think that is actually what we had heard you intended to do.

John Petrillo stated right but then somebody had said that it's a small house, maybe they'll need it for.

Chairman Rogan stated I think I did just because I was thinking that there is no garage.

Ted Kozlowski stated leave it, it is there, its your call. Its just that, my concern is that we get this all the time, new owner that buys the property is going to then come to this Board and say well look here's the wetland line and I want to put whatever I want to put there and we all know its not the accurate wetland line. We need is shown so whoever buys that property, has been advised, it has been duly noted, here is your property and these are the limitations.

John Petrillo stated and as far as the patio, do you prefer that I put a future patio, so they don't have to come back in.

Ted Kozlowski stated well that makes it easier for the future owner. The Board was talking about showing an area where they can put a patio and whatever, so they don't have to come back for a permit in the future.

Board Member Pierro stated patio or a deck.

Chairman Rogan stated the grade is you know.

John Petrillo stated well it wouldn't be a deck, it definitely be a deck because of the grade. My only concern is am I better off leaving it and just making meet today's Code and then we are going to have a problem if I move the shed, 10 feet off the property line, is that going to create any further problems.

Chairman Rogan stated I can't see that creating any problem at all.

Ted Kozlowski stated that shed doesn't have a foundation, right.

John Petrillo stated no.

Chairman Rogan stated its just on skid material.

John Petrillo stated okay, so there won't be any problems if I just slide it over 10 feet away from the existing property.

Ted Kozlowski stated as long as its not going into the middle of the wetlands, you know what I mean.

John Petrillo stated no, I've bringing it closer to the house in essence.

Rich Williams stated the only thing I want to interject here is before you move it, check with the Building Department for any permits you may need.

Tim Curtiss stated there is a permit for it.

Chairman Rogan stated yeah.

Rich Williams stated I don't know what Dave is going to, Dave may say go ahead move it but (inaudible).

Tim Curtiss stated he could say go ahead and move it.

Chairman Rogan stated you know John, nobody would fault you for yanking it out of there, if you don't want it on site. Then the new owner has to come in and get a permit for a shed and keep it ten feet off the property line, you know, there is certainly no problem with that.

John Petrillo stated are they going to have a problem, are they going to have come back for a watercourse permit because now they are within.

Chairman Rogan stated because the whole lot is within a.

John Petrillo stated right.

Ted Kozlowski stated my advice to you is.

John Petrillo stated I mean, I want to do it.

Ted Kozlowski stated right as long as you are here in front of the Board and you have the permit process open, my advice to you is make it as easier for the future owner and as well as yourself. I mean, I would look at it, if I was living there, what future improvements would I want and I certainly would want a back patio and I would certainly want a driveway and a walk way to the front of the house, show that all on the plans now.

John Petrillo stated that's not on the plan.

Ted Kozlowski stated I'm not sure about the driveway and the walk way.

Chairman Rogan stated the driveway is.

Ted Kozlowski stated get it all, get it all done now because everything on the property is going to be within 100 feet of the wetland, so let's get it done now.

John Petrillo stated okay, so I'll leave the shed, I'll pull it over, ten feet (inaudible).

Chairman Rogan stated the shed on the new plans, is shown as relocated, I just realized, yeah because we just got these plans.

Ted Kozlowski stated plus that shed is shown on the plans.

John Petrillo stated that is inaccurate.

Ted Kozlowski stated the wetlands permit in Putnam Lake. They have a shed that does not have a foundation, if the future owner wanted to move it anywhere else on that property, would they need a permit from you.

Dave Raines stated if it is over one hundred and forty-four square feet they would.

Chairman Rogan stated just to move it.

Dave Raines stated to have it legally there, to place it within the proper setbacks. If it's over 144 square feet, then it needs a building permit.

John Petrillo stated that.

Dave Raines stated okay.

John Petrillo stated its your Code, what's on there is not correct, the design of the shed, it doesn't (inaudible).

Ted Kozlowski stated Harry should fix that.

Dave Raines stated its not in the right place, either.

Tim Curtiss stated that is where it will be once its moved ten feet off the property line.

Chairman Rogan stated okay.

Board Member Cook stated Shawn.

Chairman Rogan stated yeah.

Dave Raines stated (inaudible).

Board Member Cook stated plus we discussed at the work session about a fence.

Chairman Rogan stated we were going to get to that backyard issue, that is a whole, there is a bunch of stuff we have to figure out.

Dave Raines stated did that answer you question, Ted.

Ted Kozlowski stated yes.

Chairman Rogan stated Charlie just brought up the back yard, while we were on site, again, as Ted has said, the main thing is know on the plan where that wetland is, its pretty obvious right now because he was willing to say, the edge of the water, we measured it off the back of the house, it was like twenty-three feet. What we had talked about was should we set up a point certain in the sand where we have some kind of a fence, more than just a physical demarcation of triangles. There are no trees to put them on to be honest with you there, a berm, something that says on the plans that says here is the limit, you're not going to go

over this into the wetland and you can use any of that space between the fence and house, which would be say twenty feet.

John Petrillo stated one of the things, if you noticed on the layout of the property there is no access to the rear of the house, those are where the two bedrooms and the bath are. So the only place that somebody is really going to utilize would be on the side, where we are proposing for them, at some point into time if they want to put a future patio and where the shed would be. That is really the only place that they could really use the property and that actually is the most private because once we take the driveway away, you won't really be able to look into there once you plant a few trees.

Chairman Rogan stated okay.

John Petrillo stated you know making a berm is not a problem and.

Ted Kozlowski stated well (inaudible).

Chairman Rogan stated well I'm not a particular fan of a berm, I would rather see some kind of fence or something where you decide the wetland line is, some kind of a, we had said some kind of a stockade.

Board Member Cook stated stockade.

John Petrillo stated okay.

Chairman Rogan stated a little more than post and rail where they can just throw garbage through it.

John Petrillo stated okay.

Chairman Rogan stated which brings us to our other point that everybody noticed out there and its certainly not your fault, we are not saying it is but now that you own the property.

Rich Williams stated there may be an issue with the stockade fence and if you go all the way over to the road as the wetland line does, then you are in the front yard on that road side and its limited to four feet.

Chairman Rogan stated okay.

Board Member Pierro stated because it's a corner lot.

Rich Williams stated yes.

Chairman Rogan stated okay, we can't change that.

John Petrillo stated I mean, you're saying it can be a three foot or a four foot fence, is that okay.

Chairman Rogan stated I would go with whatever the max is though on that because the intent is to keep these people out of this wetland.

John Petrillo stated okay.

Chairman Rogan stated a lot of, what we noticed right where we measured was probably when the guys were originally doing the work to the house a couple of years ago. There was a sump pump in a five gallon bucket stuck in the wetland probably where they were drawing water out, maybe they were mixing concrete.

Dave Raines stated well there was no electricity.

Chairman Rogan stated or something else, no, no, so its just garbage in the wetland at this point.

John Petrillo stated it's there now.

Board Member Pierro stated yeah.

Chairman Rogan stated it was there when we were there a month or so ago but there is a lot of debris that has been thrown in.

John Petrillo stated we will clean it up, we are in the process, I already spoke to my adjoining owner.

Chairman Rogan stated my neighbor to the west.

John Petrillo stated and I told him that I would dedicate and give him a piece of property for a dollar and I also explained to him that he would be needing to get all the debris that's on that property off, which he said he would take care once he owns the property.

Chairman Rogan stated wow, that is a good deal for him, that makes his shed legitimate and we get the wetland cleaned up, we appreciate that.

Ted Kozlowski stated do you have to, and I hate to say this because you are moving it, do you have to give him ten feet of property.

Chairman Rogan stated it looks like he's doing twenty.

John Petrillo stated I was going to give him the lot because we have, I think we have a sufficient amount and I just wanted to verify that with you guys before.

Chairman Rogan stated well we don't have an area requirement for this application, if he gives him a lot that was a vacant parcel that was combined.

Rich Williams stated there are two issues, one is that there are area requirements and we have to make sure that you know neither property becomes more non-conforming. Taking a look at it, I don't believe that is going to be the case.

Chairman Rogan stated okay.

Rich Williams stated but you know, to give him a lot, there certainly needs to be a lot line adjustment plat filed.

Chairman Rogan stated right.

John Petrillo stated we'll come back for that separately.

Board Member Pierro stated but if he give him a lot, is that going to prevent him from putting up the fence in the rear of the property.

Rich Williams stated no.

Chairman Rogan stated no, okay, so we are looking at getting the edge of the wetland properly shown on the plan. If you have idea where you think they would want to put some kind of a patio or something, like you said, future.

John Petrillo stated I did do that, I told Harry where I wanted it, it should be on the plan.

Chairman Rogan stated okay, its not.

Board Member Montesano stated question John.

Chairman Rogan stated you want to look at the plan that we have, you can take my copy.

John Petrillo stated didn't he send you in something just recent.

Chairman Rogan stated this just came in, take a look at that.

Board Member Montesano stated when you give that guy the lot for the dollar, see if he'll put come kind of fencing.

John Petrillo stated future patio.

Chairman Rogan stated oh, I apologize.

Board Member Montesano stated when you give him this piece.

Board Member Pierro stated I didn't see that with my glasses.

(inaudible – too many speaking).

Chairman Rogan stated on the north side of the house.

Ted Kozlowski stated we measured it off (inaudible).

John Petrillo stated twenty feet.

Board Member Montesano stated John, when you get your dollar, and you talk to him, see if he's willing to put a fence up over here so the debris doesn't go any further.

Chairman Rogan stated remember how steep that was though.

Board Member Montesano stated yes, I'm just wondering if he ran it, that's twenty feet you're getting.

Chairman Rogan stated yeah.

John Petrillo stated would I be able to keep one.

Chairman Rogan stated yeah, you keep that one, keep that copy, yes. What we were saying was, we were assuming that the property owner would want the patio off the back of the house, John is saying because of the layout of the house, it would be more likely it would be to the north side of the house which was the side that currently has the shed on it, correct.

John Petrillo stated correct.

Chairman Rogan stated okay.

Rich Williams stated I would agree with that, I was surprised that you were talking about a patio on the back, I didn't see where it would work.

Board Member Montesano stated that is when we were on the trip.

Chairman Rogan stated and I didn't know the layout, I was expecting that some kind of a kitchen walk out would be to the back of the house just you know, the lack of having the floor plan.

Board Member Montesano stated we had the idea of a deck going in.

Chairman Rogan stated yeah.

Board Member Montesano stated but this is a patio and all straightened out.

Chairman Rogan stated but the main idea about the fence is just again, so we don't end up with cleared area right to the edge of the water and stuff getting thrown in there.

John Petrillo stated okay.

Chairman Rogan stated anything else from anyone.

Board Member Pierro stated that's it.

Chairman Rogan stated no, okay, thank you.

John Petrillo stated thanks, will we be put on for the next.

Chairman Rogan stated if we get something from Harry, if we don't have a new submittal.

John Petrillo stated when does he have to have it in to you.

Chairman Rogan stated what is the deadline, Harry knows when the deadlines are.

John Petrillo stated well just tell me because.

Ted Kozlowski stated two weeks.

Rich Williams stated its two weeks and twos days before the next meeting which is.

Board Member Montesano stated February 4th.

Rich Williams stated call the office.

The Secretary stated I think its (inaudible).

Rich Williams stated if I say the 17th, it won't be.

The Secretary stated the 17th is a Saturday.

Ted Kozlowski stated the 17th is a Saturday so it would be the 19th.

The Secretary stated no.

Chairman Rogan stated how about two weeks and two days before the meeting.

The Secretary stated it's the Tuesday after Martin Luther King Day.

John Petrillo stated which is.

The Secretary stated the 20th, I believe.

Chairman Rogan stated okay.

3) 17 COUCH ROAD SUBDIVISION – Set Public Hearing

Mr. Joseph Buschynski of Bibbo Associates was present.

Board Member Montesano stated okay in the matter of Couch Road Subdivision, I would like to set a public hearing for February 5th.

Board Member Pierro stated so moved.

Chairman Rogan stated can I have a second.

Board Member Pierro seconded the motion.

Chairman Rogan asks for all in favor:

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

Motion carries on a vote of 4 to 0.

Chairman Rogan stated we actually made this motion at the work session, we are just codifying.

Board Member Montesano stated right.

Chairman Rogan stated memorializing it.

Board Member Montesano stated this way its out here (inaudible).

Chairman Rogan stated I noticed we have people, do we have anyone here from Couch Road Subdivision.

Board Member Montesano stated Joe is here.

Chairman Rogan stated he is, there he is. Hi Joe, well actually other than setting the public hearing do we have anything new to discuss tonight.

Mr. Buschynski stated no.

Chairman Rogan stated okay, I didn't think so.

Board Member Pierro stated thank you Joe.

Chairman Rogan stated well said Joe.

Tim Curtiss laughs.

Chairman Rogan stated Joe wants to watch the game too.

4) D'AMBROZIO FAMILY RESTAURANT AND TAVERN – Sign Application

Mr. Joe D'Ambrozio, the applicant, was present to represent the application.

Chairman Rogan stated okay, D'Ambrozio Family Restaurant and Tavern, sign application.

Mr. D'Ambrozio stated yes.

Chairman Rogan stated here they are, good evening.

Mr. D'Ambrozio stated good evening, how are you.

Chairman Rogan stated good how are you, can you just come up please and state your name for the record sir.

Mr. D'Ambrozio stated my name is Joe D'Ambrozio.

Chairman Rogan stated good evening Joe, welcome. Where are you from Joe.

Mr. D'Ambrozio stated I am from Paramus, New Jersey.

Chairman Rogan stated welcome to Patterson Joe.

Mr. D'Ambrozio stated and my brother who is my partner, is from Kent.

Chairman Rogan stated okay.

Board Member Montesano stated I guess you go lost then, thought you were coming to Paterson.

Mr. D'Ambrozio stated exactly, thought I went to Paterson, New Jersey, right.

Ted Kozlowski stated wasn't that a t-shirt.

Chairman Rogan stated well Joe, we welcome you to Patterson and we hope that that ends up being a good location for you.

Mr. D'Ambrozio stated yes.

Chairman Rogan stated we are looking for nice businesses in Patterson and I hope that you do very well there.

Mr. D'Ambrozio stated thank you.

Chairman Rogan stated these applications, two different signs, one is replacing the old sign that was on the posts.

Mr. D'Ambrozio stated correct.

Chairman Rogan stated and the other one is a building mounted sign and a banner.

Mr. D'Ambrozio stated correct, attached to the canopy.

Chairman Rogan stated let's start with the stand alone sign.

D'Ambrozio stated sure.

Chairman Rogan stated if the Board will, the stand alone sign, we had actually, for the previous owner, had approved for them to put the sign up. The only thing was they were supposed to remove, at the time there were existing flood lights.

Mr. D'Ambrozio stated they are gone.

Chairman Rogan stated I believe they are gone.

Mr. D'Ambrozio stated we got rid of them because they were hazard.

Chairman Rogan stated do you need any.

Mr. D'Ambrozio stated illumination.

Chairman Rogan stated or are you planning on any illumination.

Mr. D'Ambrozio stated yes, green illumination.

Chairman Rogan stated green illumination.

Mr. D'Ambrozio stated green lights, which we are going to use lights that are going to use less electricity.

Chairman Rogan stated okay and how are you thinking about mounting them or having them.

Mr. D'Ambrozio stated they are going to be mounted on the poles itself, on the sides.

Chairman Rogan stated okay.

Mr. D'Ambrozio stated and then they are going to just bend down, pointing at the sign, this way there is no illumination going out to the roads, so we don't worry about the lights. It is only going to be one light on one side and one light on the other side.

Chairman Rogan stated okay, so we would just want to make sure that any light that you propose has covers that are shielded that just focus the light.

Mr. D'Ambrozio stated yes, one of the advantages that we have here Mr. Chairman, is that my brother is a New York State License Electrician.

Chairman Rogan stated oh, now you're in trouble.

Mr. D'Ambrozio stated and, sorry I mentioned that, let's strike that from the record.

Chairman Rogan stated I had actually, Dave you had mentioned that one option could be to use, the strip lights, you were talking about that would shine down.

Mr. D'Ambrozio stated we can do that too.

Chairman Rogan stated whatever serves your, as long as we get some kind of an idea of what you're doing. You can check with Rich, to make sure that, prior to installing it, I'm sorry, Rich Williams is our Town Planner, if you haven't met him yet.

Mr. D'Ambrozio stated sure, I'll bring it over to you, we'll bring you the design.

Rich Williams stated I just need a spec sheet or (inaudible).

Mr. D'Ambrozio stated sure, no problem at all Rich.

Chairman Rogan stated just so that we don't end up with you spending the money and you put it up and then we don't.

Mr. D'Ambrozio stated we'll present it first.

Chairman Rogan stated that'd be great.

Mr. D'Ambrozio stated no problem.

Chairman Rogan stated from what I recall, the size of the proposed sign in this case meets with the Zoning.

Mr. D'Ambrozio stated just one little correction in the notice Rich, it's burgundy letters with an all white background and it's painted on.

Rich Williams stated what did I do, reverse it.

Mr. D'Ambrozio stated no, that's the way it is, unless if I made a mistake filling out the application, but its burgundy letters with a white background.

Rich Williams stated white background.

Mr. D'Ambrozio stated yes.

Chairman Rogan stated so you have a four by six, a twenty-four square foot sign.

Mr. D'Ambrozio stated correct.

Chairman Rogan stated you're going to bolt it to the posts.

Mr. D'Ambrozio stated correct.

Chairman Rogan stated since you provided us with these nice pictures showing the parking lot, one thing just for conversations sake. The Board noted that the, either when they had re-paved the parking lot or whether you had done, there is not parking lot striping for the spaces.

Mr. D'Ambrozio stated right.

Chairman Rogan stated its not a requirement of this sign permit but it would be, you put these curb stops, these six by sixes.

Mr. D'Ambrozio stated yes.

Chairman Rogan stated do you have any problem where the sign is located that anybody could potentially drive into your posts.

Mr. D'Ambrozio stated actually no, we've been monitoring that very, since we've opened up Monday, we've been monitoring it very closely and there have been no problems at all.

Chairman Rogan stated okay.

Mr. D'Ambrozio stated but if you would like us to put a yellow line around where the posts are at, we'll do that for you.

Chairman Rogan stated you know, it looks like the way you lined it up that your curb stop. You give enough room between them that you could have a reservation area that is not for parking, so people would not park in that area.

Mr. D'Ambrozio stated I can do that, if the Board wishes that, we can set that up.

Chairman Rogan stated well I don't want anybody to know your sign down.

Mr. D'Ambrozio stated I know, thank you.

Board Member Montesano stated it's a possibility.

Mr. D'Ambrozio stated right, sure, no problem at all.

Chairman Rogan stated on the free standing sign, any other comments from the Board or from Rich, anybody has.

Board Member Pierro stated no.

Board Member Montesano stated no.

Chairman Rogan stated I need a SEQRA Determination and a motion on that sign, it's a four by six sign.

Board Member Pierro stated in the matter of D'Ambrozio Family Restaurant and Tavern, I make a motion that the Town of Patterson Planning Board grants a negative determination of SEQR and votes to approve a twenty-four foot pole mounted sign with some sort of cascading light detail.

Mr. D'Ambrozio stated lighting, to be approved by the Board.

Chairman Rogan stated as per Mr. Williams.

Board Member Pierro stated okay.

Board Member Montesano seconded the motion.

Chairman Rogan stated okay, we had a second, just so we are clear, you're going to, whatever lighting is proposed, you'll just double check with Rich.

Mr. D'Ambrozio stated with Mr. Williams, no problem.

Chairman Rogan stated I have a second.

Chairman Rogan asks for all in favor:

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

Motion carries on a vote of 4 to 0.

Chairman Rogan asks for all opposed.

Chairman Rogan stated the other sign is to go on the arch of the front entrance way.

Mr. D'Ambrozio stated correct.

Board Member Pierro stated the canopy.

Mr. D'Ambrozio stated canopy.

Chairman Rogan stated so it is attached actually to the canopy.

Mr. D'Ambrozio stated correct.

Chairman Rogan stated okay.

Board Member Montesano stated its eighteen square feet.

Chairman Rogan stated and the colors.

Mr. D'Ambrozio stated will be the white background with burgundy letters too.

Chairman Rogan stated and we have, I have a copy of what you have.

Board Member Montesano stated okay.

Chairman Rogan stated I appreciate that and how do you attach that to the canopy.

Mr. D'Ambrozio stated it is being attached by the current canopy is wrapped with roping.

Chairman Rogan stated okay.

Mr. D'Ambrozio stated the way it's been, we are not using roping because roping after awhile it decays away, we are using zip ties.

Chairman Rogan stated okay.

Mr. D'Ambrozio stated and it's very, very light, it's almost as light as this paper here, it's really light stuff.

Chairman Rogan stated okay.

Mr. D'Ambrozio stated and we have grommets in it, to wrap around it.

Board Member Montesano stated (inaudible).

Chairman Rogan stated and that is also well within the requirement for the square footage, correct Rich.

Rich Williams stated correct.

Chairman Rogan stated okay, Rich do you have any concerns with this sign.

Rich Williams stated no, I don't.

Chairman Rogan stated okay, anybody from the Board. I'm looking for a motion and a SEQRA.

Board Member Pierro stated in the matter of D'Ambrozio Family Restaurant and Tavern, 3161 Route 22, I make a motion that we grant a negative determination of SEQR for the canopy mounted sign, to be placed above the front door.

Board Member Montesano seconded the motion.

Board Member Pierro stated and, second, you want to react to that motion.

Chairman Rogan stated we have a second.

Board Member Montesano stated I said second, but (inaudible).

Chairman Rogan asks for all in favor:

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

Motion carries on a vote of 4 to 0.

Board Member Pierro stated and in the matter of D'Ambrozio Family Restaurant and Tavern, 3161 Route 22, I make a motion that the Planning Board grants a permit approval for the canopy mounted sign to be placed above the front doors at that location, as written in the application provided by the applicant.

Board Member Montesano seconded the motion.

Chairman Rogan asks for all in favor:

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

Motion carries on a vote of 4 to 0.

Chairman Rogan stated okay, we wish you the best of luck.

Mr. D'Ambrozio stated pleasure.

Chairman Rogan stated we hope it is a good location for you.

Mr. D'Ambrozio stated thank you, hope to see you there for dinner.

Board Member Montesano stated it is your younger brother or your older brother.

Mr. D'Ambrozio stated he's my younger brother.

Board Member Montesano stated that's it.

Mr. D'Ambrozio stated thank you very much.

Board Member Pierro stated good luck sir.

Mr. D'Ambrozio stated thank you.

5) I.O. WELLNESS CENTER – Sign Application

The applicant did not appear.

Chairman Rogan stated okay, I.O. Wellness Center, sign application, do we have anyone here for the I.O. Wellness, nobody's here. Well let's table it now, in case they show up later, we can always react to this later.

Board Member Pierro stated okay.

6) PATTERSON CROSSING RETAIL CENTER

Chairman Rogan stated Patterson Crossing Retail Center, is anybody here for that.

Mrs. Ryan stated can we put that off until the end.

Chairman Rogan stated sure.

7) GUIDING EYES FOR THE BLIND

Mrs. Theresa Ryan and Mr. Andrew Leonard of Insite Engineering and Ms. Jane Rusenberger of Guiding Eyes were all present to represent the application.

Chairman Rogan stated Guiding Eyes for the Blind. Good evening Theresa.

Mrs. Ryan stated how are you.

Chairman Rogan stated we're good, how are you.

Mrs. Ryan stated good, thanks. Happy New Year.

Chairman Rogan stated Happy New Year to you as well. Who is with you tonight.

Mrs. Ryan stated is this on.

Ms. Russenberger stated I think so, I'm Jane Russenberger and I am just going to give you a quick brief of what we are asking to do. I'm the director of the Canine Development Center at Guiding Eyes, I've been there for 20 years, so I've probably seen some of you before. Just really quickly what we do, just so you get the gist of it, we've placed 7,000 guide dogs with people throughout the U.S., we place them at no charge to the people who get them. At the center we breed the dogs, we keep them there for about one to three weeks, these are the adults that come in for, males and females, they live with local families. They go back home again after the breedings are done, then the moms come in a few days before they have their pups, have their puppies and then they go back home to the local families. Then the puppies stay with us until they are about six weeks old and then they go back forth with local families who are volunteers for a few days and come back in and out for training. Once the puppies are ready to go.

The Secretary stated hold on.

Ms. Russenberger stated sure thing.

Chairman Rogan stated (inaudible).

(Side 1 ended – 8:29 p.m.)

Ms. Russenberger stated all set.

Chairman Rogan stated thank you.

Ms. Russenberger stated so once the pups get through their, about twelve weeks, anywhere from eight to twelve weeks, we place them with the puppy raisers, while they are coming back and forth with the home socializers which, we have about twenty-five people in Patterson but there are quite a number of them through out the area. These puppy then get raised by the puppy raisers and we oversee that also, from the canine development center but it's the whole east coast where we have the puppy raisers at. There are 450 puppy raisers out there and they keep them until they are eighteen, nineteen months old. They go in and then all the training and everything else from that point goes on in Yorktown with placement with the blind people. So we take care of the baby part of it. So the project and what we really want to talk to you about is over the last few years, we've been doing some research, we had some off site work done from 2000 to 2004 where we took eight litters and really socialized them according to some of the recent research. We had a success rate of sixty percent with those puppies versus forty percent with the puppies, same exact breeding, brought them back in and what we are learning is that there is a lot that you can do from the time the puppies are one week old to twelve weeks old, very, very key. So, we've been enlightened, we've really looked at how can we do this in house, what do we need to do to have it happen, and so on a small scale we've been trying it out. These things require us to make some changes in our facilities generally the key points, that I want to tell you quickly are, increased socialization for the puppies requires more space, our whelping kennel pens are very small so we'll go through what we plan to do, not to make our footprint in the whelping kennel bigger but to use the space better for the moms and pups. To socialize the puppies more effectively indoor and outdoor, we need to have real life situations so that some of the outdoor fence

spaces that we are speaking of, we just need to have the puppies safe, we've been using our parking lot to do a lot of it but we are dodging cars all the time, its not really the best for them and we need situations where the puppies are exposed at young ages to traffic and things like that so we are suggesting a parking lot space that is safe that we can have the dogs be in that they won't roll down the hill or get hit by cars and things. So these are the key things, we also know that in Yorktown, we about three years ago, I think it was, we made our outdoor kennels become indoor kennels with a great reduction in noise to the local neighbors but it also helps us because we can use that same space for bigger pens for the dogs, we are not looking at all to increase the number of dogs. We actually, since I spoke to you, about ten years ago, we actually have decreased the number of puppies we breed there because of the number of success. We want to make the pens bigger, give the dogs better care and also provide a home like environment for the dogs, Andrew will explain a lot more about that, I won't go into a lot of detail. Supervised outdoor time with them versus, we have a traditional kennel, that thing was built as a boarding kennel and its really not very adequate and its not that nice for the dogs and they are not that happy going in and out of these pens. We can't even supervise them because they are all in these like little slots, so they bark when we let them out to go to the bathroom, we've been trying to using our, I don't know if you know the sandy area in the back but the dogs have been really happy going up there with supervision. Like you would if you had a fenced little yard or something, you take your dog out, let them do their business, let them run around a little bit but we are out there with them, so those are the kinds of things we want to do for the dogs. We've also had, we have a Cryogenics Center, we have a veterinary hospital there and they are a little bit undersized, we are kind of a model for socialization and for breeding and for the care of our dogs throughout the world of guide dogs, where we can test systems and so forth so we have people from all over the world, coming in small numbers like one or two, a veterinarian may come from another country. And I think to the Town of Patterson it is a source of pride, you know what we have here and it's really a unique facility. So not only do we think that's a very big help to you guys, it's of course to help us do our mission better, but the Town, I think the look of the building will be much better, these older buildings are the ones we are addressing and they are not particularly good looking and you have some drawings and I think that will address some of that as well. So I'm going to turn it over to Andrew, oh I'm sorry.

Board Member Pierro stated Andrew, you've changed.

Mrs. Ryan stated I'm not going to ask you for the better or worse. I think you are all familiar with where the site is, its on Route 164, its just east of Farm to Market Road where it is on [Route] 164, its accessed with a single driveway, there is an existing administration building, kennel building, a separate kennel building, and a couple of out buildings. We were back before this Board, I think in 2001, 2002, to have some site improvements and one of them included the existing stormwater basin. The site right now exists with thirty-one acres of property, which you can see here, this is the extent of the property. I'm sorry Andrew, but basically this upper part is very steep and not usable we don't plan on touching anything there, Andrew will get into where we are proposing some development for the program but we are going to be below the southern half of the property is not going to be used at all. The site also contains some wetlands that we recently had flagged and we would like Ted to, when he gets a site walk out there, to verify those flags while they are still there. The wetland runs from the middle of the eastern side of the property and comes through, contains the pond and then follows a watercourse, either side of a watercourse that discharges to the west. This is the buffer line from the newly flagged wetlands and you can see that some of the improvements are already in there including a stormwater basin that we designed a few years ago. It appears that, to meet the DEC requirements, I don't think we are going to have to get DEP approval because we are anticipating around 60,000 square feet of re-development so we won't meet their threshold and we don't meet their threshold for the impervious but we will have to meet the DEC requirements. So we will probably have to go into the buffer to make some improvements to this existing stormwater basin and maybe add some additional stormwater improvements to the east of the existing facility. We are also

going to try to incorporate some better site design practices within the landscaped areas that Andrew will eventually show you. So now I'm going to turn it over to Andrew Leonard who prepared the master plan for the project and.

Mr. Leonard stated thank you.

Chairman Rogan stated good evening Andrew.

Mr. Leonard stated good evening, this is the real Andrew.

Chairman Rogan stated Andrew what's your last name.

Mr. Leonard stated Leonard.

Chairman Rogan stated Leonard.

Mr. Leonard stated Leonard, yes. Just so you know my background, I'm a landscape architect out of Massachusetts, with a background in dogs, my wife is a dog trainer and is also training with the system that Guiding Eyes is actually talking about using. So I am very familiar with the dog needs as well as with the landscape requirements and I am working with Insite on those. The challenge that came before us when Guiding Eyes first talked to me was the need to look at this from a campus perspective as well as to look at this from the dog perspective. One of the things that has been missing on this site is that the, from the dog perspective, there is no safety zone, there is no relaxing space, it's all about the human function of caring for dogs. So what we want to do is connect the facility to a campus and for those of you who have been there have seen, its kind of a cluster of on going, oh we need a little bit more, we add on, oh we need a little bit more, we add on. As well as make some improvements, not just for the dogs life but also for some of the uses and some of the neighbors and as Jane said approving the aesthetics of the facility, as well as taking into consideration the noise factors of dealing with dogs, primarily feeding time and primarily morning and evenings when it is time to go out or do something, we are moving those uses indoors from outdoors. Right now they are outdoor, unsupervised and we are moving all those indoors. So I will take you kind of through the site, there is a master plan level here, you can see that this is the thirty-one acres here and we are staying well in the bottom half of it, one thing that should be noted is with the steep topography of the site, it is similar in topographic change to Thunder Ridge, to give you guys an idea of the whole site, that is one of the main reasons, Theresa said we are dealing with the bottom. As you come into the drive, we would love to resolve the issues, I don't know if you have ever driven into the site, there is a conflict as the entrance that we need to look at but when you arrive into the parking lot right now, there really no sense of arrival, you don't really arrive anywhere, you see the original house which was a raised ranch from way back in the day. We have some accessibility issues that we need to address which are part of the plan but I will start with the building massing, what we want to do is make this look a lot more like a connected farm house, being a little more vernacular with the architecture. Dealing with main house and barn, that style which is kind of, you can kind of see it in the massings that you received by we will have to do some more elevations to show you the architectural character once we get a little further along but the goal is when you drive down the street, it looks like a bigger version of what you may be seeing around Town with the main houses and the barns. The existing breeding kennel is right here, we are looking to change that kennel to basically have an interior connection. Right now, everyone has to walk outside into the parking lot, God forbid they drop a leash and the dog ends up in [Route] 164 or if you've walked between the buildings you know that it pitches dramatically there so we are looking to create an interior connection so a lot of these activities can stay inside and minimize that amount of barking dogs outside. Also, looking to, in the breeding kennel, maintain the same number of kennels, same number of dogs, the

improvements there are what Jane may be mentioned a minute ago, what we are calling living together, we want the staff integrated with the dogs, they are not going to be the traditional run kennels where it is hard to supervise, hard to interact with the dogs, we want relaxed dogs which helps in the breeding, they help in the management, they help in the training but also help with its relationship to everybody else around because happier dogs are quieter dogs. We are also looking to include training space, testing spaces, basically what is missing are the locations to help the staff prepare the guide dogs for the future, and that is the main focus of the building expansion is in those areas and then we basically are re-vamping the kennels themselves into something more appropriate. We have some, that is kind of the building massing, then we have for site improvements we are looking to re-do the entry between the buildings to create a courtyard with an accessible route, it will be a universally acceptable route, so everyone will go up the same way, re-organize that parking along this edge to flatten it out so it actually safer to park and safer to walk into the building and as well it creates what we are determining an defensible edge, so if someone is walking with a dog between buildings they are not immediately in the parking lot. Within the parking itself, we are looking to re-organize like I mentioned here, also create a parking expansion to the north west of the lot, based on the wetland buffer zones, and existing utilities and topography this is the only location that we would have left to expand any type of parking. We are in the midst right now of an analysis of the parking, who is using, when are they there, we have differences in this facility between full time staff, volunteers, pick up and drop offs for the breeding program, so we are analyzing all those categories so we can discuss whether twelve is the exact number, we'll be able to provide that when we get a little further along. We know from what research we have done so far, that is what generated the number twelve, just so you guys know where that is coming from. We are, as Theresa said, are going to need to look at the stormwater aspects within all these hardscape locations, we are looking to go as green as possible, looking at permeable pavements, looking at alternative solutions to minimize run off and keep and improve the landscape character of the front, which right now is a little lacking no offence. Now in terms of the expansion of the, what we are calling outdoor enrichment, the goal of these outdoor spaces are not unsupervised runs, so they are not looking to expand the number of dogs, no looking to just leave dogs outside unattended, the key aspect to the program that they are doing is socialization which is dog to dog and human to dog interaction, it is training on lead and off lead training, so with a leash and without a leash, which requires enclosed safe spaces, as well as some exercise, all of which is to be supervised. This is something that Jane and I have talked about from the beginning is that you need the supervision to deal with the training and to deal with the preparation because these are specialty dogs, it's not a dog at your house, you let him outside and you say eh, if he jumps a fence, if he eats something, these are specialty dogs, not inexpensive dogs, that need to correct guidance and training in order to serve their job down the road when they go to Yorktown and that is the success rate that we are talking about, which again like I said is dog to dog and human to dog and also, what we are doing in the outdoor enrichment areas, we will be creating, it looks kind of like a playground, if you look at the, like a pre-school playground, its actually purposeful, we are going to be setting up little sway bridges so that the dogs can really develop their bodies with their minds so when they go to get their formal training, they can say oh I've seen that before, I've walked over a bridge before, oh these open metal stairs, they don't scare me, so they really can focus on helping their person. So that, these outdoor enrichment areas here, which we purposely put behind the building, so when they are out there, they will in supervised groups with staff as well as behind the building with the building serving as a visual and auditory barrier, also with direct connections in and out of the building so that we don't have any accessibility issues on the higher grades. The other, so this is the younger dogs, the critical age dogs that Jane was talking about, we also have training and outdoor enrichment aspects for the older dogs, do the broods and studs, as well as for the dogs that are in evaluation to become broods and studs. These outdoor enrichment areas are meant to exercise and train both on and off lead for an adult dog so the scale is proportionately larger. The goal of these areas is very similar, for example doing what is called a recall, when the dog is away from you say come and the dog comes and is there, which is critical obviously for down the road, these also serve as exercise areas again, supervised, I guess in terms of, I guess what I'm

trying to get at, is in terms of a traditional run, that is not what we are going for, we are going for a fenced in yard that is supervised. The exercise again is intended to have quieter, happier dogs when they are brought back to the kennel again that is operational system that we are still in the process of working on with Guiding Eyes. That would be located again, behind the building, up on the hill. In terms of disturbance, we are looking to really minimize disturbance to the site, we want to re-use the existing disturbed area as much as possible, be as efficient as possible with our connections and really, this is the existing woodland edge, we are looking to stay within in that existing woodland edge area of disturbance, minimize the expanded footprint, relate to the existing topography and be as green as we can. For example, most of these areas in the back will not be impervious, they will be pervious surfaces, maybe even some artificial grass, artificial turf type surfaces that can handle the abuse but again good infiltration locations and we are trying to be as conscientious as we can of the neighbors by moving as many activities as we can as far away from the road and as far away from the neighbors as possible. I think that's a general summary, is there anything else that you can think of that I need to describe.

Mrs. Ryan stated unless the Board wants to discuss some of the items in Rich's memo.

Chairman Rogan stated sure.

Mrs. Ryan stated I think the access (inaudible – not using microphone). I think it was mentioned that it doesn't meet today's standards, so, I don't know if you want to discuss options for that. They have been operating at this facility for a great number of years with this particular access but there are some things that we can do to maybe improve that.

Chairman Rogan stated what are you thinking.

Mrs. Ryan stated there could be pull offs, we had discussed realigning this entrance better, it is going to be very difficult to expand the width of this road at the bridge, at the spillway here but we could provide some pull offs on one side or the other. So that the traffic would conflict as they were crossing over that narrow area but we would like to minimize the amount of impervious there, if we can.

Board Member Montesano stated Theresa, how does an emergency truck get to the back of those buildings.

Mrs. Ryan stated how do they get there now.

Board Member Montesano stated no, I know how they get there now, what I'm talking about is you are going to fully fence in that area, how does a truck get through to get to the back in case of an emergency.

Mrs. Ryan stated well we are going to be closing this off with building, I'm not sure how they would get there now unless they drove around on the grass.

Board Member Montesano stated because you can, what I'm saying is.

Mrs. Ryan stated but we would have to talk to the Fire Code Enforcement Officer on that.

Chairman Rogan stated as if on cue.

Board Member Montesano stated uh-huh.

Chairman Rogan stated he's shaking off.

Dave Raines stated I think we have to look at fire access way. A means of fire access, you also have to take into consideration on your fence design, we would have to include gates that open in to provide access to the building whether with ladders or what not, without compromising the security (inaudible) for the dogs. That is something that we need to consider as we move forward.

Mr. Leonard stated and any information that you have on widths and equipment that would need to get through, would be great.

Mrs. Ryan stated and I'm sure you'd like to visit the site too.

Board Member Pierro stated what about sprinkling that site.

Mrs. Ryan stated just let us know.

Dave Raines stated oh, one of the things Dave [Pierro], I did some research last night after the Zoning Board meeting, this is going to be a B occupancy.

Board Member Pierro stated okay.

Dave Raines stated that is the primary occupancy in all there's, that piece is primary, so a B wouldn't require fire sprinklers in this case, regardless of size unless we went over three stories, three stories or greater. So you can concur that this is going to be a B occupancy and, so we would run into sprinklers, we may look at improving the dry hydrant that is there.

Board Member Pierro stated right.

Dave Raines stated that may be something you want to look at because of the increased fire load and that is something I may suggest when we get closer, if we should include a.

Board Member Pierro stated would this be the size of a building that you would consider an underground tank.

Dave Raines stated absolutely, that is why I say we may want to look at how we are going to manage that, if we are going to rely on the pond if that is still viable as a source.

Board Member Pierro stated my recollection is that that pond wasn't that deep though.

Dave Raines stated I wanted to talk to Rich a little more about it off line because I'm not sure what the viability is.

Rich Williams stated the depth is not as much of a concern as the algae and weed growth that grows every year that would inhibit drawing substantial water out of it.

Dave Raines stated with increased fire load, it is all going to become one large building, really, one.

Mrs. Ryan stated it will be connected.

Dave Raines stated yeah, so, it is a substantial fire load and a high life safety issue with the folks that work there and the animals.

Mr. Leonard stated one this I have mentioned to the architect, what brought on is considering in between buildings especially in between the kennel and the other buildings, increasing the fire separation between the two, instead of one hour, if only one hour, would go two hours.

Dave Raines stated on the exterior wall construction.

Mr. Leonard stated and interior, so say even in between there that would get a strong fire separation between the kennel and other buildings to help minimize the spread of a fire through the building itself.

Dave Raines stated I think we can look where we can put some fire doors in, where we are connecting those buildings, where we can have that fire separation, that with a good alarm system, detection system I think we can combat it. I would like to look at the pond to see if that is really viable to give us all year round fire protection.

Mr. Leonard stated sure.

Dave Raines stated because we are never going to get water over there, there is no place close to go get it, you know especially on a night like tonight, God forbid (inaudible).

Mr. Leonard stated we obviously want to help with that and make sure they are protected.

Chairman Rogan stated Theresa, I don't think you got your answer on your initial question about the driveway entrance. Specifically Rich, what areas do not meet, sorry.

Rich Williams stated looking at the driveway coming in is very steep.

Chairman Rogan stated okay.

Mr. Leonard stated there is an issue with edge of the pond, the stability of the bank of the pond at this location and you can see whoever put the driveway in was maintaining the bank of the pond and just as soon as they got by that, just went A to B, so cars are bottoming out and things like that.

Chairman Rogan stated oh okay.

Mr. Leonard stated so we've been looking how we can, there is also a telephone pole that is very close, so it's a tight little area to try and figure out how to handle it. It is on our intention to resolve because it also is an issue for their vehicles, so that is something that is on our intention list its right now, we don't have the solution drawn yet.

Chairman Rogan stated okay, we can get a better sense of that when we do a site walk out there.

Mr. Leonard stated yes.

Chairman Rogan stated something we are work towards.

Mr. Leonard stated absolutely, it will be very obvious when you see it.

Chairman Rogan stated also on this application, after we've done a site walk, once we get a little more comfortable with the plan, I want to have the public hearing sooner in the process rather than later because I expect some public input on this. But also I would like them to know, just what you told us tonight, the benefits of you know, you are not increasing the size, that you are foreseeing less noise from this, the visual looks like it is going to be improved, so I think those are important things to get out there earlier rather than later with this project.

Mr. Leonard stated we are also making an informal effort to talk to neighbors about it and Guiding Eyes is offering tours and things like that to get them familiar with the issues that Guiding Eyes has and what they are looking to do so, but we concur with the hearing piece.

Chairman Rogan stated and procedurally Rich, this will have to go before Zoning because it is any modification or increase to, from the original approval on this, right.

Rich Williams stated I don't know that I agree with that.

Mrs. Ryan stated it stays the same (inaudible).

Board Member Pierro stated that's not what's in the memo.

Rich Williams stated yes, that's correct.

Mrs. Ryan stated we would like to get there sooner than later also.

Chairman Rogan stated sure.

Mrs. Ryan stated and I know that procedurally the Zoning Board can't make a decision until and I assume you want to be lead agent.

Chairman Rogan stated sure.

Mrs. Ryan stated that you make your SEQR determination so we would like to start that process as earlier as we can also, the SEQR process.

Rich Williams stated Tim correct me if I'm wrong, they are essentially pre-existing, non-conforming.

Tim Curtiss stated true.

Rich Williams stated so they want to expand that use, they are going to the Zoning Board, that would be a type two action.

Tim Curtiss stated mmhmm.

Rich Williams stated don't have to worry about ZBA with the SEQR.

Mrs. Ryan stated okay.

Tim Curtiss stated right, they wouldn't do anything because it's type two.

Mrs. Ryan stated is that something the Board would be comfortable with making a recommendation to the Zoning Board of Appeals on.

Chairman Rogan stated you mean making a recommendation whether we are in favor of it or not. Let's get out there and take a look at the site.

Board Member Pierro stated I really would like to look at it first.

Chairman Rogan stated I haven't been out there but one time, years ago so a separate issue.

Mrs. Ryan stated sure.

Chairman Rogan stated and I want to at least make sure that this layout will conform with what the Building Inspector/Fire Inspector was talking about in terms of making sure we have safe means of ingress to that back area in terms of fire protection.

Mrs. Ryan stated okay.

Chairman Rogan stated but I like the presentation that you did tonight and it provided a lot of good information, you obviously have a great reputation in the business and I think you are great for the community.

Mrs. Ryan stated okay.

Chairman Rogan stated looking forward to seeing the site. In terms of site visit, we, now there is an existing building that goes through part of what is proposed, so in terms of staking, Rich, what do you suggest on this, do you.

Board Member Pierro stated a lot of different colors.

Rich Williams stated I would say the back corners of the proposed buildings, that is about all you are going to have there.

Chairman Rogan stated that is kind of what I was thinking.

Board Member Montesano stated I would like to see some kind of marker where that fencing would be, just to get a generalization.

Mr. Leonard stated okay.

Rich Williams stated and said fencing.

Board Member Montesano stated you are going to have an entire fenced area in the back.

Rich Williams stated like the whole property in the back.

Board Member Montesano stated yeah well, just to get a visual, if you put markers where the fencing would be. In other words you can put up little tags and if you look out we see, there is a blue marker, that is where the fence is going to start and that is where the fence will end, I want to get a visual on it.

Mrs. Ryan stated will it be along the tree line.

Board Member Montesano stated if you look at the pictures they're fine, I would like to get a visual on it.

Mr. Leonard stated yes.

Mrs. Ryan stated it will be pretty much the tree line.

Mr. Leonard stated now are you talking specifically in relationship to the fire access.

Board Member Montesano stated yea, I want to get an idea.

Mrs. Ryan stated okay.

Mr. Leonard stated yeah, we can certainly flag around the building where they are going to be, so we that we can understand where we have to talk about gating or some way of getting over.

Board Member Montesano stated I remember on kennel, they had something similar to that, they threw the gates in so that the animals could still be can be confined by the gate and the truck can still come through.

Mr. Leonard stated we certainly can incorporate those without a problem.

Mrs. Ryan stated okay.

Mr. Leonard stated yeah the key to that whole discussion is you guys having a visual and us understanding what equipment you have what you need to get back there and we certainly can work together and this is certainly early enough in the process that we can work that out.

Chairman Rogan stated okay.

Rich Williams stated there is one more area that you might want to have staked out and that is the corner of the parking lot near the front.

Chairman Rogan stated okay.

Mr. Leonard stated yes, we'll do that.

Chairman Rogan stated we will need to coordinate this site because this facility is utilized 24/7, or at least on the weekends anyway, which is when we traditionally do our site walks, Saturday mornings or something.

Ms. Russenberger stated seven to seven we have staff there.

Chairman Rogan stated okay, just so that we are not wandering around on a site, I don't know if we want to coordinate with anyone.

Rich Williams stated no, we absolutely would notify them that we are coming out.

Chairman Rogan stated I mean in addition do we need anyone out there, relevant to this planner, no.

Board Member Montesano stated sure.

Mr. Leonard stated (inaudible).

Board Member Montesano stated you are going to be disturbing the dogs with people.

Chairman Rogan stated we want relaxed dogs.

Tim Curtiss stated yeah, that's right the dogs will be relaxed.

Chairman Rogan stated any other questions or comments from anyone.

Dave Raines stated just the fence, what's, I'm sorry Rich.

The Secretary stated I'm sorry Michelle.

Dave Raines stated I'm sorry Michelle.

(Laughter).

Dave Raines stated can you just indicate to me the fence, the proposed fence as it would be.

Mr. Leonard stated see these, thinner black lines, that is fencing around the building there and then there is fencing over here around the building.

Dave Raines stated and how high typically would that be.

Mr. Leonard stated most of the puppy areas wouldn't be more than four feet because everyone wants to be able to see in and interact and the areas out back we would probably go higher because they are adult dogs but again we are looking at five feet, its such a big area we are not worried about jumping or anything like that. The best access through, that I can think of off hand it going to be around this way but really you'd be dealing with two gated locations and this is the only place, topography wise we could even consider accommodating a vehicle, this side is all the septic leach fields.

Dave Raines stated again we are not looking for, there is nothing in the Code that says there has to be a hundred and eighty degree area but we need to maintain a realistic access.

Mr. Leonard stated absolutely.

Dave Raines stated and I have to look at worst case with the parking lot full of vehicles and what not, we are talking about discharge of the occupants and we need access to the building.

Mr. Leonard stated yup.

Dave Raines stated what I want to look at with you Theresa, is the, some of the exit access doors which may not have all been depicted on the plan, maybe they were but I did have some questions that we can talk about.

Mrs. Ryan stated okay.

Dave Raines stated okay.

Mrs. Ryan stated and how long is the hose that, how close does the truck have to get to the building, supposed you wanted.

Dave Raines stated it's more so the ladder that I'm concerned because of the second floor.

Mrs. Ryan stated okay.

Dave Raines stated so, its not a rare.

Mr. Leonard stated this whole back edge is single story.

Dave Raines stated okay.

Mr. Leonard stated the two stories is from the downhill side. This is on grade one story high in the back. We are building this into the ground but you would need from here to here would be two story, ladder, necessary.

Dave Raines stated on the front of the building.

Mr. Leonard stated yes.

Dave Raines stated okay, thanks.

Chairman Rogan stated all right, thank you.

Mrs. Ryan stated thank you.

Chairman Rogan stated we appreciate your time.

Dave Raines stated can you, Michelle can you let me know in writing when the site walk is.

Chairman Rogan stated you around for Green Chimneys.

Dave Raines stated (inaudible).

Board Member Montesano stated (inaudible).

8) GREEN CHIMNEYS SCHOOL

Mrs. Theresa Ryan of Insite Engineering was present to represent the application.

Chairman Rogan stated I don't think so at this point.

Mrs. Ryan stated I did bring some samples, I know that was a comment that was outstanding that and the renderings that were submitted earlier the color looked a little bright in the red department. So I brought samples that I'm going to leave with you that show what the actual colors are going to be, they are not going to be the textured, they are just going to be smooth.

Chairman Rogan stated the color.

Mrs. Ryan stated the red one was intended to be and they are reversing the colors, at one time the main part of the building was going to be red and the, where they are going to have the facilities for managing the dorms was going to be the gray color. They have reversed them now and I can show you that also but basically they are the same colors, the gray and the red, the red is going to look like vertical board and batten, that is where the kitchens and staff area going to be. The gray is going to be like clapboard siding and then the white areas are also going to cementous material, just like that, it's going to look like big panels of wood also. So they are going to stay with the same materials, they've made some adjustments to that because of budgetary concerns, they had the split face siding where the white is showing now and they had to eliminate that and then along the bottom two, they eliminated that and they are going to put a different, a more cost effective material but that will be cementous also. The architects, this was a recent change but the architects will prepared drawings that show what the materials are and leave all the colors and everything that I just handed out. They also made another change with regard to the lighting, it was a lamp that had, with like a cane at the top, it curved down and this light that I'm handing out now is actually on the site now, so they just want to match what is already there.

Chairman Rogan stated that's, here, one for each of you.

Mrs. Ryan stated those are the only changes that we made, the shapes of the buildings are the same.

Chairman Rogan stated Rich, do you want to see this, the lights.

Board Member Montesano stated (inaudible).

Rich Williams stated Theresa is this an exposed bulb, it doesn't appear to be shielded.

Mrs. Ryan stated that has the specifications. What the architect said was that is the light that is out there now.

Rich Williams stated that is all fine, well and good.

Mrs. Ryan stated don't know.

Rich Williams stated but the Code requires a shielded light to make sure that you don't see the bulb and there is not a lot off site splash but what I'm looking at here, though and especially without the glasses, it certainly seems like it would be an exposed bulb.

Mrs. Ryan stated don't know.

Board Member Pierro stated the second page says that it has a frosted glass diffuser and glass refractor underneath that high hat, so to speak.

Rich Williams stated it gives you various lens elements that can be installed.

Board Member Pierro stated underneath that high hat, I know that particular lamp, underneath that high hat there is a glass cylinder that encases the bulb itself.

Tim Curtiss stated oh like a frosted glass cylinder.

Board Member Pierro stated yeah, it doesn't have to be frosted, sometimes the way they are cut.

Rich Williams stated that is what I'm saying, underneath that fixture, the second page you are looking at it, gives number of options, they are not committing to do exactly what they are doing.

Mrs. Ryan stated right and the same thing with the building, they are going to give you more information on the light and the building, this is a recent change.

Rich Williams stated the Board doesn't know the intensity, it doesn't know the type of light, it doesn't know if it's shielded, it doesn't know whether it's frosted.

Chairman Rogan stated yeah.

Rich Williams stated so that is going to be very confusing.

Chairman Rogan stated okay, let's start with the colors, the samples that the Board was given, any questions or comments on those.

Board Member Cook stated they look fine to me.

Board Member Pierro stated they are fine to me.

Chairman Rogan stated Mike.

Board Member Montesano stated no problem.

Chairman Rogan stated it's hard to visualize on a whole building.

Board Member Pierro stated but they are much better than the color of the skin that was provided.

Rich Williams stated as long as you're okay with the color.

Chairman Rogan stated go ahead, you take them, do an in the field comparison.

Board Member Montesano stated with enough samples you can build a house.

Chairman Rogan stated Gene had given us a memo on this, obviously there is still some work that needs to be done with other agencies but he did provide a bond calculation.

Mrs. Ryan stated right, we only need the Putnam County Department of Highways and Facilities, according to Gene's memo. We just submitted, we will be submitting to them this week and we will send the Town a copy of that plan.

Chairman Rogan stated and have we resolved, how the, I remember talking about it at the work session but I don't remember looking a plan about how the road way cuts through the existing parking lot to get to the dorms, do we have that design nailed down.

Rich Williams stated they show a parking lot layout now.

Chairman Rogan stated I remember you saying.

Rich Williams stated the issue was that the parking lot layout doesn't conform to our current design specifications for stalls but we talked about it's a pre-existing parking lot.

Chairman Rogan stated right.

Rich Williams stated there is limited area for expanding, you are not really going to re-configure it.

Chairman Rogan stated you did say that they did a good job, actually you said that they did probably the best job they could have with the area that was there, striping it and laying out.

Rich Williams stated as far as striping.

Chairman Rogan stated so.

Rich Williams stated even though some of the stalls were only four feet.

Chairman Rogan stated okay, so the main issue then, that is outstanding, is changing the lighting and the Board being assured that the lights that get installed are obviously not going to create a problem. I'm trying to think of

Board Member Pierro stated being that the existing light that are out there.

Chairman Rogan stated but the existing ones were, you know.

Board Member Pierro stated yeah but if they are in violation. If they can be corrected, it may be the right time to correct them now.

Chairman Rogan stated procedurally Rich, with the lights and speaking about, if the Board is in a position to act on the approval of everything else, how can ensure that the lights are not going to create a problem, in other words can we put a

Rich Williams stated you can put a condition in there that I approve them, Dave approves them, Gene approves them or they come back to you to be approved, (inaudible).

Chairman Rogan stated the style of the lights, I'm certainly fine with that, I'm just concerned like Rich had said, I'm not creating a problem, glare issue or an off site light concern.

Board Member Pierro stated right.

Board Member Montesano stated you have to because there are too many variables in place.

Chairman Rogan stated so do you want to just add a condition on the approval that the lighting has to be approved by the Town consultants.

Board Member Montesano stated it sounds like a plan.

Chairman Rogan stated and we need, so what we have is a Final Site Plan Approval Resolution.

Mrs. Ryan stated before you address that, Rich also wanted you to discuss the number of parking spaces, you would have to either approve or grant a waiver.

Chairman Rogan stated a waiver, well we have to move the bond up, so we have a resolution, a bond, the number of spaces. I thought we did that.

Rich Williams stated that was the issue that we just talked about with the existing parking lot.

Chairman Rogan stated oh okay.

Rich Williams stated and at the work session, the Board was comfortable with determining that it was a pre-existing, non-conforming parking lot, it needed no further action.

Mrs. Ryan stated good, the ten spaces also that we are providing for the dormitories, were you okay with that.

Chairman Rogan stated yeah, I thought we did that.

Rich Williams stated they did that at the last meeting.

Mrs. Ryan stated okay.

Chairman Rogan stated okay, thanks for keeping us on track, I always forget that. I'm certainly not beyond over looking things. Okay, so, we have the resolution, we can start with that, adding the conditions for the lights that we spoke about, anybody want to do that resolution.

Board Member Cook stated I'll do it.

Chairman Rogan stated thank you.

Board Member Pierro stated the bond calc.

Chairman Rogan stated yeah.

Board Member Pierro stated I left it on the desk.

Board Member Cook stated I make the following motion with regard to final site plan approval for Green Chimneys Schools site plan. Now therefore be it resolved that in the application for Green Chimneys

Schools for final site plan approval, pursuant to chapter 154 of the Town Code, the Planning Board finds that the subject application final site plan, [clears throat] excuse me, has modified in accordance with any applicable conditions set forth in this resolution, complies with all requirements of the Town law and chapter 154 of the Town Code and hereby grants final site plan approval, subject to the applicants compliance with the following, six general conditions and three special conditions within 62 days of this resolution. The sixth general condition would concern that the approval of the lighting for this project be reviewed by the Town Engineer and the Town Planner. On the special conditions, that the applicant shall address to the satisfaction in the Town Engineer's memo dated December 3rd.

Gene Richards stated January 8th.

Board Member Cook stated I'm sorry, January 8th, two thousand.

Gene Richards stated nine.

Board Member Cook stated nine.

Board Member Montesano stated add the Building Inspector or the Code Enforcement Officer.

Rich Williams stated can we just pick one of us.

Chairman Rogan stated yeah, you only need the Town Planner on that one, right, you're going to do it.

Rich Williams stated I don't care who does it, that's fine.

Board Member Pierro stated okay.

Chairman Rogan stated okay.

Rich Williams stated it makes it easier rather than (inaudible).

Gene Richards stated let Rich do it.

Board Member Cook stated okay, so amend that approval of the lighting to the Town Planner.

Board Member Montesano seconded the motion.

Chairman Rogan asks for all in favor:

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

Motion carries on a vote of 4 to 0.

Chairman Rogan stated okay, we need a bond motion.

Board Member Pierro stated in the matter of Green Chimneys School, unless you want to do it, did I cut you off Shawn.

Chairman Rogan stated no.

Board Member Pierro stated okay, I apologize if I did because you're bigger than me. In the matter of Green Chimneys School, I make a motion that we recommend to the Town Board that they accept the bond calculations provided by Stantec in the memo dated January 5, 2009 for the public improved of \$222,000 dollars and that the applicant be required to post inspection fees of five percent, totally \$11,000 dollars.

Gene Richards stated \$11,100.

Board Member Montesano stated \$100.

Board Member Pierro stated wrong glasses.

Board Member Cook seconded the motion.

Chairman Rogan stated \$11,100, Charlie seconded.

Chairman Rogan asks for all in favor:

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

Motion carries on a vote of 4 to 0.

Chairman Rogan stated okay.

Mrs. Ryan stated thank you very much.

Chairman Rogan stated thank you.

9) RIMALDI SITE PLAN

Mr. Ernie Martin of Paggi, Martin & Del Bene, Mr. Georgio Rimaldi and his son were present to represent the application.

Chairman Rogan stated we have a new application, Rimaldi.

Board Member Montesano stated Rimaldi.

Chairman Rogan stated Rimaldi.

Board Member Cook stated do we have any paper work.

Chairman Rogan stated we do not, brand new, they.

Board Member Pierro stated snuck this in on us.

Rich Williams stated (inaudible).

Chairman Rogan stated we figured they were here tonight, they put the application in.

Board Member Pierro stated we get double time for this because it wasn't on the list.

Board Member Cook stated the check is in the mail.

Board Member Pierro stated right.

Chairman Rogan stated yeah, good evening sir.

Mr. Martin stated good evening.

Chairman Rogan stated if you could please use the microphone and state your name for the record.

Mr. Martin stated my name is Ernie Martin, I'm a partner and principal in Paggi, Martin & Del Bene from Poughkeepsie and I am representing the Rimaldi Family, who are the owners of the Panino Deli on Route 22.

Chairman Rogan stated Panino.

Board Member Montesano stated Panino.

Mr. Martin stated it's the intent of this particular, we presented a sketch plan and currently the site is comprised on 3.7 seven acres and you have the existing building right here, which is the Panino Deli. The property is owned and operated by the Rimaldi's and that is this particular building here, its' about twenty-five hundred square feet. It's the intent of the applicant to add another building about forty-five hundred square feet, a retail center, exactly what it is going to be at this point, we don't know and to do that, we have kind of made an initial evaluation of the site, essentially it is going to, between the two, you are going to have about seven thousand square feet so you are going to need about thirty-five parking spaces, we have provided about 36 parking spaces, three of which are ADA compliant. Those of you that may have been to the site, may remember that the parking currently is right in front of the deli, to provide a little more, a better access and a better flow to the parking, we are going to be taking the parking spaces in front of the deli and moving it towards [Route] 22, which I think would probably be better from the standpoint of fire protection and I think they like to see the parking away from the building. In addition we went to the Health Department and we FOIL'ed all the records regarding the existing septic system that serves this particular building and for at least this presentation, we assume that we have the soil conditions, we've shown a septic system of exactly the same size, this particular system was designed for about 450 gallons per day. This site even for an office building would probably be equal to that or less, as far as drainage we are showing, of course we are increasing impervious for the building and also the parking area, we will be connecting it to the existing drainage system and routing it to the existing stormwater management area, we have made a preliminary evaluation and we believe with some small modification that we could utilize those and meet the requirements. Excuse me, we have shown a refuse enclosure down at the southern end

of the parking lot, it would be landscaped and it would be fenced off, again we have also shown some, again its very preliminary, we have shown some landscaping in and around the building. The two buildings would be interconnected through sidewalks, we have also shown some landscaping along Route 22 and we have also shown some proposed lighting as well. In reviewing the Code, it is our understanding or our interpretation of the Code, is that by adding an additional building here that is not part of this building would be considered a retail center and in a retail center, you need at least five acre. This parcel is 3.7 acres, if this proposal met favorable response from the Board, we would then look to go to the ZBA and ask for an area variance. So with that, do you have any questions or comments, either myself or the Rimaldi's can answer.

Board Member Pierro stated can we see the Board, can you bring it to us, we don't have the luxury of a map at this time, no you can bring the whole thing here, you can move that in front of me, I wouldn't able to see it.

Board Member Montesano stated he's got the wrong glasses on tonight.

Chairman Rogan stated slide it right down this way.

Rich Williams stated just one point of clarification, because they are adding the second building, they will also need a special use permit in addition to the area variance, so.

Chairman Rogan stated (inaudible).

Mr. Martin stated one thing I did not add is that the existing well will serve both building.

Chairman Rogan stated okay.

Mr. Martin stated each building would have its one septic system but one well to serve both.

Chairman Rogan stated the existing asphalt driveway shown on the plans, that's to the back of the Panino Deli, what is the function of that.

Mr. Martin stated primarily I think for deliveries, can you add to that.

Mr. Rimaldi stated just deliveries and access to the basement where we store machines like lawn mowers.

Mr. Martin stated and also their cooling equipment is downstairs.

Chairman Rogan stated their what equipment.

Mr. Martin stated cooling.

Chairman Rogan stated oh, cooling, I'm sorry.

Board Member Pierro stated so this is an extension of this parking lot.

Chairman Rogan stated correct.

Board Member Montesano stated and you have the carpet store on the northern end and Westchester Modular on the southern.

Mr. Martin stated and the existing access would remain, it is a shared entrance with the property to the north.

Chairman Rogan stated that is just what I was wondering.

Board Member Pierro stated there is no requirement for changing that existing access.

Chairman Rogan stated it doesn't look like we have any wetland issues on this property, it's pretty.

Rich Williams stated way down in the back there are wetlands.

Chairman Rogan stated the DEC wetland down below that hooks up with Boniello.

Board Member Pierro stated yeah.

Board Member Cook stated (inaudible).

Board Member Pierro stated this is the existing.

Board Member Cook stated the entry is.

Board Member Montesano stated the entry is shared.

Chairman Rogan stated so it serves both properties, the property lines both split.

Board Member Montesano stated the state wanted it when they put those buildings up.

Mr. Martin stated when they did that subdivision.

Board Member Pierro stated hold on.

Board Member Montesano stated one in, one out.

(Side 2, Tape 1 Ended – 9:24)

Chairman Rogan stated it is a straight forward proposal, we will certainly get out and take a look at the site, just to make sure that we all remember it the way it exists of course. We'll start working through the process, I don't see any major stumbling blocks, you know, if the plan lays out as cleanly as it looks like it does.

Rich Williams stated I think the Board is indicating that they want to do a site walk out there, if you could stake out the four corners of the building, both stormwater ponds are existing, you intend to use those and enlarge them.

Mr. Martin stated yes.

Rich Williams stated okay, that should be about it, I would think.

Board Member Pierro stated stake out the septic, is that necessary.

Chairman Rogan stated that should be pretty evident, right.

Board Member Pierro stated the existing septic.

Mr. Martin stated right now it is some what of a lawn area but we will stake it sure.

Chairman Rogan stated okay.

Mr. Martin stated okay and do you want us to be present.

Chairman Rogan stated you don't need to be, that is a pretty straight forward layout.

Rich Williams stated just call my office and let me know when the staking is done, we'll schedule the site walk.

Mr. Martin stated okay.

Chairman Rogan stated okay, good and you had said the retail use has not been more clearly defined as of yet. Are we talking office, are we talking store front, retail would indicate sales, right.

Rich Williams stated correct.

Chairman Rogan stated so.

The Secretary stated can you just turn the microphone, please.

Chairman Rogan stated I'm sorry.

The Secretary stated that's good.

Chairman Rogan stated how's that.

The Secretary stated great.

Chairman Rogan stated that good, you're welcome.

Rich Williams stated do you need the mic too.

The Secretary stated I'm not as soft spoken as the Chairman, sorry.

Chairman Rogan stated I didn't realize that I was so soft spoken, sorry.

Board Member Pierro stated does retail also permit restaurant.

Chairman Rogan stated that septic system wouldn't permit it.

Mr. Martin stated no.

Rich Williams stated both of those are uses that are permitted in that Zoning district, I think both have the same type of parking demand so, you know, it wouldn't be a big issue if you wanted to switch but it would be a review but certainly they are looking to set it up for customary personal services or retail operations, similar to what is already existing at the site.

Mr. Martin stated certainly they wouldn't have anything that would compete with them and I think a restaurant would be out of the question because the system is just not big enough, the area is not big enough for that.

Chairman Rogan stated and we would be looking at complimenting the architectural elements of the existing Panino Deli, with, the deli, the upstairs of that, is that used for office space.

Mr. Rimaldi stated no, it's actually used for nothing.

Chairman Rogan stated because that roof line and the amount of space upstairs has also impressed me with how much area is available and yet, I'm using mic, oh he's not using the microphone, I apologize.

Mr. Rimaldi stated am I going to get in trouble.

Chairman Rogan stated not from me, you're not but we do want to capture everything on the record. There seems to be a lot of space upstairs in that building and I always wondered what, if anything it was used for, let the record show that Mr. Rimaldi, I'm assuming, said that they don't use it for anything and we look forward to walking the site.

Mr. Martin stated and the applicant does have an architect.

Chairman Rogan stated okay.

Mr. Martin stated and as we, probably our next presentation we'll probably have some elevation views to present to you.

Chairman Rogan stated great, okay, thank you.

Mr. Martin stated good, thank you.

Chairman Rogan stated we had bumped a few people along, is anyone here for I.O. Wellness Center, no. Is anyone here for Patterson Crossing, we are, okay.

6) PATTERSON CROSSING

Mr. Jeff Contelmo of Insite Engineering and Mr. Fred Koelsch, principal were present to represent the application.

Board Member Montesano stated what's that, are you here again.

The Secretary stated are you tabling I.O. Wellness to the next meeting.

Chairman Rogan stated I think when we get to end, we'll look at it and see if we can do anything with it.

Board Member Montesano stated and you brought him. I'm getting tired of seeing you guys in here every night.

Chairman Rogan stated good evening.

Mr. Contelmo stated good evening, Jeff Contelmo from Insite Engineering, I'm accompanied by Fred Koelsch from Camarda Real Estate Investment, we are here this evening representing Patterson Crossing LLC. We are here really to give you an update, we submitted plans that addressed one of our bigger issues with the Board, which was the parking, we had the current plans reflect the new parking scheme that we had agreed to at the last meeting where certain portion of where the spaces are, ten by eighteen and then the balance of the outer parking is nine by eighteen, the new layouts reflect that, the new drawings have reflected. We have also responded to a portion of the comments that we received from your Town Planner and Town Engineer, we continue to work on the ones that are a little bit deeper but we took care of the ones that we could. We are furthering our review with other agencies, we are actively before the Health Department, DEP, DEC and DOT with plans for the relative components of the project that get reviewed by those Boards, we are also making progress with the Town of Kent and lastly, we are making progress with the architecture for the center and we are pleased to let you know that we think we are at a point with the architecture that we'll be able to submit for the next meeting and start to discuss some of those elements with the Board as well.

Chairman Rogan stated great.

Mr. Contelmo stated so really the purpose of us being here is to continue to make progress and checking off the items which we have to with this Board and continue to make progress as well with outside agencies and I will also point out that, I don't know if the Board knows but we did get out Special Use Permit, last night from the Zoning Board of Appeals, Mr. Montesano was there.

Chairman Rogan stated we heard from some of our Board Members who were there.

Mr. Contelmo stated so we are pleased to announce that as well.

Chairman Rogan stated that's great.

Mr. Contelmo stated I also wanted to point, Gene just pointed it out to me that he did have the opportunity today to meet with one of our engineers in the office and discuss some of his remaining comments, so we are pleased to continue to get feedback from their office. I don't know if there are any questions the Board may have of us at this point.

Board Member Pierro stated last meeting or work session, we were discussing the sign proposed and we had discussed amending our Town Code to put this size sign here, where is it planned to be placed on this map.

Mr. Contelmo stated well, just for clarification on that, Rich, based on some of the discussion that we did have and Rich did put together a draft, as I understand, of some potential revisions to your Code, relative to

signage, he was kind enough to share that with us. We actually haven't even had a chance to go through it relative to our program yet but that is something that we wanted.

Board Member Pierro stated I just want to know location, more or less.

Mr. Contelmo stated location of our free standing sign, is right here, the one that is in Patterson. We do have a free standing sign in the Town of Kent, which will be a separate discussion with them but then we also have a proposed a comprehensive sign plan for building mounted signage for all the buildings and again as I stated. We have not looked at our program relative to what Rich has drafted out, now have we got any final details on signage because as we said that is something that is going to be very user specific but we are happy to see the progress in terms of the consideration for maybe amending the Code for larger retail establishments.

Board Member Pierro stated one of the things that I did not hear last night at the meeting was about the proposed emergency access. I did not hear anyone communicate the fact that that is going to be a benefit to the walking residents of that community.

Mr. Contelmo stated we actually at the last, the prior ZBA meeting we did actually discuss that and when we did the field visit with the ZBA, we did point that out but what Dave is talking about is that there is a lot of discussion, there is a lot of discussion with the ZBA having to do with emergency access driveway and the reason that came about was that the Code is not real clear about access, it talks about access being from a County or State road and then not having accesses within the buffer and the Zoning Board had to sort that out and we did that with them. One of the things that we did land on with the Zoning Board, I will point, is that this was once proposed as a gravel, twelve foot wide, gravel emergency driveway gated at both ends, we decided to keep in with the Special Use Permit requirements of vegetation throughout that buffer area that we are going to make it actually a grass surface with support rings something called a Grass Pave Product. So that was a change that we made in response to concerns that were expressed by the Zoning Board but you are absolutely right, when we were in the site walk and you were standing on Concord and you're looking into the site, it just says well jeez, that is where you have to walk down to the center, if you do walk down to the center. So it will facilitate pedestrian access, I think that we did point that out and discuss that in the FEIS.

Board Member Pierro stated we did and it seems that the opposing public does not grasp that and maybe they will if they see it come to foliage and that is going to be a tremendous asset to the community to be able to walk into that parking lot from the inner parts of Patterson and Lake Carmel.

Mr. Contelmo stated we agree.

Chairman Rogan stated Jeff, I noticed on some of your documentation from your office, you are still leaving on the table the discussion with Kent about the sidewalks, I know I was the one that really pushed on that. Even in areas in Carmel, like down by Putnam Plaza, on a daily basis I see people walking up and down Route 6 because they are walking to their jobs, they are walking down to some of these different places and I hope that goes somewhere the with the Town of Kent, if not then I understand but I do still think that is worth pursuing, that connectivity, I know that those sidewalks don't exist on [Route] 311 but I think you have to start some place.

Mr. Contelmo stated right.

Chairman Rogan stated so I'm happy to see that.

Mr. Contelmo stated somebody has to go first and we recognize that and unfortunately we have not gotten to the point with Kent.

Chairman Rogan stated understood.

Mr. Contelmo stated to discuss that issue, we did, we actually met with Kent tonight, we got a bunch of feedback from them on many items. I didn't get to review all of their comments but we did have discussion on many of their concerns but the sidewalk hasn't come up yet but its certainly something that we keep on our list.

Chairman Rogan stated great.

Mr. Contelmo stated and I think I pointed it out in the letter that we are keeping that on our things to do list.

Chairman Rogan stated and this Board will continue to work with Rich to try to come up with a change to this sign issue that will work for the community for these regional retail centers. While we are certainly going to apply the Code to your project to see how it lays out, that is certainly not the intent, the intent is to come up with something that would work for the intended purpose.

Mr. Contelmo stated and we recognize that and a the end of the say it may work for portions of our buildings and it may not and if it doesn't, we will have to make our case with the Zoning Board, we've always said that so.

Chairman Rogan stated I understand but clearly it was an area that was right for looking at and making some modifications to that, you know where it makes sense. I looked through Rich, your proposal and made a lot of notes, I think we almost need a, not a separate meeting but we need to really hash this out and throw some ideas out and see if everybody is on the same page on this and I want to make sure that I understand the intent of what you were writing and again I don't think that it needs to specific to an individual project.

Rich Williams stated well its very specifically not.

Chairman Rogan stated right.

Rich Williams stated and I will sit here and tell you right now, the Code that I wrote doesn't give them what they want.

Chairman Rogan stated I understand.

Rich Williams stated you know, I looked at mid-range and large shopping centers and the needs of those shopping centers for certainly much larger signs then you would have on your typical business that you would find along Front Street and try to write a Code to address that for the community, certainly looking forward to discussing it further.

Chairman Rogan stated sure, Charlie, you have anything you want to bring up and talk about tonight, Michael.

Board Member Montesano stated no, I'm fine.

Board Member Pierro stated that was the second e-mail.

Chairman Rogan stated yeah, I don't know what e-mail it was. This was the draft of the.

Board Member Pierro stated because one of them I wasn't able to open.

Chairman Rogan stated Rich, Dave, Gene, anything else tonight for Patterson Crossing that you would want to talk about.

Gene Richards stated no.

Chairman Rogan stated no.

Mr. Contelmo stated thank you, we appreciate it, thank you for the opportunity just to report back to you and as I said, our goal at the next meeting is to start talking a little bit about architecture, we are excited we think we've got some good stuff going on, so we look forward to that.

Chairman Rogan stated great.

Mr. Contelmo stated thank you again.

Chairman Rogan stated thank you Jeff.

Board Member Montesano stated it's okay Fred, nice seeing you.

Chairman Rogan stated we kind of jumped around a little bit tonight.

10) OTHER BUSINESS

a. Paddock View Estates – Request for 90 day extension

Chairman Rogan stated we did a, for Paddock View Estates a 90 day extension at the work session, right.

Board Member Montesano stated yes.

Board Member Pierro stated we did.

b. Tractor Supply Site Plan – Request for 12 month extension

Chairman Rogan stated for Tractor Supply we did a 12 month extensions.

c. Barjac Site Plan – Request for 12 month extension

Chairman Rogan stated and for Barjac we did a 12 month extension.

Board Member Pierro stated yes.

Chairman Rogan stated right, so we are on to North County Homes Lot 5.

d. Site Walks

1. North County Homes

Chairman Rogan stated Joe Buschynski, Joe you're here for North County Homes.

Mr. Buschynski stated yes.

Board Member Montesano stated is that what is on this paper.

Chairman Rogan stated what, lot five, yeah.

Board Member Montesano stated can't hire him as secretary.

Chairman Rogan stated hello Joe, good evening. You received a copy of it.

Rich Williams stated we also have these in the office.

Chairman Rogan stated okay, fine. Hi Joe, good evening.

Mr. Buschynski stated good evening.

Chairman Rogan stated so.

Mr. Buschynski stated so on that cold Saturday morning the Board gave us their issues and concerns that they would like to see addressed and we re-submitted the plan with responses to them comment that were discussed out on the site that morning and basically, sort of quickly run through them. Configuration of the new foundation would be diagonal, as opposed to what I had as an interior right angle, it would make for a better looking house, it would detract from allowing space to get around the foundation, at least eight to ten feet of walkway between upper wall top and the base of the foundation. We were asked to address the steepness of the slope on the right side of the house we are proposing to put in a, yet another low stone wall to create a terrace to that existing wall that is there now and that also would allow access around to that corner of the foundation for lawn equipment, pedestrians et cetera. The area on the left side of the house, we talked about would seem like a good spot for a parking space and return the rest of it to lawn and we have indicated that on the plan. Ted had a recommendation for a number of plantings that would adapt to these drought, dry conditions of the terraced area between walls and we have specified the number of plantings to accomplish that, basically we would like to keep people off that terraced area and these plants will accomplish that when mature. The Board's comment that morning pertaining to the wall height was that walls have to adhere to the four foot maximum without special review and the intent would be to have the walls modified where ever necessary to that four foot maximum. The deed to the property will be revised to include the additional buffer and the forty-four hundred square feet in the corner. There was discussion of, should have stayed with the wall here, there was discussion regarding the fence at the top of the upper wall, we found a three rail fence that is fairly tight with respect to space between rails, if you still feel wire is necessary then we can show wire, it almost seems like the homeowner preference, however you feel, we'll.

Chairman Rogan stated hey Dave, the fencing, we talked about for fall prevention, obviously children.

Dave Raines stated and I think it would be, not to cut you off.

Chairman Rogan stated yeah.

Dave Raines stated but I think it would be based on if they had pets that might be in jeopardy by not having the closed fencing or small children or special needs issues, I think that while stability and the height is really what is critical more so than whether we have a mesh or a larger, I think it would be a preference based on. I think due to the steepness of the grade, you definitely need a fence on the top of that.

Chairman Rogan stated well the parallel I was thinking about was, if you had, let's say that is on the edge of a drop off that is a four or five foot drop, if you had a four or five foot deck off the ground, would that railing suffice and meet Code, my guess is it would not because the openings are much too big.

Dave Raines stated no, not at a deck rail, no.

Chairman Rogan stated right but there is really no difference between falling off a deck and falling off the top of a retaining wall.

Dave Raines stated nope but with respect to the Building Code there is but I understand what you're saying.

Chairman Rogan stated okay, but that is why I say, I'm just trying to draw a parallel in.

Dave Raines stated I think stability is the key issue.

Chairman Rogan stated okay.

Dave Raines stated you know twenty-eight inch, nominal from where ever the grade is to the top rail, it doesn't look like its depicted that way, it almost looks like a split rail (inaudible), it probably would not have a twenty-eight inch consistent top rail as a nominal height, you may have to come up with something that is going to work.

Board Member Montesano stated what about, speaking about decks, what about a banister situation, rather than a rail.

Rich Williams stated now you are talking about a picket fence.

Board Member Cook stated yup.

Board Member Montesano stated picket fence, if you so desire, a vinyl fence that you can see running around people's houses.

Rich Williams stated well I'm just saying, in the location that is in, you are not talking about banisters, you are talking about.

Chairman Rogan stated pickets.

Board Member Montesano stated a picket or wood panel, the pool one is a banisters this way.

Rich Williams stated because its one a deck.

Chairman Rogan stated I can certainly appreciate Joe saying you know, what the people that are going to own this house might want, I mean, if it were me I would rather have that with wire on it, so I can see through it, so I'm not blocking that view down into the woods and enclosing the property but somebody else might want something solid, I don't really mind leaving it to the preference of the person, as long as it is something that serves the intended purpose.

Dave Raines stated we need to talk about height and stability more so than.

Chairman Rogan stated right.

Dave Raines stated just (inaudible).

Board Member Montesano stated we can get a six inch Plexiglas.

Chairman Rogan stated the intent is really what I was shooting for anyway and Rich you had brought up the question of whether or not we have purview on this, we should discuss that.

Rich Williams stated whether you can require it.

Chairman Rogan stated whether we can require it.

Rich Williams stated or rather Dave could require it, we were kind of hoping that Dave can require it.

Dave Raines stated yeah, I think looking it up after talking to Rich, I think we could because of the special circumstance here we are creating an anomaly in the lot layout that, you know, we are creating this, we are asking, the Town is asking for this cut and this retain-age and to then to finish the top of the retain-age we would ask for a fence to be twenty-eight inch nominal that would sustain, we can take it right out of the Code. But I don't think that would be challenged very much, I wouldn't get to the point where it must be a wire mesh and it must have this, that and the other thing but I think that height stability.

Rich Williams stated that is why it came up because the Planning Board is currently reviewing a modification to a wetlands permit, trying to relay a fence to it.

Dave Raines stated for a different reason.

Rich Williams stated we need you, they need you.

Chairman Rogan stated right. We always need you.

Dave Raines stated you don't need me.

Chairman Rogan stated okay and.

Rich Williams stated the.

Board Member Cook stated Shawn, you know back to what you were saying about the view what have you and then going back to Mike's point, I mean you could have quote a picket type fence with some spacing but you would also have some sight.

Chairman Rogan stated sure, well like I said, I would be comfortable with whatever serves the intended purpose that the homeowner wanted, just making sure we provide, we have no documented and said from day one, when we reviewed this, this was a concern of our, the safety issue here.

Board Member Cook stated absolutely.

Chairman Rogan stated so I just want to make sure that we get it on the record and that we get some assurance that we are going to have something that will be safer for the property owner, you know, to prevent this. The level spreader issue, you haven't spoken about that yet.

Mr. Buschynski stated no, I didn't.

Chairman Rogan stated okay.

Mr. Buschynski stated I saved that for last.

Chairman Rogan stated the best for last.

Mr. Buschynski stated we are proposing a level spreader to be built behind this single wall that we have on the end of property. Rich's concern is that we won't get or we may not get level spreading effect because of the water having to pass through the wall. I think it's worth a try, it will, this area will accept a certain amount of water and it will pass a certain amount of water, we don't know the extent that it will receive concentrated flow on the other side of the holes. We could give it a test, we could warrant it for a year, if you would like, if it doesn't work then we are going to have to go elsewhere on the property and building another level spreader, that is another alternative, we can do that too. We are looking at this area when we were standing in the field and said there is a possibility to put one here, it is a little slopy but we could take roof water to that area and leave the footing drains to this one. I don't think we are going to see a lot of water out of the footing drains at this site.

Ted Kozlowski stated can I ask a question Dave, I mean Shawn.

Chairman Rogan stated yeah, always.

Ted Kozlowski stated with water going through that stone wall through out the course of the year with the freezing and thawing and the constant moisture, would it have effect on that stonewall to weaken it over time.

Mr. Buschynski stated only if you had an ice build up behind it, pushing it.

Ted Kozlowski stated so you are confident, I mean, I'm not an engineer, I just see you introducing to water, congregating there behind a stonewall and isn't that sometimes the cause of a failure of a wall.

Mr. Buschynski stated if it can't get out.

Ted Kozlowski stated right, it's just a.

Mr. Buschynski stated we are so porous with rock from cobbles to boulders and the wall especially being significant sized stone.

Ted Kozlowski stated okay.

Mr. Buschynski stated I didn't have that concern because the concern here is, we do have concentrated flow, potential for erosion beyond, that is the big issue.

Rich Williams stated yeah, I don't disagree with anything that Joe said, it's worth a try, it deviates significantly from standard design, doesn't mean its not going to work. My only concern is, year from now, I go out there and I've got an eroded channel with a bunch of silt going into the wetlands, I want to have the ability to arrest that.

Chairman Rogan stated right and I agree with testing it out also but in order to truly test it, you have to have a house built, whether or not it's being lifted isn't going to have any bearing on it but the house has to be built so you are getting the roof run off and the leader and footer water. I agree with Rich, we just have to be clear on the mechanism by which we can enforce going in and saying hey, this isn't clearly working and I honestly think that if its not working three years from now, it may be the kind of thing that you know, because of storm events or something you have a change, you have channelization through the wall and then all of a sudden now you have a channelized flow, so if at some point in the future, this thing does not serve its intended purpose, there should be a mechanism to replace it and that is going to fall on a homeowner or something if it is not set up right. You know, we end up three years from with people that are in there, that don't have the money to replace this or do it right.

Board Member Pierro stated do we have a mechanism.

Chairman Rogan stated so we need to talk about that.

Board Member Pierro stated do we have a mechanism to bond a repair at this point in the level spreader for a residential project.

Chairman Rogan stated that's a real good idea.

Rich Williams stated we would have to take a look at it.

Tim Curtiss stated it would be.

Rich Williams stated we might be able to bond for a limited duration based on the wetland permit but.

Board Member Pierro stated right.

Rich Williams stated you're not going to maintain a long term bond, you aren't going to saddle the homeowner with that.

Board Member Pierro stated no.

Mr. Buschynski stated I think if there is going to be a problem you are going to see it early on. The water is going to find it's way consistently and maintain a pattern. You may get the extreme flooding to produce a different pattern but it won't be the norm, as the extreme.

Board Member Montesano stated we got extreme last week, with the amount of snow and the rain and everything else and the flooding and a solid block of ice, (inaudible).

Board Member Pierro stated (inaudible).

Chairman Rogan stated okay and it looks like on your plan, you're shown the single area pull off for the car on the left side of the house with the remainder to be converted to lawn.

Mr. Buschynski stated yeah.

Chairman Rogan stated okay and those were the one, two, three, four big issues that we discussed. So how do we, even if we are only talking one year, how do we set up that so that the Town is not strapped nor the homeowner is strapped.

Mr. Buschynski stated we can prepare a warranty.

Rich Williams stated it is as simple as putting a condition in the wetlands permit, if it doesn't work he is in violation, he has to correct.

Board Member Pierro stated who is he.

Rich Williams stated he would be the owner.

Chairman Rogan stated yeah, that's kind of a crappy thing to do to somebody, they buy a house, they don't realize that they have this stormwater practice that wasn't designed to Town Code and is being.

Mr. Buschynski stated can't the warranty come from the current owner.

Chairman Rogan stated can it.

Tim Curtiss stated well yeah, you could either bond or you could give the Town a warranty that regardless of who the owner is, that you would be responsible to correct any erosion problem that occurs (inaudible).

Ted Kozlowski stated what if the owner goes out of business.

Chairman Rogan stated yeah, that's kind of, if we are only talking, let's say you're talking a year and now I assume that we are talking a year post construction, a year post C of O.

Tim Curtiss stated yeah.

Chairman Rogan stated I like Dave's idea of doing a bond for one and a half years or something past C.O.

Tim Curtiss stated you can do a bond.

Chairman Rogan stated do a two year bond and then be done with it and then if its not, you know, you've met the test.

Rich Williams stated okay, here is the sixty-four dollar question, what are you bonding.

Chairman Rogan stated the improvement, the cost of.

Rich Williams stated of replacing the level spreader.

Chairman Rogan stated whatever a level spreader would be on that site.

Board Member Pierro stated replacing a level spreader.

Chairman Rogan stated Joe should have a design for an alternate location that shows one, we can spec it out, what would it cost to build it on that site.

Rich Williams stated okay.

Chairman Rogan stated I mean really, because we did talk about showing an alternate location there, so you have an area that would work, what does it cost to run the pipe work from the current location or from the house to the new one and design it or construct it.

Mr. Buschynski stated you'd think at this point, you'd prefer it, should we bring it the leaders over there.

Chairman Rogan stated not if you are confident it will work where its going, if you think it will work where it is.

Board Member Montesano stated let me ask you this Joe.

Board Member Pierro stated it's the roll of the dice.

Board Montesano stated right now, we allegedly have a hundred percent of the water going through that, what would the incentive be to put the roofing and gutter work and everything going to that one and leaving this one, so we are splitting them in half. Can we make them smaller, would they be smaller in size, so the initial cost.

Mr. Buschynski stated no.

Board Member Montesano stated my idea is the initial cost would be, well now we know we have two and the chance of a failure of one or the other is possible but not as much as if everything was going through one and that is something that guys have to consider.

Chairman Rogan stated well Joe mentioned that, even when we were on the site walk, as a potential.

Board Member Montesano stated right.

Chairman Rogan stated when you were talking about that site, you mentioned the splitting of the water.

Board Member Montesano stated well (inaudible) the same thing, would it be better to split it where there is less of a chance of failure, now.

Chairman Rogan stated yeah.

Tim Curtiss stated because you know, you're dividing the flow so the likelihood of failure is less..

Chairman Rogan stated sure.

Board Member Montesano stated that is something for you to.

Rich Williams stated honestly it is all a shot in the dark.

Chairman Rogan stated yeah.

Rich Williams stated level spreaders technically are not permanent practices, I mean we can design to have structural components to make them more permanent but you get frost heave, you know, even the best well designed level spreader, you know environmental conditions could change that spreader so it no longer works.

Chairman Rogan stated sure but that is inheritant to the normal process we are working on. So that is not irregular from this site or this process, we deal with that on every house that has a level spreader.

Rich Williams stated correct, that is my only point being is what he has currently designed could work fine. We are just not sure.

Chairman Rogan stated yeah.

Board Member Pierro stated I think I would be more comfortable with going, taking roof drainage and putting it to the left side and just leaving this current level spreader to handle the curtain drains and then.

Chairman Rogan stated footer.

Board Member Pierro stated come back in a year, look at it and you know, if it's a problem, these gentlemen could provide some sort of a warranty to a new homeowner that would allow the Town to come in and request that that repair be made if it's a problem.

Chairman Rogan stated when you sell, when you build and sell a new home to someone, you are probably giving a warranty of some sort on everything for a year anyway.

Tim Curtiss stated there is always a warranty for a year.

Chairman Rogan stated so that is already.

Board Member Montesano stated that is already built in.

Chairman Rogan stated inclusive.

Board Member Montesano stated use American Express, next time.

Chairman Rogan stated so.

Board Member Montesano stated we all buy insurance.

Board Member Pierro stated I think we are beating a dead horse here.

Board Member Montesano stated not only because the state says we have to but to me, its just an insurance.

Chairman Rogan stated so are we ready to move on with this, we are going to put in a level spreader, split out some of the water, then we don't have to worry about, the one year is already taken care of, it's inherinant to selling a new home.

Mr. Buschynski stated okay.

Chairman Rogan stated and we are okay with cutting the corner of the house off and the fencing can be approved by the Codes Enforcement Officer.

Dave Raines stated we need new plans.

Chairman Rogan stated we need new plans, showing the and also showing the level spreader.

Dave Raines stated I need this foundation, I need an as built for the foundation that's there.

Chairman Rogan stated okay and we'll call it a day.

Board Member Pierro stated call it a day.

Chairman Rogan stated and build this house. Okay, all right, so do we need, we need new plans back in here to show that and we'll do that. You guys, comment, if you'd like, it's more procedural, we get the plans showing everything and we'll approve it.

Mr. Festo stated I may want to be here for this.

Chairman Rogan stated you may want to be here.

Board Member Montesano stated you may want to celebrate or we can throw rocks at you.

Dave Raines stated (inaudible).

(Inaudible – too many speaking).

Board Member Pierro stated what is South Patterson on for.

2. South Patterson Business Park West

Chairman Rogan stated South Patterson.

Board Member Pierro stated site walks.

Chairman Rogan stated site walk comments, okay. Thanks Joe, thank you gentleman, Happy New Year.

Mr. Festo stated thank you very much, Happy New Year.

e. NYSEG Request – Fox Run Condominiums

Chairman Rogan stated at the work session we talked about the NYSEG Request for putting the power lines overhead, have you gotten any response.

Rich Williams stated so I contacted the design engineer and we had a nice long conversation and his opinion is yes that DEP would be responsible for paying any cost relating to the upgrade program including burying the power lines.

Board Member Pierro stated great.

Rich Williams stated so I'm assuming that the Board then wants the power lines put back underground, there is one little side note, in that in constructing the building, there is going to be a period where there is a lot going on and it would be better to temporarily run them overhead for a short duration, ultimately they would get put back underground.

Chairman Rogan stated I think that is great.

Board Member Montesano stated that short duration, we time limit that.

Chairman Rogan stated how is that controlled.

Rich Williams stated issuance of a C.O.

Chairman Rogan stated great, let's make sure that.

Tim Curtiss stated I would say the issue (inaudible).

Chairman Rogan stated underground.

Board Member Pierro stated okay.

Chairman Rogan stated great, thank you for reaching out to them.

Rich Williams stated I appreciate it, I'm sorry I missed that.

Chairman Rogan stated well no, that is why we are all here.

11) MINUTES

Chairman Rogan stated and we have some minutes.

Board Member Pierro stated I make a motion that we accept the minutes as read for 10/30, 11/6, 11/25 and 12/4, 2008.

Board Member Montesano seconded the motion.

Chairman Rogan stated Mike seconded.

Chairman Rogan asks for all in favor:

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

Motion carries on a vote of 4 to 0.

Chairman Rogan stated any other business from you gentleman.

Tim Curtiss stated no.

Chairman Rogan stated lady.

The Secretary stated no.

Chairman Rogan stated no.

Board Member Cook stated I have, one thing.

Chairman Rogan stated Charlie.

Board Member Cook stated we received this documentation from EBI about this telecommunications facility.

Tim Curtiss stated yeah, they are going to put that on top of a silo, apparently over here on [Route] 311, from what I understood, they are going to take the top of the silo off and they are going to put this inside the silo and then reconstruct the silo so you don't see the cell tower.

Board Member Cook stated so is this in effect a cell tower.

Tim Curtiss stated yes, being constructed inside the silo and the only issue that they have is they are going to put up a maintenance building on site which is going to be a little shed type thing and they are going to run all the wires underground and then up through the silo.

Board Member Montesano stated is it going to match the silo.

Tim Curtiss stated as a matter of fact they did, they said they were going to match the existing siding on the building.

Rich Williams stated regardless, we can draft a response saying, they are asking if there is any impact on historic resources within the area, we can draft a memo back essentially saying no there isn't but oh by the way, you still need to comply with our code which requires a use variance, an area variance and site plan approval because a cell tower is a cell tower, no matter how you dress it.

Board Member Pierro stated put lipstick on a pig.

Board Member Cook stated no, who would that letter come from.

Rich Williams stated well I assume the Board wants it sent out under your signature, so Shawn would sign it.

Tim Curtiss stated it would go out with Shawn's signature (inaudible).

Board Member Cook stated because they are looking for, I guess an answer, if its possible, within thirty days, I guess we don't have to abide by that.

Tim Curtiss stated that is not going to be a problem to get a letter to them in a month.

Chairman Rogan stated yeah, if Rich drafts something and Michelle signs it for me, sign it with an MR next to it, that is perfectly legit.

Board Member Montesano stated get a legal opinion on your signature.

Chairman Rogan stated should we react to, we have the sign application for I.O. Wellness, from discussion at the work session, the building mounted sign was okay but the free standing sign, there basically wasn't any room left, should we at least react to the building mounted sign.

Rich Williams stated you certainly could.

Chairman Rogan stated and send a message to them, which is what we would have done tonight anyway, they need to talk to the owner of the restaurant and see if there is any way they can share some of that square footage because he used 24 of the 25 square foot but we have a very nice photo of what the sign will look, 24 inches high, 96 inches tall.

Board Member Pierro stated on the motion.

Chairman Rogan stated please.

Board Member Pierro stated SEQR.

Chairman Rogan stated SEQR and the sign.

Board Member Pierro stated in the matter of I.O. Wellness, don't have the address because I'm not looking at the application.

Chairman Rogan stated 173 Haviland.

Board Member Pierro stated 173 Haviland Drive, Patterson, I make a motion that we approve, I make a motion that we grant a negative determination of SEQR for the building mounted sign located at that location.

Board Member Montesano seconded the motion.

Board Member Pierro stated I make a follow up motion to approve the building mounted sign the size of 24 by 96 inches.

Board Member Montesano seconded the motion.

Chairman Rogan stated second on both by Mike, just one comment on that that it should, there is no lighting noted so there is not lighting incorporated into that approval.

Board Member Pierro stated right.

Chairman Rogan asks for all in favor:

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

Motion carries on a vote of 4 to 0.

Chairman Rogan stated on both, okay, motion approved.

Board Member Pierro stated so Rich, you will communicate that to the I.O. Wellness people that they have to.

Board Member Montesano stated that they are not so well.

Board Member Pierro stated they have to get the other sign because the sign for the restaurant is really of poor quality anyway, so if they could negotiate that a little bit, make it two sign.

Board Member Montesano stated are you going to buy the boxes that Mr. Bloomberg is going to buy.

Tim Curtiss stated yeah, I'm going right down there tomorrow.

Board Member Pierro stated yeah sure.

Chairman Rogan stated motion to adjourn.

Board Member Pierro seconded the motion.

Chairman Rogan asks for all in favor:

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

Motion carries on a vote of 4 to 0.

Chairman Rogan stated thank you everyone.