

**APPROVED**

**TOWN OF PATTERSON**

**PLANNING BOARD MEETING**

**February 4, 2010**

**AGENDA & MINUTES**

	<b>Page #</b>	
1) <b>O'Mara Wetlands/Watercourse Application</b>	2	Applicant did not appear. No new submission.
2) <b>The Art of Health – Sign Application</b>	2, 11 – 16	Negative Declaration of SERQA granted. Sign Application approved.
3) <b>Ice Pond Estates – SEQRA Determination</b>	2 – 11	Discussion of site walk comments, roadway and archeological study
4) <b>Wireless Edge at Quail Ridge – Site Walk</b>	16	Board is waiting for roadway information.
5) <b>Genovese Site Plan</b>	16 – 23	Waiver of Handicap Space sizing granted. Discussion of comments to be addressed.
6) <b>Stone Hill Developers Site Plan</b>	23	Discussed at 1.28.10 Work Session.
7) <b>Black Birch LLC – Concept Plan</b>	23	Discussed at 1.28.10 Work Session
8) <b>Other Business</b>		
a. <b>Zoning Amendment - Clubs</b>	26 – 32	Discussion of proposed code changes. Discussed at 1.28.10 Work Session
b. <b>Guiding Eyes for Blind</b>		
c. <b>Dunning Subdivision Performance</b>	23 – 26	Bond Estimate Recommendation made to Town Board.
<b>Bond</b>		
d. <b>Petrillo Request for Bond</b>	26	Granted at 1.28. Work Session.
e. <b>Clocktower Frame Sign Application</b>	23 & 26	No information received.
<b>Chiappa Wetlands/Watercourse Waiver</b>	32 – 38	Discussion of garage location, size and driveway
9) <b>Minutes</b>	38-39	December 3 <sup>rd</sup> & 29 <sup>th</sup> and January 7 <sup>th</sup> Approved.

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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  
Charles Cook, Vice Chairman  
Michael Montesano  
Maria Di Salvo  
Thomas E. McNulty

**APPROVED**

**Planning Board  
February 4, 2010 Meeting Minutes**

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

Present were: Chairman Rogan, Board Member Cook, Board Member Montesano, Board Member DiSalvo, Board Member McNulty, Rich Williams, Town Planner, Ted Kozlowski, Town of Patterson Environmental Conservation Inspection, Andrew Fetherston of the Town Engineer's office Maser Consulting and Mr. Carl Lodes of the Town Attorney's office, Curtiss and Leibell.

Chairman Rogan called the meeting to order and led the Salute to the Flag.

The meeting was called to order at 7:30 p.m.

Michelle Russo was the Secretary and transcribed the following minutes.

Chairman Rogan stated thank you, please be seated. I see a lot of new faces tonight so I just wanted to start the meeting I understand that some of you are here for a particular code change that we will be discussing tonight. I just want to make sure that everyone understands, number one, first of all that we are not going to get to that for a little bit of time, we have other items to discuss before that and second just to make sure that people are aware, number one, did we get copies of the code change, remember we were working on that earlier.

The Secretary stated yes.

Chairman Rogan stated number one the proposed code change that the Board is considering is available for people to read, is it out at the table, okay so if anyone has not received it, that's it correct ma'am. The draft, so everyone can read kind of what the Board is going to be looking at and considering. Secondly, I want everyone to realize while they are reading this that the reason that the Board is looking at this tonight is because we were asked by the Town Board to look at changes to that code while there may be an application that everyone is interested in that maybe either impacted by this code or the topic of this code, the application itself is not going to be discussed tonight. That is for a different time and place when an application is being discussed and there will be a public hearing at such later date so just to be aware that what we are discussing tonight is specific to that code for clubs. So I just want to make sure that people don't have their hopes up that we are going to be talking about a particular application tonight because that is not going to happen.

**1) O'MARA WETLANDS/WATERCOURSE APPLICATION**

Chairman Rogan stated I want to start by saying O'Mara Wetlands/Watercourse permit application, we don't have anything new on [this application], correct.

Rich Williams stated correct.

Chairman Rogan stated the Board had done a site walk, we are waiting for the owner to come back in with additional information on that application. That is wetlands permit is off of Old Road.

**2) THE ART OF HEALING – Sign Application**

Chairman Rogan stated is anyone here for the Art of Healing, the sign application, hopefully they'll come in, and we'll take care of that.

The Secretary stated I did speak with him this morning, he said he was coming.

Chairman Rogan stated okay.

**3) ICE POND ESTATES – SEQRA Determination**

Mr. Chris Fisher of Cuddy & Feder, Mr. Rick Lamontagne and Mr. Joe Buschynski of Bibbo Associates were present.

Chairman Rogan stated somebody want to let Joe Buschynski know we're up for Ice Pond [Estates], yes. Good evening Ron, I see you sitting back there in the middle. Ron, if you could either verbally tonight or in writing or both, we put it in the site walk comments but we wanted you to just speak a little bit to what you observed and what you're hoping we will do on this, in fact tonight if you are able to would be fantastic.

Mr. Taylor stated sure.

Chairman Rogan stated good evening sir.

Mr. Fisher stated hi, good evening.

Chairman Rogan stated how are you.

Mr. Fisher stated good, thank you, Chris Fisher from Cuddy & Feder on behalf of the applicant.

Chairman Rogan stated how are you Joe.

Mr. Buschynski stated good evening.

Mr. Fisher stated Joe is with us, Rick is coming and Geoff Ringler is here as well.

Chairman Rogan stated okay great, is there anyone who is here for Ice Pond Subdivision who would like to see at least a set of plans put up, Edie, anyone.

Board Member DiSalvo stated I would.

Chairman Rogan stated all right, why don't we see if we can throw up a general layout.

Mr. Fisher stated sure.

Board Member DiSalvo stated (inaudible – mumbling).

Chairman Rogan stated thanks.

Mr. Fisher stated okay Chairman, we're ready.

Chairman Rogan stated so you gentlemen are all aware that the Board got out and did a second site walk, it was on a rather cold morning in the snow but it was nice. We had with us, Ron Taylor who is a representative of the Patterson Historical Society, we walked, um, we parked along Ice Pond Road a little bit uphill of the proposed entrance on the turn, walked in along the proposed roadway, towards the back cul-de-sac around some of the ridgelines, through there. You gentlemen have a copy of the site walk comments you received. It was good that we went out there because the first time we were out on the site, we noticed some difficult challenges in terms of slope and getting that roadway to the back, to the cul-de-sac, particularly there is a like a saddle or a drop off at the tail end of that road. We were rather concerned about the impact of constructing that road way in that area and we actually thought that that road had been pulled back but when we walked out there, it seems like it still goes through that one section and Rich if you have any input on this to clarify it, jump right in. The Board was concerned really about the extension of a road way that only serviced one house, nobody said, you know you have to do away with that lot but we were concerned about the construction of that roadway. Whether it means maybe making a longer driveway or taking a look at that, we wanted to make you aware of that again.

Mr. Lamontagne stated road frontage would be an issue...

Chairman Rogan stated okay.

Mr. Lamontagne stated on that lot, that's why it extends that length.

Chairman Rogan stated so would it be a, Rich, I'm reaching out to you now, rather than having a longer road in that section for purposes of road frontage on the lot. Would it be more appropriate to pull the road back and look for a waiver of that lot frontage on that lot so that we are reducing the impacts but still allowing that use.

Rich Williams stated yes, certainly you could because this is a cluster subdivision, it would go back to the Town Board for that variance, you know with a recommendation from the Board, typically the Town Board has viewed these somewhat favorably, not always but yea, that would be the procedure. Clearly the Board when they were out there, they saw that you know, you are going through a saddle you're going to have that fill, there is going to be additional disturbance. So if that was the Board's desire to pull that cul-de-sac down to a shorter length and minimize the disturbance in that area and recommend to the Town Board that you know, that it would be appropriate to issue a variance for that lot frontage, you could do that.

Chairman Rogan stated okay, I mean we obviously would have to discuss that but I think the information that the Town Board would want to know is that its for a reason, its to reduce the amount of impact of those

slopes and I think putting a driveway through there is going to be or around there, is going to be less impactful than trying to construct that roadway. We also noticed and it's probably shown on the plans but when you are out in the field and you're not all professionals, sometimes it's difficult that some of the lots, the house locations as best we could tell from the plans, seem to be tight up against what is a rather large section of ledge rock and I think it's off of the spur road, do you remember the lots specifically Rich.

Rich Williams stated I believe it was around lot 14.

Chairman Rogan stated okay.

Mr. Lamontagne stated 14 here that the ledge rock is up above...

Chairman Rogan stated okay.

Mr. Lamontagne stated we can certainly show it on there, as we showed it here and the larger one over on road A but we can certainly show that. It is far enough away from the construction.

Chairman Rogan stated okay, I think certainly you should show it because if we are talking about the same ledge rock it was one of the largest chunks of ledge rock we saw on the whole site and we were thinking of it, not from the standpoint that we want to see where the ledge is because it makes for a better plan but that it would severely limit the backyard of those houses and I know we talked a lot about showing swimming pools and structures just for planning sake and it probably was not shown on that lot but we want to be able to understand where the house is going to be situated relevant to that ledge.

Mr. Fisher stated we...go ahead Geoff.

Mr. Ringler stated I was just going to say...

Chairman Rogan stated can you stand up please sir, you're soft spoken.

Mr. Ringler stated I believe if you saw some of the stakes of the houses, that are left over from the original layout, we have pulled the houses forward since then.

Chairman Rogan stated okay, thank you, so maybe seeing it on this plan will give the Board the comfort level that the distance between the back of the house and that ledge is sufficient to provide a normal use of the backyard of these houses. We walked over to the old foundation areas, which was really interesting, I know now why Mike has been yelling basically for the last year or so, two years about covering up the well and I know that has been addressed but boy that was an accident waiting to happen in that area, that is a hand dug well that has a lot of significance, the foundation there, we have Ron Taylor who went with us on the site walk. Ron, if it's appropriate would you mind coming up at this time and just say a few words about what you saw and what you would like to see.

Board Member DiSalvo stated I have (inaudible).

Mr. Fisher stated Chairman, if I could just on the well condition, we did see the comment and Geoff actually indicated that we were actually going to do some more work out there to secure it even further, like a steel plate, a one inch and put it right over.

Chairman Rogan stated yea, perfect, I just would hate to see and it's so close to the road and the natural access way, not that people should be there illegally but if they were they, we certainly don't want to end up with a situation out there. Hello Ron.

Mr. Taylor stated hi.

Chairman Rogan stated sorry to put you on the spot.

Mr. Taylor stated oh it's all right, I should have gotten dressed.

Chairman Rogan stated you look great.

Mr. Taylor stated we, I'm not quite sure how to address it and you've already addressed some of the issues in terms of preserving as many of the stone walls as possible. We would like the archeological process to continue to the next stage so that the archeologist can actually do a better determination of what is there and whether this is any significance in it, which would be a 1B, I think...

Chairman Rogan stated and you're speaking more specifically about the area around the foundation, correct.

Mr. Taylor stated yes, he proposed two phases or two sections of phase two one would be to explore some of the possible native American remains which he wasn't sure there were any there, just a quick check to see if there were any up in some of the, what could be rock shelters up on the hill and then the main proposal was to do some more exploration around the historic structures, there were several barns, a large house called a villa at that time and probably a carriage house which we can see on marble steps, we saw the marble steps both to the house and to the carriage house, so they were significant buildings at one time. Beyond that, I don't know whether it would be nice to retain more of the structures but whether that is possible especially with a big dug foundation, it may not be safe to do that but anything to preserve the, some of the integrity of and reflect the historic nature of that site would be appreciated.

Chairman Rogan stated what I would ask sir is the old foundation shown on the set of plans that you have there.

Mr. Lamontagne stated yes it is, it is located right here where the 23 is.

Board Member DiSalvo stated (inaudible).

Chairman Rogan stated oh okay.

Mr. Taylor stated which foundation is that.

Mr. Lamontagne stated that is the large, from the villa.

Mr. Taylor stated that's the house, okay.

Mr. Lamontagne stated that's the house, yes.

Mr. Taylor stated so there is a barn where a septic is to the...

Mr. Lamontagne stated no the barn, the other foundations were up...

Mr. Taylor stated in here.

Mr. Lamontagne stated in between the two lots or right in that general area.

Chairman Rogan stated I think we would, if they are going to be incorporated into the lots, I think we absolutely would want to at least check that, that was really interesting being on, taking a look at that and thinking about the history behind those foundations, they were better men than me to build those foundations...

Board Member McNulty stated some serious stone.

Chairman Rogan stated the size of the stones, right. You have anything else you want to add.

Mr. Taylor stated from what I understand the law doesn't require you to save anything...

Mr. Fisher stated right.

Mr. Taylor stated the archeologist, if it is considered significant can save ten percent, dig up ten percent of what's there and the rest can be bulldozed but if like the stone walls, it's possible to incorporate some of that into what you're doing without undue expense, we would appreciate if you could do that.

Mr. Lamontagne stated currently there are no, there is no disturbance in any of those areas.

Chairman Rogan stated would you find though, realistically, that the foundation like that if it was in someone's backyard would be a hazard because it sure seems like it would be.

Mr. Lamontagne stated yea, it would be a concern.

Chairman Rogan stated you know, it seems like that is the kind of thing you save and make its own parcel or you find out archeologically if it has significance and if not you unfortunately remove it or (inaudible)...

Mr. Fisher stated I think the barn less so because it is incorporated into a stone wall but the foundation for the house would definitely (inaudible).

Chairman Rogan stated yea and the house is the greater, from what I remember the barn foundation was rather insignificant compared to the main house which had the steps going into the basement, you know. I think at a minimum at least getting someone out there who knows what they are looking for to, if there is anything, they are able to recover it.

Mr. Fisher stated right, when talked about this the last time, obviously this is a fairly sizable archeological report that we provided, that's the phase one that you are referring to, from our perspective more just dealing with historic resources, the good news for us I guess is that there is nothing historically significant about the foundation, although they are sizable and very interesting as you mentioned...

Chairman Rogan stated right.

Mr. Fisher stated the consultant that we retained did recommend a phase 1b to see if there are any artifacts in the area and certainly to do that, I, the client said we will do that, I believe we said that the last time, its just a question of timing, one of the things that we typically, doing a 1b, you can do it at the time of actual construction, if you want us to try get going on that sooner rather than later we can try to do that as well.

Chairman Rogan stated well I think because it is so close to the road, its not like you have to go bring, whatever the archeologist has to do, you don't have to go way into the woods, its an easy access site...

Mr. Fisher stated right.

Chairman Rogan stated so I think you know, somewhat sooner than later would be appropriate. Who was the archeologist, the gentlemen who did that report.

Mr. Fisher stated Eugene Boesch, PhD, sorry, RPA...

Chairman Rogan stated okay, very well regarded gentleman, he's very well known, I have to recollect or remember who had used and Ron you're familiar with Eugene aren't you.

Mr. Taylor stated yes, I am.

Chairman Rogan stated okay, excellent.

Mr. Ringler stated just a comment on the stone walls, when we redesigned the property, we did take a hard look at some of the wide stonewalls and the better ones and try to incorporate them on to property lines and that sort of thing but it is our intention moving forward to, that any of the stonewalls that don't fall on the property line, anything that we can save we would like to, it obviously makes our lots better and more saleable.

Chairman Rogan stated yea, they are really an attractive part of this property and I am really happy, I have to commend you guys for the, the one section of wall that we always pushed for, you've got clearly using as a property line and that is a wall that I think everybody was impressed. Tom you hadn't seen it before but in some areas it looks like it was well over 10 feet wide and someone had mentioned that it was used to keep bulls from jumping over from one wall to the other, it kind of kept them and they wouldn't jump that far, it was kind of interesting.

**Mr. Dumont** stated is it possible to make a comment.

Chairman Rogan stated sure.

**Mr. Dumont** stated just again, being a neighbor...

Chairman Rogan stated you need to just come up Bob, you remember the rules, it's been awhile.

**Mr. Dumont** stated it's been awhile, thank god. Bob Dumont, I live on Bullet Hole Road but just living close to this property on the archeologicals and just doing some travelling around, it would really strike me as a Native American site, just with the ledge and all. It's consistent with other places I've seen, so I would be surprised if there were a lot of pre-colonial activity there, its wet, it has the ledges, and I would hope that a good survey would be done and encourage. There is that nice dam that is in the front, I'm not sure I have

to take a closer look at the map, there is a very larger glacial stone which I hope isn't going to be blown to bits there but there are a lot of features in this area which would just be tragic to lose.

Chairman Rogan stated Bob, are you familiar with some of what's been planned for this project in terms of the land swapping, Edie, have you filled in Bob at all on, no, okay.

**Mr. Dumont** stated I haven't, you know other than seeing this and seeing markers on stones which gave me the indication something was going on, I had nothing...

Chairman Rogan stated I travel that road everyday to work and if you go up and down the road, you have to be blind to not know something was going up because there was a lot of activity on and off the site.

**Mr. Dumont** stated yup, it's been a busy time for me so I haven't been able to follow up but I had finally had time to look on the website, so I'm glad you guys post this stuff but yea, I'll be keeping apprised of this.

Chairman Rogan stated great, appreciate it.

**Mr. Dumont** stated but thanks.

Chairman Rogan stated thanks for your comments Bob and like I said, that is why I asked about Eugene Boesch, very well regarded I trust the guy a hundred percent. He's really well known in the field and has an eye for that as well, for the Native American, so, that's nice, I'm glad about that. Also, as you know we've been bringing up this idea of Ice Pond Road and getting an assessment done, we are very close to having some information for the Board to look at from our Highway Department and our Planning Office, in terms of some common sense improvements. There are certainly some areas there that we would like to take a look at and I think that reasonable people will come to some compromise on those issues. Anything from anyone else on the Board that you would like to bring up.

Board Member Cook stated I would just like to bring up, we got the DEP letter...

Mr. Fisher stated yes.

Board Member Cook stated and dealing with that and...

Mr. Fisher stated yes, we, I think the last time we were here, we did have that letter and our engineers are obviously incorporating a lot of those comments, we saw those as preliminary subdivision planning comments that we need to address.

Chairman Rogan stated okay, anything from you, Maria, you and Mike.

Board Member DiSalvo stated we talked about if the road does not get paved, the danger it would present with adding 25 houses on that road, the impact of other people living on that road, the dust generated from 70 cars possibly being there, just concerned about that. Shawn had mentioned about the curves in the road, this is a big impact to that area over there and so.

Chairman Rogan stated so I think, just to kind of pull this all together, we are looking at just nailing down what the deficiencies are, I know we have your traffic impact study but nailing down what we see as the areas of the road that need to be addressed, see if we can meet together to discuss what would make sense

to do in those areas and come up with a plan, other than the agreement with the archeological investigation, it sounds like you're already on board with that and its just a matter of the timing and we can work that out.

Mr. Fisher stated right.

Chairman Rogan stated and just maybe checking the lots that we talked about and see what we can with the cul-de-sac. If we can nail down those items which don't seem to be too overly complicated, except I think the road is still in my mind one of the bigger issues. I think then the Board is certainly going to be in a better position to move forward to a SEQRA Determination and get this out to public comment and get some good input on this.

Mr. Fisher stated we'll work on those, on the offsite and the roadway, we obviously did indicate at the last meeting that we are certainly aware of that as a concern of the Board, we are willing to work with the Board on reasonable offsite improvements to the road and it is really a matter of sitting down and defining what those are so we hoped to have a meeting with your staff with your permission before the next meeting to be able to accomplish some of that.

Chairman Rogan stated well I think that would be great but that would be premature until after the site visit has been done and we have input. So I think Rich is going to...

Rich Williams stated yea, that plans are to meet with our Highway Department, go out there, we tried to schedule that once before, we were unsuccessful, we are going to try to do it again and I am hopeful that next week that is going to occur. Then I will issue a memo, everybody will review it, I'll push it out to the Board and such and possibly the week after...

Mr. Fisher stated you'll sit down with us, after that, sure, okay.

Chairman Rogan stated yea and in fact I think that would be best to do before you come back before us so at least then we all know where we are going, we know what the plan at least in terms of what you're proposing. We'll get a little input from Rich and certainly from Andrew and meet back and see how far we get.

Mr. Fisher stated sure.

Board Member Cook stated another thing, can you just point out again where the fire suppression tanks are...

Mr. Lamontagne stated there is one right here, right in front of lot 23 on road b and one in front of lot 10 on road A.

Board Member Cook stated okay, thank you.

Chairman Rogan stated I'm sorry, also, Bob I actually brought this up because you were so interested in looking at the map and you didn't really have the history, and this will come out with the public hearing. What has basically occurred up to this point is that Putnam Land Trust who owns some property has been working with the developer to basically do a lot of swapping in terms of gaining some more really, some fantastic property and some great, you know open space for the Trust...

**Mr. Dumont** stated this area (inaudible)...

Chairman Rogan stated I'm sorry Bob, you...

**Mr. Dumont** stated again, this area from my knowledge of it, is so wet and so full of streams...

Chairman Rogan stated I think you are actually probably pointing more to the lower section because actually the area that we walked for the, right along the roadway is all, I mean there is some rock out there but its more upland.

**Mr. Dumont** stated that's what I mean, it's on a rock ledge or stream...

Chairman Rogan stated yea.

**Mr. Dumont** stated I, we'll get into this later, and I just needed to see the map, thank you.

Chairman Rogan stated understood, thank you.

Mr. Fisher stated Chairman, if you don't mind, if I could just point out some of that on the map, the arrangement that we have, the contract with Land Trust they own this parcel, the developer owns here and here. Instead of trying to come in and develop pockets with steep slopes and this is the actual top of the ridge, on the other side is Ice Pond itself, on these areas what we are trying to do is preserve these wetland areas, preserve the ridge and develop the developable areas in a cluster subdivision in accordance with the Town's regulations. What would ultimately happen is this entire area would become Land Trust parcel preserved, so its really a benefit to both the applicant and the Land Trust, they get more holdings and then this as a whole becomes, I think the intent of your open space regulations with a real preservation effect.

Chairman Rogan stated I think this is one of the better examples of that kind of working together with that goal in mind and I know early on, the land trust representatives were very excited about this opportunity. So I think so far to this point, everyone is pretty on the same page where we are moving and where we are going with this. I appreciate you time, thank you.

Mr. Fisher stated thank you.

Chairman Rogan stated oh I'm sorry.

Mr. Ringler stated just from a timing perspective, with the archeological phase 1b, I know that this next phase is going out into the field and doing some test pits and that sort of thing which obviously we can't do at this time of the year...

Chairman Rogan stated right.

Mr. Ringler stated would you be looking for that report to come back prior to any determination on SEQRA.

Chairman Rogan stated no, I don't think that would be realistic but it may have an impact on the final layout. If there is something out that that just blows all of our minds, it might mean a minor shift in one lot or something, who knows but I don't think that would be realistic or appropriate to ask of you...

Mr. Ringler stated okay, great, thank you.

Chairman Rogan stated you've been very cooperative with the Board to this point and I don't see any reason to throw that on you.

Mr. Ringler stated thank you.

Chairman Rogan stated okay, all right, anybody else...

Mr. Fisher stated thank you.

Chairman Rogan stated thanks.

## 2) **THE ART OF HEALING – Sign Application**

Mr. Bill Bubenicek, the applicant, was present.

Chairman Rogan stated did anybody happen to come in from The Art of Healing, sign application. Yes, sir, come on up.

Mr. Bubenicek stated how are you.

Chairman Rogan stated I'm good, how are you. We'll wait for them to just clear out for one moment.

Board Member Montesano stated would you like to have a make-up meeting tonight (inaudible).

Chairman Rogan stated one minute, just so it clears out for a second.

Mr. Bubenicek stated no problem.

Board Member DiSalvo stated does he have a sample of the sign, a sample.

Chairman Rogan stated no but...

Board Member DiSalvo stated do you have a sample of the sign other than what you gave us.

Mr. Bubenicek stated it's that exact sign there...

Chairman Rogan stated I'm just waiting for everyone to clear out.

Mr. Bubenicek stated that's the sign, that's all I have.

Chairman Rogan stated okay.

Mr. Bubenicek stated it's actually in the basement of the building right now.

Board Member Montesano stated you mean it's that long.

Chairman Rogan stated if you could state your name for the record, you just need to use the microphone.

Mr. Bubenicek stated its Bill Bubenicek.

Chairman Rogan stated hello Bill, how are you.

Mr. Bubenicek stated I'm good thank you.

Chairman Rogan stated you are looking for a sign for the front of your new business, very close to here...

Mr. Bubenicek stated real close, I walked over, I had no problem finding the place here.

Chairman Rogan stated okay, Mike, do you want to start with the location that you were, you wanted some clarification on that.

Board Member Montesano stated all right, right now it appears that the sign is in the center of the doorway.

Mr. Bubenicek stated we would probably move it over to the side so it would be equal to the Chinese restaurant, so it would look symmetrical.

Chairman Rogan stated great.

Board Member DiSalvo stated where the existing sign is.

Mr. Bubenicek stated that is what we would prefer to do.

Board Member Montesano stated we were wondering (inaudible).

Mr. Bubenicek stated so it would, we want (inaudible).

Board Member Montesano stated these lights are unshielded.

Mr. Bubenicek stated we would probably move these over here and shield them so you wouldn't have any reflection because we don't want it coming off the glass.

Board Member Montesano stated she's going to let you do that.

Mr. Bubenicek stated we'll have electrician do that for sure...

Chairman Rogan stated okay.

Board Member McNulty stated are there currently lights on the sign now.

Mr. Bubenicek stated no, the sign is in the basement actually.

Board Member McNulty stated the current sign, the images sign, is that lit.

Mr. Bubenicek stated there is nothing there right now, there is nothing lit.

Board Member McNulty stated so you would add new lighting.

Mr. Bubenicek stated that is correct.

Board Member DiSalvo stated (inaudible).

Chairman Rogan stated I'm sorry what.

Board Member DiSalvo stated the sign that is there, the images, is that left over from the photographer.

Mr. Bubenicek stated yes, he took that sign.

Board Member Montesano stated (inaudible).

Board Member DiSalvo stated oh okay.

Chairman Rogan stated okay, so you're going to add lighting to your sign...

Mr. Bubenicek stated yes.

Chairman Rogan stated it will be bulbs that are going to shine on to the sign or internal.

Mr. Bubenicek stated probably bulbs that will shine onto the sign.

Chairman Rogan stated okay, the main thing really and we would want you to check with Rich before installation is the type that they are shielded and we don't create a nuisance where, especially at that intersection...

Mr. Bubenicek stated sure.

Chairman Rogan stated that we have something that would blind anyone, I'm sure you don't want the liability for that...

Mr. Bubenicek stated it makes sense, no, I absolutely don't.

Chairman Rogan stated and then the color of the sign wasn't very clear from the application.

Mr. Bubenicek stated it was green and then it was red, right.

Chairman Rogan stated well, what is it that you are proposing to do.

Mr. Bubenicek stated the brick red is probably the one we would like to go with.

Chairman Rogan stated okay, so brick red background; the letters would be what color.

Mr. Bubenicek stated white.

Chairman Rogan stated okay, so and then the border would also be white.

Mr. Bubenicek stated yes.

Chairman Rogan stated as long as it's the red that, Rich will help you with this, for the Hamlet as you know there are colors that have been approved that we are trying get everybody in compliance with.

Mr. Bubenicek stated I wasn't sure what they were, that's what I would have...

Chairman Rogan stated we refer to them as colonial colors, I don't know the technical...

Rich Williams stated it's a deeper red usually than a brick red.

Mr. Bubenicek stated that would be great because I haven't had the sign actually completely designed yet...

Chairman Rogan stated great.

Mr. Bubenicek stated so whatever, give me the guidelines of what I need to have and that is how it will be.

Board Member McNulty stated it will be more of a maroon.

Rich Williams stated yea but not quite a maroon.

Chairman Rogan stated a colonial kind of maroon.

Rich Williams stated and typically what we are going to ask, I mean we can show you some samples but we are going to ask you to submit a paint chip before you actually do the sign so we can approve that, so if you can give me just cut sheets of the lights and show me where you are going to put them, we can work that all out quick.

Mr. Bubenicek stated I can stop by during the day and do that that would be all right.

Rich Williams stated somebody should be there.

Chairman Rogan stated okay, so I think those were the only issues we had, just the location of the sign, the lighting, the color, anything else, anything anybody is thinking of.

Board Member Cook stated nope.

Chairman Rogan stated okay, we need a SEQRA Determination on the sign and a motion, anyone.

Board Member DiSalvo stated I'll do the SEQRA.

Chairman Rogan stated okay.

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

Chairman Rogan stated can I have a second.

Board Member Montesano seconded the motion.

Chairman Rogan asks for all in favor:

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

The motion carries by a vote of 5 to 0.

Chairman Rogan sated opposed and a motion on the sign application.

Board Member Cook stated I make the motion that the Planning Board approve the sign application for the Art of Healing dated January 21, 2010 and that the applicant work with the Town Planner on the issues of lighting and color.

Chairman Rogan stated can I have a second.

Board Member McNulty seconded the motion.

Chairman Rogan asks for all in favor:

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

The motion carries by a vote of 5 to 0.

Chairman Rogan stated any opposed. You said the size, right...

Board Member DiSalvo stated 17.4.

Board Member Cook stated I said based on the application.

Board Member DiSalvo sated okay.

Board Member Montesano stated on the application.

Chairman Rogan stated perfect, so sir just please make sure you check with Rich with the final design...

Mr. Bubenicek stated sure.

Chairman Rogan stated and the lighting elements, so that you make sure you don't waste any money on it.

Mr. Bubenicek stated I would love to invite you all over there too before we open up, we are planning on opening probably in mid-march.

Chairman Rogan stated let Rich know, that would be very nice, thank you.

Mr. Bubenicek stated I would love to have you all come over, just to see what we're doing there.

Chairman Rogan stated we're happy to have you in Town, thank you very much.

Mr. Bubenicek stated thank you very much.

Chairman Rogan stated have a good evening.

#### 4) **WIRELESS EDGE AT QUAIL RIDGE- Site Walk**

Applicant did not appear.

Chairman Rogan stated do we have anyone here for Wireless Edge at Quail Ridge, no. I wasn't sure that we would actually, that is on the agenda because the Board had done a site walk, we actually did a second site walk with our new Planning Board Member, Tom McNulty and we had asked the applicant to come up with a little more engineering work to show other alternatives for access to the site and I think that is under review at this point. So, we look forward to continuing on that review when they come back in with that information.

#### 5) **GENOVESE SITE PLAN**

Mrs. Terri-Ann Hahn of LADA Land Planners P.C. was present.

Chairman Rogan stated Genovese Site Plan.

**Mr. Bloss** stated no public comment on Wireless Edge.

Chairman Rogan stated there will be at some point, we actually are not at that point but absolutely, there will be, yes. If I didn't give enough description, I'd be happy to you know, its just that we are looking at other alternatives for access, good engineering to prove them out so we know what's possible and that is in essence what we are looking for right now, we don't have that.

**Mr. Bloss** stated okay.

Chairman Rogan stated so, thank you I appreciate you letting me know you're here for that.

**Mr. Bloss** stated thank you.

Board Member Montesano stated tell him to write a letter.

Chairman Rogan stated sir, if you have any comments that you would like to get to us though, ahead of the public hearing, you can always send something in writing.

**Mr. Bloss** stated I already sent something in, I just didn't know whether or not (inaudible).

Chairman Rogan stated okay, what is your name sir.

**Mr. Bloss** stated Geoff Bloss.

Chairman Rogan stated we have your letter here, we read it this evening, thank you.

Tim Curtiss stated I got this one, all right.

Mrs. Hahn stated I always trouble with the clips, I'm sorry.

Chairman Rogan stated it's quite all right, Tim has been waiting here patiently.

Board Member Montesano stated he came here tonight especially for this.

Mrs. Hahn stated there has to be a reason why it's high, that's right, thank you.

Chairman Rogan stated good evening.

Mrs. Hahn stated good evening Terri-Ann Hahn, LADA P.C., site plan is for the Flex Building for Genovese, this is on Route 22. We've been working with DEP and DEC, gone through out a test holes for septic for the Health Department, there was a regulation change while we were doing all of these things and that is why it took us so long to get back in front of you guys so...

Chairman Rogan stated that's quite all right.

Mrs. Hahn stated we are currently heading down the road with DEP and stormwater, so I thought we should come back and make sure that everything was good with you all and with Rich Williams and now we have different engineer because it was originally reviewed under the previous Town Engineer. So we do have some comments that we will clean up and just make, I just want to make sure that when we get to the DEP approval that we are all on the same page and we don't end up with two sets of approved drawings, so.

Chairman Rogan stated I haven't had a chance to go through all the comments from either Andrew or Rich but I know that usually when we have this volume of issues going on that it's a great idea for the three of you to get together...

Mrs. Hahn stated sure.

Chairman Rogan stated and sit down and so that we are all moving forward in the same direction and not wasting any time, so...

Mr. Hahn stated okay.

Chairman Rogan stated I would make a recommendation that you all set that meeting and...

Mrs. Hahn stated and its funny because some of the comments that came up were specifically revised to address the previous engineer's comments, so I will change them back to what they were.

Chairman Rogan stated take the comments and hit him over the head with them.

Board Member Montesano stated yea.

Chairman Rogan stated bring in the old comment letter and the new one...

Mrs. Hahn stated its okay, we'll get it back to where it needs to be.

Chairman Rogan stated get him to buy lunch.

Mrs. Hahn stated not a problem, we just wanted to make sure there weren't any other comments or questions from the Board and make sure there were no issues. I think there was still a lingering question about the wetland permit because we had submitted a wetlands permit. We had a public hearing but we never finished it and I don't know if that will be all wrapped together as the site plan approval or how that would work.

Chairman Rogan stated typically they are, we'll wrap up that wetlands permit as part of the site plan approval.

Ted Kozlowski stated has anything changed.

Mrs. Hahn stated no.

Ted Kozlowski stated nothing's changed since...

Mrs. Hahn stated it has not, the only thing that is part of the wetlands application itself is the local wetlands is the connection of a water line through the buffer area and then we have a DEC wetland application that is in process. Our road frontage is all within the hundred foot buffer and so our road access and grading in that area needs to be, is subject to a DEC permit.

Ted Kozlowski stated has that permit amended to show that.

Mrs. Hahn stated the original Town permit...

Ted Kozlowski stated yea.

Mrs. Hahn stated it did include that.

Rich Williams stated it did not include that and that is one of the comments that we have been asking you to address for quite some time now. Is that you need to amend that application to include that portion of the site that is within the DEC boundary also, as we exercise concurrent jurisdiction, once we have that application, we can confirm the fee which again still have never been provided to the Town.

Mrs. Hahn stated I think, all right, I would be happy to do that again because I know we went through this before and I have a separate application, I'm just wondering if maybe it didn't just get forwarded to you...

Rich Williams stated maybe it never got submitted.

Mrs. Hahn stated that was clear when we were calculating there area of disturbance, it included this and it include that, so not a problem.

Chairman Rogan stated Andrew, I know you had a lot comments on this but is there anything that aside from meeting with applicant's engineer that you want to bring to the Board's attention that we should be more aware of or are they all more technical.

Andrew Fetherston stated I think they are all technical comments, stormwater comments, permitting comments, DOT, just a clarification. I think the meeting will address them Shawn.

Chairman Rogan stated great, okay, anything else from anyone on the Board, Rich, you're up.

Rich Williams stated a couple of issues, first you know just to move this process along, our Code requires 10 foot wide parking stalls, the application that we have here for the ADA which is not untypical, unusual rather, the parking stalls are only 8 feet wide. If the Board is comfortable with that, they do need to issue a waiver, you know that is something to...

Chairman Rogan stated what would be the decreased number of spots if we went to 9 feet, if we (inaudible)...

Mrs. Hahn stated well its not quite that cut and dry because what it is, is you've got 8 foot of striped areas and 8 feet of open area.

Chairman Rogan stated so it is only 8 feet on the handicap spots.

Rich Williams stated its only the stalls, the 8 feet of striping stays.

Mrs. Hahn stated so you can either go less than 8 feet for the striping, for a total that doesn't meet ADA Code.

Chairman Rogan stated my question is, is that a width that only impacts on the ADA spots and not on the other remaining spots, okay.

Rich Williams stated correct, the rest are all 10 [feet].

Chairman Rogan stated I'm more comfortable with that because you have those great aisles along the side...

Rich Williams stated right.

Chairman Rogan stated than if we were talking about all spots.

Board Member Cook stated so let me understand this you have the handicap spot and then you have...

Chairman Rogan stated the blue striped area.

Board Member Cook stated the blue striped area next to it.

Mrs. Hahn stated yes, the current ADA Code requires 8 foot striping and 8 foot space for a total of 16 feet, dedicated to that individual space, so the issue is that the open area that is the space is 8 feet as opposed to your Code which requires 10 feet.

Chairman Rogan stated so the Code doesn't differentiate between regular spaces and ADA.

Rich Williams stated no, it just says that all parking spaces should be 10 feet.

Chairman Rogan stated do that tonight as a motion, we're okay with that.

Rich Williams stated yea, there are 4 ADA parking spaces.

Board Member Montesano stated one thing...

Chairman Rogan stated sure.

Board Member Montesano stated the striped area, is that considered a parking space.

Rich Williams stated no.

Board Member McNulty stated no.

Board Member Montesano stated all right, so that then can be 8 feet.

Rich Williams stated it can be what.

Chairman Rogan stated oh yea.

Board Member Montesano stated it could be an 8 foot space.

Rich Williams stated yes.

Board Member Montesano stated okay, I just wanted to clarify because we've got 10 feet and then we are knocking it down for a reason.

Chairman Rogan stated I guess another way of looking at it, not to belabor this but you could have a 10 foot space with a 6 foot aisle, it's the same, it's just a matter of how you cut the spaces there (inaudible).

Board Member Montesano stated right but the terminology that we are using is space, it should be aisle.

Chairman Rogan stated sorry, aisle.

Board Member Montesano stated or something of that, to clarify it further.

Chairman Rogan stated well you have an 8 foot wide parking stall with an 8 foot access aisle for the handicap accessibility, would that be more appropriate, more correct.

Board Member Cook stated how many spots are we talking about.

Board Member DiSalvo stated four.

Chairman Rogan stated four.

Board Member Cook stated so...

Mrs. Hahn stated four.

Board Member Cook stated why not do it, 10 feet and a 6 foot aisle.

Chairman Rogan stated you can.

Mrs. Hahn stated you can, the only reason why we didn't do that is because the Federal regulations set it up as 8 feet and 8 feet, so the Feds...

Chairman Rogan stated so we are meeting the Federal requirement, we are just not meeting our own Code, which is more addressed for normal space.

Board Member Montesano stated okay.

Board Member DiSalvo stated and the 8 feet...

Tim Curtiss stated she's complying with the Federal Code which doesn't meet your local code that is really all it is...

Chairman Rogan stated that's all.

Tim Curtiss stated otherwise se could go 10 and 6.

Chairman Rogan stated would you like to amend our...

Rich Williams stated no she couldn't, she could 10 and 8.

Tim Curtiss stated she could go 10 and 8.

Chairman Rogan stated right.

Board Member Cook stated its just weird that we have to do a waiver when the Federal...

Chairman Rogan stated no, the waiver is from us, not from the, we are not doing anything against the Federal requirement, you're clear on that.

Board Member Cook stated oh yea.

Chairman Rogan stated so there are two options, they either provide a 10 foot stall with an 8 foot access aisle which sounds like it is difficult...

Mrs. Hahn stated that would be complicated.

Chairman Rogan stated we at some point make a recommendation to amend the Town Code to reflect the Federal Regulations for the ADA Space, right...

Tim Curtiss stated yup.

Chairman Rogan stated or we issue a waiver...

Tim Curtiss stated or issue a waiver.

Chairman Rogan stated or some fourth option that has yet to be...

Board Member McNulty stated is there a specific reason the Town has 10 feet, does anybody know why that was designated.

Rich Williams stated generally the larger vans, SUV's require a larger space when everybody was migrating into compact cars, it was okay to start issuing waivers and what we were doing is we were creating these 8 foot wide, 9 foot wide stalls and as Shawn, who drives a big truck, always like to remind everybody...

Chairman Rogan stated that I can't fit in those spaces.

Board Member McNulty stated I have the same problem.

Rich Williams stated and it's the same with the ADA, most people or let me say, a lot of really handicap people are using vans and then squeezing them into an 8 foot stall even with the additional room of that striped area, which is access for loading and unloading, makes it very tight. Typically nowadays, if we catch it early on in the process, we will push the applicant to have 10 foot wide stalls, its better for everybody but in this case, you know we didn't catch it early enough, this project has been around since 2006, though only here about 4 times. In this case I would recommend the waiver.

Chairman Rogan stated okay. I'll make the motion in the Genovese Site Plan, to waive the handicap space width to allow for an 8 foot stall with the 8 foot access aisle, so moved.

Board Member Montesano seconded the motion.

Chairman Rogan asks for all in favor:

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

The motion carries by a vote of 5 to 0.

Chairman Rogan stated any opposed.

Rich Williams stated one last issue that I just want to touch on to see Terri's reaction is the issue of our Code for light manufacturing and for warehousing, requires a 75 foot dense vegetative buffer with no intrusions, they currently have the curtain drains extending quite a distance into that vegetative buffer, which by Code would not be permitted.

Mrs. Hahn stated I can cut it back.

Rich Williams stated okay...

Chairman Rogan stated okay.

Rich Williams stated then it was either that or we needed to talk about an area variance.

Mrs. Hahn stated no, I think we should be able to cut them back.

Rich Williams stated okay, good.

Chairman Rogan stated great, that's it, those two things.

Rich Williams stated well everything else is fairly technical if you want to go through them, we can do that.

Chairman Rogan stated no, I don't particularly want to, just busting your chops a little bit. Okay, Terri, thank you for your time.

Mrs. Hahn stated thank you very much.

Chairman Rogan stated have a great evening.

Mrs. Hahn stated thanks.

## **6 &7) STONE HILL DEVELOPERS SITE PLAN & BLACK BIRCH LLC – Concept Plans**

Chairman Rogan stated we had on our agenda, for the audience's edification, Stone Hill Developers Site Plan and Black Birch LLC, they were both concept plans that the Board spoke about with the property owner at the work session. It was just the idea of here is what I'm thinking about proposing and they were consistent with the commercial area that they are proposed on, so we look forward to reviewing those as applications in the near future.

Board Member McNulty stated maybe we should say it's on Commerce [Drive].

Chairman Rogan stated oh, I'm sorry, on Commerce Drive, which is the commercial street off of Fair Street and the buildings that were proposed are consistent with the buildings that are on that road.

## **8) OTHER BUSINESS**

### **e. Clocktower Frame Sign Application**

Chairman Rogan stated let me ask, do we have anyone here for Clocktower Frame, no. Before you [Andrew] run out...

### **c. Dunning Subdivision Performance Bond**

Chairman Rogan stated Dunning Subdivision Performance Bond, I'm jumping around a little bit folks just because I want to get people that don't need to be any longer and are a cost to the Town, the Town Engineer, out of here before we go into the item that you are all here for, let's see...

Board Member Montesano stated we have to get the (inaudible).

Chairman Rogan stated okay, Andrew...

Andrew Fetherston stated yes sir.

Chairman Rogan stated you had a bond calculation for a performance bond reduction, for Dunning Subdivision, performance bond.

Rich Williams stated not a reduction.

Chairman Rogan stated not a reduction, performance bond, I apologize. Dunning seems like it was around a long time ago but...

Tim Curtiss stated it does seem like a really long time ago, yea.

Chairman Rogan stated right, that's Harmony...

Board Member DiSalvo stated yea.

Rich Williams stated you did it twice.

Chairman Rogan stated yea, that's what I thought.

Tim Curtiss stated yea.

Chairman Rogan stated nice lay out though on it and your numbers are different then the numbers they came up with.

Andrew Fetherston stated yea, Mr. Chairman, we got a bond estimate from...

Chairman Rogan stated thank you.

The Secretary stated thank you.

Andrew Fetherston stated Mr. Chairman we got a bond estimate from Putnam Engineering, date 4/4/07, the total on that bond estimate was 2\$7,826 dollars. We checked the quantities on the plan, we found discrepancies believe the correct bond number, using just about the same unit cost, one unit cost we actually knocked down, we thought their per unit cost was high, but in checking the quantities, we found quite a few discrepancies. We totaled out at, for a bond of \$59,316 dollars.

Chairman Rogan stated okay.

Andrew Fetherston stated I put in my memo that I would be more then happy to meet with the applicant's engineer to review the quantities that we found to see if there is a discrepancy.

Chairman Rogan stated so the two options for our Board would be, one we could make a recommendation to the Town Board to approve a bond amount for \$59,000 and change, based on Maser's calculations and

certainly Putnam Engineering can take a look them in the in term. If they disagree then maybe they can come back to us before the Town Board takes an action. If they don't and they realize they made a mistake, then the process moves forward, does that sound reasonable to everybody.

Board Member Montesano stated I guess.

Chairman Rogan stated anybody want to do a recommendation on the bond calc.

Board Member Cook stated I make a recommendation that the Planning Board recommend to the Town Board a bond, a performance bond for Dunning Subdivision in the amount of...

Rich Williams stated \$59,316 dollars.

Chairman Rogan stated \$59,316.

Board Member Cook stated 59316...

Chairman Rogan stated and the five percent inspection fees...

Board Member Cook stated and the inspection fees of 29...

Board Member DiSalvo stated 67...

Rich Williams stated no, they are not on there.

Chairman Rogan stated they're not...

Rich Williams stated are they on there.

Chairman Rogan stated five percent of the total, 2966...

Andrew Fetherston stated yea.

Rich Williams stated my apologies, they are.

Chairman Rogan stated yup.

Board Member Cook stated 2966.

Board Member DiSalvo seconded the motion.

Chairman Rogan asks for all in favor:

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

The motion carries by a vote of 5 to 0.

Chairman Rogan stated any opposed, works, okay.

**d. Petrillo Request for Bond**

Chairman Rogan stated all right...

Board Member Cook stated Petrillo.

Chairman Rogan stated Petrillo we had done, we had done that at the work session and that was a wetlands permit over in Putnam Lake where the owner, because of this time of year, he was required to put in a split rail fence between, or a fence I should say, between the wetland and the house, this time of year he can't put it, he asked if he could bond that amount rather than install it right now, the Board made a recommendation to the Town Board to post a bond for the amount of fifteen hundred dollars, which was about two or three times the cost of what he actually thought it would cost to put it in but we were adding in labor, he was going to do it himself...

**e. Clocktower Frame Sign Application**

Chairman Rogan stated and Clocktower Frame Sign Application, we don't have anything on that.

**a. Zoning Amendment – Clubs**

I appreciate everyone's patience, although I do think we went through things a lot quicker than expected. I want to remind people that are here, again the purpose of this item on the agenda, as far as I understand is that the Town Board referred this proposal to the Planning Board for interpretation and a recommendation back to the Town Board, for either changes to what they are proposing, we love what they are proposing, we don't like it. Whatever the recommendation is and the Board had spoken about this at our work session last week, we have various memos from the...I'm sorry, let me slow down a bit. As I had started to say at the beginning of this meeting, the zoning change is specific to clubs and I realize there is an application that is out right now that a lot of you are interested in that may be the reason for this review. This meeting tonight is not about that application specifically. This meeting is about the changes that are proposed to the Zoning Code. We had some letters from interested parties that have opinions on the Code, some of which come from our own staff and some of which come from applicants' staff and members of the public. I think based on the conversation that I heard at the work session, there were a number of things that our Board was concerned about. Number one first and foremost, as it pertains to clubs, our Board is seeking legal, written opinion, guidance on not only number one the proposed zoning change as it is currently drafted and as you folks have a copy of and number two as it relates to this zoning change but also relates to an application that the Board is currently reviewing. There is some correspondence Tim back and forth between Zarin [& Steinmetz], Rich Williams that we would really like an answer to some legal opinion on. The Board will always accept written comment, we have the option of allowing public comment at a meeting, I am not sure we are at the point tonight because no decision is being made tonight. We don't have the information that we need but I think getting some information on this proposed change and what it means to this community is vitally important so I think anything that this Board can gather that would help us make an informed decision would be appropriate. Also, I'd like to request clarification from the Town Board in writing back to the Planning Board, as to the Town Board's intent for our review of this because I certainly got, I got a review or a, from observing the tape of their meeting. We got one message from, opinions from the Board and we got just a quick referral about this and I want to make sure that they, what

they are expecting of us is a thorough review of this code. If you can add at minimum, other than something in writing, pull the minutes from that for us...

Rich Williams stated sure, we've done that, we have that for you.

Chairman Rogan stated or that section, you have that...

Rich Williams stated I don't have it here with me but we do have it in the office, under a stack of papers, I certainly can provide it.

Chairman Rogan stated okay, again I don't want to have the conversation relate to a specific application so much but it seemed like the Town Board was directing for an application to be reviewed by this Board and then a concurrent review of the proposed change, that was my impression, did you get a different impression, Rich.

Rich Williams stated the referral to this Board, the motion that the Town Board made was specific to the code change only.

Chairman Rogan stated the motion was specific, I realize and then the expression of the Town Board was (inaudible)...

Rich Williams stated the expression of the Town Board was they felt that a specific project that is currently before the Town be allowed to go through the Planning and the Zoning process...

Chairman Rogan stated the process they were already involved with.

Rich Williams stated correct.

Chairman Rogan stated okay.

Tim Curtiss stated that is correct, they want them to go through the process...

Chairman Rogan stated thank you.

Tim Curtiss stated and just for my clarification, we should probably come to your work shop and what I normally do with any Board is it's a collaborative process by you. We gave you kind of a gamete of opinion from the most conservative way to regulate to the most aggressive way to regulate it, you would then look at it and see what you think is the most appropriate for this particular code. Forgetting about the application that's out there, what kinds of problems would you foresee for adjoining property owners, noise, dust, those kinds of things. There are several different ways you can regulate some of these conditional uses because they are very, model airplane clubs to 4H clubs, to any kid of club you can possibly think of and one of the things that I think everybody has been grappling with is this is a use that. The proposed use may be a use that effects people beyond just the property lines, which is probably the most conservative way to go, does it effect you know, does the noise travel beyond the property line, does the dust travel beyond the property line. There are other ways that Rich and I have been talking about and you've gotten some opinions from third parties as to diminution of property values from adjoining property owners, you can also get into public, private nuisance because you ran into those with cases out of Arizona with feed lots. They were in agricultural districts so they were a permitted use but when you put that kind of use on that tiny of a parcel, it created havoc with everybody else in the neighborhood and they got into

the theories of what constitutes a public nuisance, what constitutes a private nuisance and there is established case law for that. So that is some of the way that you can have a little bit more a flexible control of some of these type uses, is it going to create a public nuisance or a private nuisance, view shed is another way that you can look at it, is it on a ridgeline or if its going to be seen by a lot of people, if its going to create a visual impact for a lot of people that is another way that you could look at it. So what I was going to do is just do a memo for the Board with a couple of these different categories, sit down at a work session and just talk about what you would really like, what you would think would be appropriate for the generically for the entire Town and that is really what I think the Town Board was trying to do was, to have you come up with your ideas of what a good flexible generic standard would be.

Chairman Rogan stated okay and I fully appreciate that...

Tim Curtiss stated (inaudible).

Chairman Rogan stated because I think that's what we need to wrestle with and I think we need to take in account our Master Plan from 2000...

Tim Curtiss stated yea.

Chairman Rogan stated and look back to that to make sure that either we are going in the direction we had originally set out for, that is 10 years old now. So maybe we need to look at that again and I think the opinion I heard expressed a lot at the work session was that at the end of this process, that whatever Board is responsible for reviewing a particular application, that we don't take away the ability for that Board to ascertain the impacts of a project. Then regardless of whether its allowed by that code, if it has impacts that can't be mitigated it doesn't go, I think that's where everybody probably...

Tim Curtiss stated I think that is where everybody is going to come out on the end...

Chairman Rogan stated right.

Tim Curtiss stated if the impacts could be mitigated fine, if they can't, they can't and that is some of these users, you do that stuff that goes beyond a (inaudible) line, you know and that is kind of what you have to take into account.

Chairman Rogan stated any discussion from the Board, I apologize for leading that a little too much.

Board Member Cook stated are you looking for comments tonight relative to this draft that we received or should we wait until we have the meeting with counsel.

Chairman Rogan stated I'll put that back to counsel.

Tim Curtiss stated I would suggest you wait only because I mean, Rich is, that is one proposal and its kind of a starting point, what we would like to do and what he and I had talked today is taking that draft and just building on that to give you a couple of different versions now that we are getting both public input, we are getting some of the applicants input, we are getting input from a lot of directions but we would like to crystallize that for you for the work shop so that then you can see and have a chance to think about two or three different versions and what you think is the most appropriate generically for the whole Town.

Chairman Rogan stated and Tim, am I correct in my understanding that with an application we specifically have a requirement for a public hearing...

Tim Curtiss stated yes.

Chairman Rogan stated something like this that is being considered for recommendation, it is really at the Board's discretion, so there are a number of opportunities...

Tim Curtiss stated that is correct, you have a number of opportunities. You can either, depending on the public interest you can decide yes we should have some public input or no that is really for the Town Board when they enact this, they are going to have to have a public hearing, they are going to have to go through the process. I think, our recommendation usually if there is a lot of public interest, let's get the public input in at this phase before it goes on to the next phase at that point.

Chairman Rogan stated I will agree with that, at least it can help us tailor what we put together so that the Town Board has a little bit more confidence that this is something that not only the Planning Board has taken a look at but also has had good public input...

Tim Curtiss stated correct.

Chairman Rogan stated so I think that is a great idea. Remember to those people that were nice enough to come tonight that again, written comment is always appreciated and sometimes people express things a little differently in writing than they may when they come up in front of a microphone. Its sometimes a little difficult for people but what would really be appreciated are comments that are meaningful to this code change with the understanding that we are not just looking at one application, I think everybody kind of gets a sense of what I'm saying...

The Secretary stated hold on.

(Side 1 Ended – 8:29 p.m.)

Chairman Rogan stated thank you, so I would just ask that the comments are worded in a way that is helpful to this Board to guide us in the way that the community wants to see their Town you know, be developed and the shape that we want to see for the future for this community. Mike, Maria, anything you want to bring up at this point.

Board Member Montesano stated no I think that if we have public hearings and the Town Board has to have public hearings once the law is done, so that is a double opportunity...

Tim Curtiss stated yea, it gives everybody two bites of the apple really and that is probably the better way because its going to create, I think, a lot of public interest.

Chairman Rogan stated okay.

Tim Curtiss stated the other thing that I would like to do is try to get the memos to you, a week or ten days ahead of time so you have a chance to read them before we get to the work shop at that point.

Chairman Rogan stated that'd be great.

Tim Curtiss stated that's what we'll try to do.

Chairman Rogan stated I would rather make sure that we take our time to do the research and the information properly of course...

Tim Curtiss stated right, sure.

Chairman Rogan stated than to rush something and then nobody has a chance to digest it...

Tim Curtiss stated true.

Chairman Rogan stated so that I think the timing is more appropriate to, when we have the right information.

Tim Curtiss stated okay.

Chairman Rogan stated Tom, were you going to say something.

Board Member McNulty stated no.

Rich Williams stated Shawn...

Chairman Rogan stated yes.

Rich Williams stated before I drafted this section of code, I did a lot of research into other codes, would you like to see those as well.

Chairman Rogan stated I would say why not, if you have it, if you think, anything that you think will help this Board. You see what we obviously have to wrestle with, so anything that will help in support of coming up with a code that makes sense for our community because a code that was enacted for Oneonta may not be appropriate for Patterson. I don't know but certainly figuring out the way to form it so it is meaningful, that's fair and reasonable, so it takes into account what we are trying to promote in the Town, I think is a great idea.

Board Member McNulty stated it sounds like the more information we have, can only help us. Its just, however, whatever you used to help formulate the draft is going to help.

Rich Williams stated sure, I can provide that.

Chairman Rogan stated okay, anybody else, we are going to move on to Teddy, you have issue that you were going to review for us that we spoke about at the work session.

Rich Williams stated give me two seconds.

Chairman Rogan stated we did that, yes. It was a letter that we reviewed at the work session...

Board Member McNulty stated just made some changes to the wording...

Chairman Rogan stated yup and we actually sent it out that night.

Board Member McNulty stated I thought something happened tonight and I missed it.

Chairman Rogan stated no, you want to give a minute to...

Board Member Cook stated maybe we should (inaudible) obviously they found out about this meeting tonight...

Chairman Rogan stated I'm sorry, while people are leaving, Charlie is just mentioning that from time to time people find about meetings through the grapevine. We are hoping that we are going to promote these meetings so that everyone is aware and we can get people involved...

Board Member DiSalvo stated we can post it on the website.

Chairman Rogan stated we'll ask Rich to post but obviously the next time this is on, we will make sure that it is posted on the website and if appropriate the Town has a bulletin board they post these things that we can post downstairs.

Board Member DiSalvo stated all of the agendas right...

Chairman Rogan stated I think the website is probably the best for everyone, just to keep everybody in the loop as to when this is going on. Okay, thank you for your time.

Board Member Montesano stated that's only if you have a computer or access to one.

Rich Williams stated will it be on the next work session.

Chairman Rogan stated depends on Tim, yea, may or may not.

Board Member Cook stated and you.

Rich Williams stated obviously.

Chairman Rogan stated I didn't want to put you under the gun, Tim...

Tim Curtiss stated that's all right (inaudible)...

Rich Williams stated yes.

Tim Curtiss stated (inaudible) I'm going to come over tomorrow (inaudible).

Board Member DiSalvo stated (inaudible).

Chairman Rogan stated thanks.

Board Member Cook stated I'm serious.

Chairman Rogan stated thank you.

(Inaudible - too many conversations at one time, noise of audience members leaving).

Board Member Montesano stated oh yes.

Chairman Rogan stated if we could just, whoever is leaving, just help out, have a good evening. Okay, good evening Ted, how are you.

Ted Kozlowski stated good evening, Mrs. Chiappa...

Chairman Rogan stated yes.

Board Member Montesano stated okay.

Ted Kozlowski stated she forwarded a letter, I got a call from Cheryl Smith, Tuesday, Peggy Chiappa is at 270 Cushman Road...

Board Member Montesano stated okay.

Ted Kozlowski stated she has a garage that is in bad shape and is attached to the house. The garage is located within the regulatory zone of State and Town wetland, however this garage and house is a landscaped area with an existing driveway that is already there. There is really no natural area that's affected by this particular garage that is there, when I went to see the garage, she had explained to me that she wanted to replace the garage within the existing footprint. At that meeting I had told her that I had no problem with her asking the Board for a waiver of a wetlands/watercourse permit because there really are no impacts on the existing wetland. However, she had her architect look at the garage and the architect said that basically they have to expand the garage by four feet in length, which is four feet closer to the wetland and two feet in width and I have a pile here of, I guess all of you to see the proposed plan. I still have no problem with the waiver, provided that this now doesn't have to cause her to change the driveway to get into the garage.

Chairman Rogan stated very good point.

Board Member DiSalvo stated did the architect say why he has to expand...

Board Member McNulty stated that's a good question.

Board Member DiSalvo stated two feet sound doesn't like a lot but...

Chairman Rogan stated architectural...

Board Member DiSalvo stated or (inaudible).

Ted Kozlowski stated I will just read it to you; we would like to replace our existing attached garage which has fallen into disrepair with a new garage to occupy the same footprint but enlarged by 4 by 2, which would accommodate a staircase which would access overhead storage. So I guess they need that increased width...

Chairman Rogan stated stairwell.

Ted Kozlowski stated to get a stairwell.

Board Member McNulty stated they can't use a pull down attic there.

The Secretary stated Mike.

Board Member DiSalvo stated it looks like a staircase.

Chairman Rogan stated Cheryl [Smith] said this area upstairs isn't planned for living area, its storage space.

Board Member McNulty stated just storage.

Ted Kozlowski stated it's a fairly sizable house and you know I, like I said, I have no reason to believe you know, anything other than what she is presenting. I did not speak to her about this but my only question would be, does this now force other things to happen because there is an existing driveway which now has to, when you come in the driveway you have to make a hard right turn to get into the garage. So if this building is now four feet extended, is a vehicle still going to be able to make that maneuver, or now do we have to relocate that driveway and the driveway is really on the edge of the wetlands? So at that point there is going to be something happening to the driveway to accommodate that new garage, then they might be going into the wetland and we're not changing the whole...

Board Member McNulty stated how old is this house.

Ted Kozlowski stated Tom, it looks like its one of the older houses that was existing, I mean its off of Baldwin [Road]. Now Baldwin [Road] is that relatively new development, technically the house is on Cushman but its really associated with Baldwin Drive.

Board Member McNulty stated you think its over 60 years old.

Ted Kozlowski stated no...

Tim Curtiss stated no, well I would say 60's, 70's, late 50's.

Ted Kozlowski stated something like that.

Tim Curtiss stated they are the ranch, the L-shaped ranch, the late 50's early 60's.

Ted Kozlowski stated so the question is, you know, if this happens now does she come back and say now I have to change the driveway. That is the only question I have, if that doesn't affect the driveway they still can do what they want to do, I still have no problem...

Chairman Rogan stated Ted why don't you do this...

Ted Kozlowski stated I'll find out.

Chairman Rogan stated if you can find out for us, we'll hold on to the information, if you say you've spoken with them, they aren't planning any changes to the driveway. It can all be accomplished, we can handle this at a work session.

Ted Kozlowski stated and you would want that in writing.

Chairman Rogan stated right.

Ted Kozlowski stated you want that in writing (inaudible).

Board Member Montesano stated this picture that's here, is that existing or is that added on this area here.

Ted Kozlowski stated if you guys are looking at this, if you guys are looking at the map, the front of the house, they have like a wrap around...

Board Member Montesano stated driveway.

Board Member DiSalvo stated circular driveway.

Ted Kozlowski stated like a U driveway that is just to get to the front of the house, drop off.

Board Member DiSalvo stated then they have another driveway.

Board Member Montesano stated right, and then you come down Baldwin, the first house on the right.

Ted Kozlowski stated and then you actually turn into Baldwin Road and the driveway that I am talking about in this garage is off of Baldwin Road, it's actually behind the house.

Board Member DiSalvo stated who planned this subdivision.

Board Member Montesano stated that was...

Chairman Rogan stated Edie, they refer to the adjoining road on this survey as Four Corners Road, you eve heard of that, me either.

Board Member Montesano stated it might have been in 1840.

Ted Kozlowski stated Four Corners Road is Cushman Road.

Board Member Montesano stated Four Corners.

Chairman Rogan stated I thought that was interesting, Ron, yea, okay...

Board Member McNulty stated Ted, which way do they want to extend this, four feet into the driveway...

Chairman Rogan stated I was asking Edie but I should have been asking you.

Board Member McNulty stated (inaudible) wider.

Ted Kozlowski stated yea, Tom...

Chairman Rogan stated do you see it on your plan.

Ted Kozlowski stated if you look at this plan, here is the garage, this is the front door of that garage, now it looks like they are coming, and here is the wetland right here. Now they are pushing this garage out four feet.

Chairman Rogan stated this is the existing...

Board Member McNulty stated this is the existing plan.

Chairman Rogan stated right.

Ted Kozlowski stated yes and it's coming out four feet.

Board Member McNulty stated so this doesn't encroach on any setback requirements.

Board Member DiSalvo stated (inaudible).

Ted Kozlowski stated no but can they...

Board Member McNulty stated negotiate that turn and bring it closer.

Board Member Montesano stated well is that extension that they put on there...

Ted Kozlowski stated so if your truck goes in there, are you going to be able to make that turn.

Board Member McNulty stated it's hard to tell, not knowing what scale this is.

Board Member Montesano stated yea but is that extension of the line past the house, is that existing or are they going to go further.

Ted Kozlowski stated that is the question to ask, I don't know Mike.

Board Member Montesano stated oh okay.

Ted Kozlowski stated she really didn't say this in this letter to us.

Board Member Montesano stated that part back.

Ted Kozlowski stated but again I don't think its going to be a big issue unless...

Chairman Rogan stated oh, it's only a 2 foot impact, because the 4 foot is length into the...

Board Member Montesano stated it's this way.

Chairman Rogan stated yea, I understand.

Board Member McNulty stated it looks like...

Chairman Rogan stated they've only added, 2 feet.

Board Member McNulty stated actually looking like at this, it looks like they didn't add to the, it looks like they moved the whole thing over.

Board Member Montesano stated the house next to this one is worse.

Board Member McNulty stated see this line here.

Chairman Rogan stated no, they added the two feet on the left hand side of the plan.

Board Member McNulty stated you see the line on the right hand side too; it looks like they moved the whole garage over.

Chairman Rogan stated yea.

Board Member Montesano stated (inaudible).

Chairman Rogan stated all right, let's get something nailed down on what, you know.

Ted Kozlowski stated and then the other odd thing is Cheryl Smith, when I spoke to her, she said they were moving this garage to accommodate the roofline, to line up roof lines...

Chairman Rogan stated which is what Tommy I think is referring to, it shows that...

Ted Kozlowski stated but her letter is saying staircase, I'm going to...

Chairman Rogan stated tell them we need a little more information on it...

Board Member McNulty stated it must have matched previously, the roofline, didn't it; it would be hard to say that.

The Secretary stated I can speak to Cheryl [Smith] tomorrow...

Ted Kozlowski stated Tom, it just looks like the garage came in through the house, the main.

Board Member DiSalvo stated isn't that Dutch Colonial house (inaudible).

Ted Kozlowski stated it looks like the garage was an after thought.

Board Member Cook stated in your conversations.

Board Member DiSalvo stated no back yard, no front yard; they have the swings on the front lawn, the swings.

Chairman Rogan stated Charlie.

Board Member Cook stated in your conversations with this applicant would you, if you're not clear on everything, or have questions, have her come in.

Ted Kozlowski stated that is what I told her from the get go, I told her that...

Board Member Cook stated you shouldn't be the middle man.

Ted Kozlowski stated I was there to verify whether there was a wetland there or not...

Chairman Rogan stated right.

Ted Kozlowski stated once I did that, I told her no matter what you do, you need to go before the Board and ask for permission for a waiver or come in with a permit. One or the other, so she is sending you a letter that is the request but...

Chairman Rogan stated I think if you, if you nail down the details on this, either by getting something in writing, I think everybody's...

Ted Kozlowski stated I am going to go talk to her and then we are going to and then I am going to tell her that she put it in writing and the Board may want her to come and just verify all this information...

Board Member Cook stated I agree with that, I'm not saying I don't.

Chairman Rogan stated yea.

Board Member McNulty stated her intent is to make an improvement once she does this, so...

Ted Kozlowski stated yes, the garage, I don't doubt the garage needs replacing.

Board Member McNulty stated should we talk to the Building Department about adding the stairs and the loft that doesn't exist now, how does that work.

The Secretary stated I am going to speak to Cheryl [Smith] tomorrow.

Chairman Rogan stated well...

Board Member DiSalvo stated is it a full loft or it's just like a half.

The Secretary stated I can see what she submitted to the Building Department...

Board Member DiSalvo stated is there a picture...

Ted Kozlowski stated my letter to her was...

The Secretary stated if she has plans, I can look and see what they are...

Board Member DiSalvo stated maybe its one of those modular barns that you buy, the garages.

Board Member Montesano stated (inaudible), this looks like a loft.

Chairman Rogan stated that would be good.

The Secretary stated I can make copies for the work session, so you guys can look at it, I'll see what Cheryl [Smith] has.

Board Member DiSalvo stated okay.

Board Member Montesano stated this looks like a loft, its got a doorway...

Chairman Rogan stated there are too many conversations going on here ladies and gentlemen, Michelle is going to...

Board Member DiSalvo stated (inaudible).

Chairman Rogan stated no, I mean among our Board...

Ted Kozlowski stated want me to shut this.

Chairman Rogan stated yea, I appreciate it, thank you. Michelle, you're going to check with Cheryl [Smith], check with how this relates, the changes how they relate to the use from previous to use and proposed, just so we make sure that everything jives.

The Secretary stated and I'll check to see (inaudible) and what the loft space is going to be used for.

Chairman Rogan stated great.

Board Member DiSalvo stated and is this a full second story that they are putting on.

The Secretary stated I'm not really sure, I haven't looked but I will check, I'll see if I can get a set of plans for you, if Cheryl has them.

Board Member Cook stated thank you Michelle.

Chairman Rogan stated okay, thank you very much Michelle.

## 9) MINUTES

Chairman Rogan stated we have some minutes, Tommy remember you weren't on for the first two sets of minutes.

Board Member McNulty stated yea.

Board Member Cook stated I'll do them one at a time. I make a motion that the Planning Board approve the minutes of December 3<sup>rd</sup> and 29<sup>th</sup>, 2009.

Board Member Montesano seconded the motion.

Chairman Rogan asks for all in favor:

Board Member McNulty - abstain

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

The motion carries by a vote of 4 to 0.

Board Member McNulty stated abstain.

Board Member Cook stated I make a motion that the Planning Board approve the minutes of January 7, 2010.

Board Member Montesano seconded the motion.

Chairman Rogan asks for all in favor:

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

The motion carries by a vote of 5 to 0.

Chairman Rogan stated any opposed, okay.

Board Member Montesano stated motion to adjourn.

Chairman Rogan stated perfect, second.

Board Member Cook seconded the motion.

Chairman Rogan asks for all in favor:

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

The motion carries by a vote of 5 to 0.

The meeting adjourned at 8:45 p.m.