

**TOWN OF PATTERSON**  
**PLANNING BOARD MEETING**  
**February 5, 2009**

**AGENDA & MINUTES**

	<b>Page #</b>	
<b>1) 17 Couch Road Subdivision</b>	1 – 26	Public Hearing held open and closed. Letter to be sent to D. Smith, speeding & drainage concerns
<b>2) John Petrillo W/W Application – Continued Review</b>	26 – 34	Discussion of wetland buffer, fencing, wetland delineation.
<b>3) Werlau W/W Permit – Initial Application</b>	34	Applicant did not appear.
<b>4) Rimaldi Site Plan – Continued Review/Site Walk Comments</b>	34 – 41	Discussion of separation distance and architecture.
<b>5) Martins Subdivision – Continued Review</b>	41	Applicant did not appear.
<b>6) Meadowbrook Farms</b>	41	No new submission.
<b>7) Brewster Plastics – Discussion</b>	41 – 48	Waiver granted for storage containers. Discussion of silos
<b>8) North County Homes</b>	48	Pending Wetlands Application
<b>9) Watchtower Amended Site Plan</b>	48 – 52	Discussion of cooling towers
<b>10) Other Business</b>	52	

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

Michelle Russo  
Sarah Wagar  
*Secretary*

Richard Williams  
*Town Planner*

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



**TOWN OF PATTERSON**  
**PLANNING & ZONING OFFICE**

**ZONING BOARD OF APPEALS**  
Howard Buzzutto, Chairman  
Mary Bodor, 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**  
**February 5, 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 DiSalvo, Board Member Cook, Rich Williams, Town Planner and Ted Kozlowski, Town of Patterson Environmental Conservation Inspector, Nick Lamberti, Director of Code Enforcement, Dave Raines, Fire Inspector/Deputy Code Enforcement Officer, 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.

**1) 17 COUCH ROAD SUBDIVISION – Public Hearing**

Mr. Joe Buschynski of Bibbo Associates and Mr. Thomas Frasca of 17 Couch Road Corp. were present.

Chairman Rogan stated thank you ladies and gentlemen, please be seated. I'm going to ask the Secretary to please read the public hearing for Couch Road Subdivision.

The Secretary read the following public notice into the record:

**NOTICE IS HEREBY GIVEN** by the Town of Patterson Planning Board of a public hearing to be held on Thursday, February 5, 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 **"17 Couch Road Subdivision."** **Applicant is requesting final approval for a proposed six lot subdivision.** The property is located at 17 Couch Road," Patterson, New York. All interested parties and citizens will be given an opportunity to be heard in respect to such application.

Chairman Rogan stated I noticed the one gentleman was interested in the plans, is there anyone else who is here specific to this public hearing, you are and you obviously live within 500 feet. Have you seen these plans yet.

**Unknown Speaker** stated I have not.

Chairman Rogan stated if you would like to come up and take a look, we are going to ask the engineer to do a little bit of presentation, you want to take a quick look. Obviously you know where the property is located.

Board Member Montesano stated see if I got Dave for this one.

Board Member DiSalvo stated it wasn't my turn to watch him.

Board Member Montesano stated I got to leave the middle, I have to leave when Meadowbrook comes up.

Chairman Rogan stated the cold weather, that's a good point.

(Whispering and conversation that is inaudible, occurring.)

Chairman Rogan stated you'll have plenty of opportunity to comment ladies and gentleman, we just will have the engineer do a little presentation, hopefully that will answer some of your questions. Good evening.

Mr. Buschynski stated hi.

Board Member Montesano stated yet, it's early come on.

The Secretary stated it's on Joe.

Chairman Rogan stated it should be on.

Board Member Montesano stated your in business.

The Secretary stated its on.

Mr. Buschynski stated we're on.

Chairman Rogan stated Joe, if you could just state your name for the record.

Board Member Montesano stated get on the x please.

Mr. Buschynski stated my name is Joe Buschynski with Bibbo Associates. I represent the 17 Couch Road Corporation, they are the owners of a thirty-two acre parcel on Couch Road. The parcel is proposed for subdivision into six lots, it is entirely wooded, it's moderate to steep slopes. The project is in the R-4 open space overlay district and in that district the property is well matched to the requirements. The intent of the district is to create land that can be set aside for open space to keep lots as relatively small as possible. The district requirements provide for a formulation to determine the maximum number of permitted lots

generally by excluding the more environmentally sensitive lands in that computation and in our case, it is our more steeply sloped land that would qualify as environmentally sensitive, we have no wetlands or watercourses on the property. The property is well matched to that district on the basis of the intent to create open space in this regard we are creating about a 14.5 acre parcel out of the thirty-two [acres] in which to create an open space parcel to be transferred to the land trust who owns property to the immediate north of us. The maximum number of permitted lots on the property is seven, we are proposing six. There were a couple of alternates considered as to how to lay out the lots and working with the Planning Board, the preference due to linear nature of the property was to create individual lots with driveway access to Couch Road. The land lent itself to creating a common road, to serve lots one and two so that we could avoid a moderately sloped area to the north that was taken before the Zoning Board of Appeals and endorsed by the Board. The houses will be set back 250 to 350 feet, most would be visible from Couch Road, except for perhaps lot one, however they will not be situated on the ridgeline of the property, the Board requested that they stay forward to stay lower in elevation so that they wouldn't be visible from other remote parts of Town, which could possible be in the winter season as far east as Route 22. The properties require that we capture, treat and detain stormwater run off generated by our new coverage and that is to be accomplished in two proposed water quality basins which are between the line of houses and Couch Road. The basins do involve a certain significant area of disturbance but that depression to hold water and treat it should not be visible from Couch Road it elf, it will certainly be visible to homeowners but not driving by on Couch Road. The basins are necessary under State stormwater regulations and City watershed regulations and their design is in accordance with those two statutory regulations. I will be happy to take any questions.

Chairman Rogan stated Joe, do you just want to mention and if I missed it, the fire suppression tank.

Mr. Buschynski stated part of the Town's requirements would be to provide for a ten thousand gallon storage tank connected to a hydrant at the road for access to the Fire Department. As part of, not only protection of homes in the subdivision but for their use where they determine necessary wherever there might be a fire close to this vicinity.

Chairman Rogan stated thank you, do we have any questions or comments from the audience.

**Robert Bak** stated I do.

Chairman Rogan stated just please come up, use the microphone and state your name for the record sir.

**Robert Bak** stated Robert Bak, 148 Couch Road. Three things, number one, it's a heavily wooded area, how much is going to be clear cut and taken into account the water run off, those areas are going to be totally clear cut for a septic. Can it be limited the amount tree clearing because that is a heavily wooded, it's a very beautiful area.

Chairman Rogan stated actually, can we start with your first question.

**Robert Bak** stated not like 164, those houses were put at the end of Couch Road and [Route] 164, were totally clear cut and stripped, is that going to happen with these six lots.

Chairman Rogan stated I want to ask what house on [Route] 164 you're referring to.

Board Member DiSalvo stated Barnes.

**Robert Bak** stated directly across from the end of Couch.

Chairman Rogan stated from Couch, Harvey Barnes, two lot subdivision there.

**Robert Bak** stated yes, the two lots and now there is an excavator on one that is totally clear cut.

Chairman Rogan stated and what was your name sir.

**Robert Bak** stated Robert Bak.

Chairman Rogan stated Mr. Bak, when we first looked at this proposal, that was actually the Planning Board's main concern was the rural character of Couch Road. One the things that we wanted to do, as you notice, we tried to get them to put the driveways close together to try to reduce the impact so that we weren't clearing for a driveway and then having a thin strip of woods and then clearing for another driveway. We sent them away from this Board with what we thought was a real good plan that would preserve the rural character of Couch Road because that was something that came up in the public hearings that were held in 2005, which I don't know if you were at those.

**Robert Bak** stated not to.

Chairman Rogan stated okay.

Robert Bach stated not to be, well I will be negative, quite frankly I don't believe anything I hear considering everything that has happened on Couch Road so.

Chairman Rogan stated understood.

**Robert Bak** stated you know, I'm taking everything in.

Chairman Rogan stated I understand.

**Robert Bak** stated okay.

Chairman Rogan stated my point was that in 2005 when this came before the Board, our goal for this subdivision was to try to stay off the ridgeline as Mr. Buschynski has said. Try to keep the houses down off the hill, try to preserve some open space, especially to provide connectivity, not only for wildlife corridors but for some potential open space preservation and we sent them away from this Board with a plan that we believed was going to protect the rural character of Couch Road, in fact Edie Keasbey was in here and I remember speaking about that. The City of New York, not this Board was the agency that pushed for the stormwater areas that you are seeing on the maps. They originally, were not shown on the maps, so we've come to this plan, after a number of years basically of trying to make the best out of this with what is zoned for the property. I think as Joe had said, on several of the lots, there will be significant clearing.

(Board Member Pierro's cell phone rings.)

Board Member Pierro stated excuse me.

Chairman Rogan stated sure, that is why the stormwater ponds are necessary to capture that run off from the house leader and footer drains and any run off, off the property, off the driveway, so we are trying to minimize the clearing on these lots the best we can but as you know, septic area will have to be cleared, stormwater ponds will have to be cleared, that is something that this Board doesn't have any, those are regulations of other agencies.

**Robert Bak** stated I understand all that.

Chairman Rogan stated okay, so I hope I answered your question.

**Robert Bak** stated that one, second question what are you going to do as a Town, not the builder, you as the Town, to correct the problem, the dangerous problem of speeding on that road, now that you are adding six driveways that are going to tie into that road. And I'm telling you this from experience okay, before the quote, unquote, the rural characteristics of Couch Road were paved over, okay, since September I've had a flipped over car on my front lawn and a couple weeks ago, a truck into the end of my driveway that skidded off the road. It is a dangerous situation, you're adding six more driveways, what are you going to do, not him, what are you going to do.

Chairman Rogan stated I'm not looking to him, I'm looking directly at you. Valid concern, this development, when we went out and looked at it. Our job is make sure that we are not bringing driveways out in a position where there are going to be site line distance problems, where we are going to create a hazard. The increase in traffic to the road from six houses, did not necessitate changing intersections and you are not saying that.

**Robert Bak** stated I'm not saying that it's the additional.

Chairman Rogan stated this Board, I don't believe has the purview to change highway laws or regulations and we have legal council here.

Tim Curtiss stated that's true and really what you're talking about is an issue of enforcement.

**Robert Bak** stated no, its not.

Tim Curtiss stated well if they're speeding, that's enforcement.

**Robert Bak** stated no, it's you changed the road therefore creating something that is going to allow people to speed more easily.

Tim Curtiss stated oh, you're talking about the black topping of the road.

**Robert Bak** stated yes.

Tim Curtiss stated well that wouldn't be within this Board's purview that was the Highway Superintendent.

**Robert Bak** stated why.

Tim Curtiss stated they don't control the public highways, they only control the subdivision of lands, the Highway Superintendent did blacktop to road.

**Robert Bak** stated yes but I'm saying you're adding six more driveways on there, onto a dangerous situation, what are you going to do to protect these people.

Tim Curtiss stated I don't understand your question because the six driveways are not going to add the volume of traffic, as the Planning Board has said.

**Robert Bak** stated but there will be people that go in and out of these driveways.

Tim Curtiss stated absolutely.

**Robert Bak** stated and you have speeding people on the road and increased number of speeders, what are you going to do to slow them down.

Tim Curtiss stated that is an issue of enforcement, that is an issue for the Sheriffs Department and the Police Department which obviously we can always contact the Sheriffs Department to put a unit out there. We can contact the State Troopers to put a unit out there.

**Robert Bak** stated it's not just all about enforcement, its about correcting the problem on the road to make it less likely that people will speed. Why not put a 90 degree intersection at the end of Cornwall Hill, less people will come down the road and less people will, you know.

Tim Curtiss stated okay, I think the best thing to do would be to make a recommendation to the Town Board and then they can sit down with the Town Planner, the Town Engineer and if a re-design of some of these intersections like you say. If it's a Y and people are zipping right through these intersections, they can do that.

**Robert Bak** stated fair enough.

Tim Curtiss stated yeah, I think that is a relevant suggestion because I know Couch Road and [Route] 164 is a T but Cornwall Hill, you're right, people can zip right off that onto Couch Road and not slow down.

**Robert Bak** stated all the time but what I'm saying is that you are adding six more driveways where people are coming out onto the road, people are speeding down that road. You are creating a dangerous situation, something has to be done.

Tim Curtiss stated well that is true, there are six more houses, there would be six more driveways and that's true, that is an issue for the Town and roadway design. The volume of traffic though that this subdivision is creating is not the volume that would re-create a whole new road design, that is what the Planning Board is telling you.

Chairman Rogan stated but sir I think your point is valid in that, if you have a concern about traffic safety on that road, you've brought it to this Board's attention. Its certainly within our purview to draft a letter, not only Sheriff Smith but also to the Town Board stating that these issues.

**Robert Bak** stated I've already been to Sheriff Smith, in person.

Chairman Rogan stated that's fine but certainly since you brought it up to this Board, we can certainly send a letter to Sheriff Smith.

**Robert Bak** stated I would appreciate it.

Chairman Rogan stated also stating that this was brought up as a concern, that it not only is enforcement an issue but also we can have our Town Board and Highway Department assess if any other improvements are needed out there. So this is the point of a public hearing, its not that you bring something up and if we don't give you immediately what you want that we haven't heard you.

**Robert Bak** stated okay.

Chairman Rogan stated its that you are bringing concerns forward that this Board can try to do within our purview, what we can do to change these situations.

**Robert Bak** stated third question, services, Couch Road was one of the roads that was excluded when the contract for cable was brought into the County and has been excluded. So there is no cable on Couch Road at the [Route] 164 end, is the Town going to revisit that and make the cable company bring cable down the street.

Chairman Rogan stated no idea.

Board Member Pierro stated that is not within our purview sir.

Chairman Rogan stated the Town Board has a cable committee.

Board Member Pierro stated the only thing I can.

Rich Williams stated I don't know that they still have a cable committee but at the time that the cable contracts are reviewed by the Town Board, they visit the areas that the cable company felt was so rural that they didn't include service in those areas. Its not that they were excluded from the contact its just that the density along the roads didn't necessitate by the Public Service Commission and the cable company's criteria.

Tim Curtiss stated (inaudible).

Rich Williams stated so certainly, I know in the past when the contracts have come up with the Town Board that they have actively tried to press for expansion of the service throughout the area. I know Stagecoach Road is another area that doesn't have cable also.

Board Member Pierro stated I understand that Vios is possibly doing a contract or trying to get into this area to go further with their service.

Tim Curtiss stated correct.

Board Member Pierro stated and that may be an answer to the problem, Verizon may be willing to do the extension that is needed for those remote areas.

**Robert Bak** stated okay, that is all my questions, otherwise I don't have any problem with it.

Chairman Rogan stated thank you sir.

**Robert Bak** stated thank you.

Chairman Rogan stated anyone else from the audience. Please state your name, for the record thank you.

**Annmarie Longhurst** stated Annmarie Longhurst, 90 Couch Road, so I am the closest.

Chairman Rogan stated good evening.

**Annmarie Longhurst** stated I want to understand the drainage because after we did pave the road, the drainage is a huge issue in my house because you've got that straight away and then it comes down, I went to the Highway Department and the gentleman did, right before the winter, put a like a little lip to see if it would or not, so far we're not sure, what's happening is all of our soil is washing away from all our trees.

Chairman Rogan stated can you point on the map to where your house would be located.

**Annmarie Longhurst** stated you have to help me, I think I can 90 Couch, help me, where.

Mr. Buschynski stated right here, in that area there.

**Annmarie Longhurst** stated right up over there, I live right over here, I can see on the site map, I'm right at the end of the, you have to help me translate to this.

Mr. Buschynski stated that's here.

**Annmarie Longhurst** stated sorry, so I'm right up on that.

Chairman Rogan stated okay so you're down over the hill and then off on the right as you are coming from [Route] 164.

**Annmarie Longhurst** stated right, I'm the first house you come to currently on Couch Road from [Route] 164, correct, correct.

Chairman Rogan stated okay.

**Annmarie Longhurst** stated yeah, no problem, so I'm just concerned, I'm not an engineer, so I don't understand how it works but number one, I won't see these correct. They will be invisible to me as I'm driving everyday on my road.

Mr. Buschynski stated as you know Couch Road, banks up.

**Annmarie Longhurst** stated it goes like this up.

Mr. Buschynski stated yeah and then on the other side of the stone wall, these will be depression down.

**Annmarie Longhurst** stated okay.

Board Member Pierro stated I don't know if invisible is the right.

**Annmarie Longhurst** stated so because of the stone wall, I won't see it.

Board Member Pierro stated I don't know if invisible is the right connotation.

**Annmarie Longhurst** stated that is what I'm trying to understand.

Board Member Pierro stated we are not warranting invisible.

**Annmarie Longhurst** stated I didn't say invisible, I said not visible.

Chairman Rogan stated ma'am what I think, you're going to be looking up hill, you are going to be looking at something that captures water. You're going to be looking, not that the surface because its going to be up hill, you're going to be looking at a berm.

**Annmarie Longhurst** stated as we are driving down.

Chairman Rogan stated at that land, correct, so as you are driving down the road and you are looking up the left, you are going to see certain driveways cut in and stonewalls where we can preserve that because we had talked about that but you're going to see the berm of these two basins.

**Annmarie Longhurst** stated on this side of the road, okay.

Chairman Rogan stated correct.

Mr. Buschynski stated there will be significant landscaping in place (inaudible).

**Annmarie Longhurst** stated that talked about.

Chairman Rogan stated in fact the landscaping plan and Ted can speak to some of this, you've probably looked at the landscaping plan for these basins, we have the plans for them, its quite extensive.

Rich Williams stated I've looked at them.

Chairman Rogan stated thank you.

Rich Williams stated there are a lot of trees that will be planted around the entrances to try and screen some of this off.

**Annmarie Longhurst** stated so we are not going to blatantly see grass and houses as we come down, right, I know we will keep some trees, I know you said some areas. I'm just wondering, I'm here, how much of this am I going to see from my house currently, across the way from me is preserved land, so I'm trying to see.

Chairman Rogan stated I think Joe is going to point out to you at the top of the plan there.

Mr. Buschynski stated you won't see anything.

**Annmarie Longhurst** stated I won't see any houses from my property today.

Chairman Rogan stated sure, please step, but you're going to need to use the microphone.

**Annamarie Longhurst** stated (inaudible).

Tom Frasca stated my name is Tom Frasca, I'm the owner of 17 Couch Road Corp and Joe Buschynski will tell you, and without the Board's request and it's my request only, on the last lot that faces more towards your home, there are centurion oaks that line that lot and they are tremendous (inaudible) and at a tremendous expense (inaudible), how many trees, four or five.

Mr. Buschynski stated yes.

Tom Frasca stated they are at least forty inches in diameter, so we really tried our best to maintain (inaudible). Anything that was a 100 years or better, we made extraordinary efforts to keep them, what will remain (inaudible) and as I said at a tremendous expense, so we have been very sensitive (inaudible).

Chairman Rogan stated it didn't sound like it was on.

The Secretary stated I didn't think so.

Tom Frasca stated so I have to say that all over again.

Chairman Rogan stated please do, from the beginning.

Board Member Montesano stated don't miss a word.

The Secretary stated no, definitely not.

Tom Frasca stated my name is Tom Frasca, I'm the owner of 17 Couch Road Corp and as I was addressing you before, we actually on that lot, which is the most northerly lot facing your property, we re-engineered the septic system so that we would preserve, at least half a dozen of centurion oaks, which we were about 40 inches in diameter, which otherwise would have been cut down for septic and the septic reserve area. It was a tremendous engineering cost and its going to be a tremendous site development cost and most the vegetation that is going to be cut, towards the front where the ponds are, its second growth, which is probably most of it is 50 to 70 years old. They are not large diameter trees and where we could, we even moved the driveway, the shared driveway, to again preserve one of the larger trees that's there, so we've made every effort we can to keep the.

Mr. Buschynski stated this is all.

**Annamarie Longhurst** stated this is all going to be (inaudible).

Tom Frasca stated that is not going to be touched at all.

**Annamarie Longhurst** stated it depends on the incline right, how steep up it is.

Mr. Buschynski stated how steep up is this, sixty, seventy feet up higher than road.

**Annamarie Longhurst** stated we might not see them, they may see us. So this is all clear, now here.

Mr. Buschynski stated this is a (inaudible).

**Annmarie Longhurst** stated this means not, what does that mean, not clear, that I can tell now is not clear.

Mr. Buschynski stated right here is a clearing line.

**Annmarie Longhurst** stated so that is in there.

Mr. Buschynski stated yes, the intent is to leave as much buffer between lots as possible.

**Annmarie Longhurst** stated okay, so then from a drainage perspective.

Mr. Buschynski stated the purpose of this, no go ahead.

**Annmarie Longhurst** stated I'm sorry, the drainage, I just want to be sure that its not going to get any worse, do I have to, I'm sorry.

Chairman Rogan stated as long as you speak up.

Mr. Buschynski stated this is the pond, we'll do, it will outlet by pipe to an existing culvert crossing under Couch Road, located out there, it will cross, the (inaudible) will come down to (inaudible).

**Annmarie Longhurst** stated right but what is already existing here, isn't handling what we have today, so that is my concern. When you add all this, and I don't think the little lip is doing it, I think its some sort of drainage.

Mr. Buschynski stated we are not adding drainage in your (inaudible).

**Annmarie Longhurst** stated right, so I think with all this clearing, all this stuff coming down, this will catch I think its an exposure.

**Robert Bak** stated that culvert, is the one where they always dump the garbage. Okay, she has a legitimate concern because she has two inches of standing water during a rain now.

**Annmarie Longhurst** stated and its worse since its been paved.

**Robert Bak** stated so it could conceivably get worse, so once again what are you going to guarantee that its not going to get worse.

Chairman Rogan stated that is what the engineer is speaking to, right now.

**Robert Bak** stated correct the problem.

Mr. Buschynski stated the water out letting from this pond.

**Robert Bak** stated yeah.

Mr. Buschynski stated connected by a catch basin to this pipe, outlet across the grass.

**Robert Bak** stated onto the other people's property here.

Mr. Buschynski stated onto this property here.

**Robert Bak** stated which goes to you.

Mr. Buschynski stated no.

Chairman Rogan stated no, the slope it, I think you are on the one further down.

**Annmarie Longhurst** stated you're talking steep like this.

Chairman Rogan stated no, the slope.

**Annmarie Longhurst** stated it does go down, because right now the way the road is, especially, it wasn't as bad when it wasn't paved and I'm sorry, I'm standing with my back.

Chairman Rogan stated no, you're fine.

**Annmarie Longhurst** stated but now that it's paved, what's happening its like a bullet, it just goes straight down, its not going off and over here, so the only thing I'm thinking is that might work I just based on what I've already seen, with just the paved road and not all these house. I just have to express my concern that I'm not sure that it will.

Chairman Rogan stated I'm wondering if you are not talking about a catch basin that is further down the road but. Correct me if I'm wrong Joe, but the lay of the land on the other side of the road there, doesn't seem to indicate that water would flow further down the road, its so steep down off the hill there.

Mr. Buschynski stated this portion here.

Chairman Rogan stated correct.

Mr. Buschynski stated its steeped down towards the east, northeast, I can't see how this would get to here.

Chairman Rogan stated if there is not a catch basin that is further down the road.

**Annmarie Longhurst** stated I (inaudible) gets worse then it gets better.

Gene Richards stated Joe, question for you, on that lot, currently the grades are such that the drainage on the hillside working down towards Couch Road, correct.

Mr. Buschynski stated yes.

Gene Richards stated and even behind the house or is that going the other way, is that breaking the other way. What I'm thinking is maybe the development you're doing because of drainage, that you are putting on lot one, if that's lot one, is actually going to divert water away from the road up by your house ma'am.

**Annmarie Longhurst** stated that is what I'm asking.

Gene Richards stated and maybe it will actually improve things, not tremendously necessarily but it may help your situation by taking some of the drainage away from that area.

Mr. Buschynski stated with the placement of the house, we are picking up the run off from the hill up here, we are bringing it around the side and into the drainage system which will go to the pond.

**Annmarie Longhurst** stated okay.

Mr. Buschynski stated so you would have the benefit of not getting any of this water anymore, that is caught by the.

**Annmarie Longhurst** stated that would currently be coming down the hill.

Mr. Buschynski stated that is caught by the development itself, you will still be getting this area of woodland that drains to Couch Road but we are not adding water to it either, we are actually further away. So you may see some benefit, it might seem like if you are on this side of the road, the water that is causing you a problem would be the (inaudible) itself.

Chairman Rogan stated to the north.

**Annmarie Longhurst** stated I believe that is part of it, I do believe that is part of it because there is no where for it to seep now, so I believe that is correct (inaudible).

Chairman Rogan stated but that is also something that should be referred over to the Highway Department, I'm assuming you've spoken with them.

**Annmarie Longhurst** stated yeah and like I said, they just before this last winter, we are still getting flooding, they did do the lip and went down the curb all the way down. So we are going to see come spring what happens, how much that did or didn't help, if we need an actual drain.

Rich Williams stated Shawn, if I can add in, she has a legitimate concern, while this goes under construction, once they start construction, if at any time you see that water is going on to your property, call the Planning Department, we'll come out and we'll take a look at it.

**Annmarie Longhurst** stated okay.

Rich Williams stated you know and if that is the case, maybe we'll adjust the plan as we are going into the field.

**Annmarie Longhurst** stated I think that's fair.

Chairman Rogan stated seems pretty reasonable.

Tom Frasca stated call me directly, I'll be involved in it.

**Annmarie Longhurst** stated just need names and numbers.

Chairman Rogan stated I can tell you that to this point, people we have dealt with, the engineering firm, this gentleman, the owner, they've been true to their word. And as far as process we were just saying that

we are surprised that we have been reviewing this for so long because process from our perspective has gone quite well, we got a lot of really good interaction, acceptance of ideas and the willingness to protect some really nice features out there. As he stated, there are some tremendous trees on this property that when we walk to the upper are, we were praying that we could save and we have with these conservation easements and I wasn't aware of the ones down on your lot, lot number one. I don't remember them but I certainly do remember them above the other house.

Tom Frasca stated I want to mention that was not done at the request of the Board.

**Annamarie Longhurst** stated right, I got that and I appreciate that (inaudible). Okay, thank you and the one thing that I will add, if you want to put my name on the letter, the traffic is horrendous and the speed and I guess because I'm right at that lovely incline as people are coming down, even the Carmel buses, they just fly down. To the point where I don't even want my kids to cross the street and get my mail.

Chairman Rogan stated is the speed limit posted on that road.

**Annamarie Longhurst** stated down before me and there is a caution children sign and I will tell you I put my blinker on way before I'm turning into my driveway and people are this far off my bumper as I'm trying to go in. It's not an exaggeration, it has, it definitely has increased from a safety perspective is more my concern.

Chairman Rogan stated and we need to hear these concerns from people like you, I don't drive that road, I don't ever go down there.

**Annamarie Longhurst** stated thank you.

Chairman Rogan stated try to do that for Edie, so we don't add extra traffic to that road.

**Annamarie Longhurst** stated yes, Edie doesn't like that, we do know that, yes.

Chairman Rogan stated we do know that that road has become somewhat of a cut through road.

**Annamarie Longhurst** stated more so since its paved, yeah because now people aren't worried about the bottom of their cars bumping, so I appreciate that, thank you for you time.

Chairman Rogan stated thank you, sir.

**Nicholas Michailides** stated I'm wondering if you would be able to educate me a little bit as to the septic on that.

Chairman Rogan stated sure, could you just please come up and state your name for the record, we do want to capture it for the.

**Nicholas Michailides** stated good evening everybody my name is Nick Michailides, I'm probably the one most impacted, my property is.

Chairman Rogan stated okay.

**Nicholas Michailides** stated show me the septic systems.

Mr. Buschynski stated these are the septic areas, all of the septic areas are on this side of the line.

Chairman Rogan stated Joe, you just speak too softly, could you please use the microphone, you have a very soft voice.

Board Member Montesano stated get off your x and get the microphone.

Chairman Rogan stated Michelle is glaring at me over here.

Mr. Buschynski stated I was just explaining to Mr. Michailides that given this ridgeline here between the two properties, all the septic systems are located on the east side of that ridge, no subsurface drainage in your direction.

**Nicholas Michailides** stated when I originally walked with the surveyor, it was my understanding that it was going to be four houses and they were going to be located in this area here. I'm very concerned about these two houses here, especially when the gentleman just explained that the water was going to be pulled this way, it is actually pulling the water down on my property. There is a very steep slope over here and very prone to erosion in that area and I am very concerned about these two houses especially seeing the septic so close here.

Chairman Rogan stated yes.

**Nicholas Michailides** stated I've owned this property for over twenty-five years and as you can see I am in a retirement stage where probably the only way I can afford to stay or afford to get my value out of the property is maybe potentially, some day subdivide over here. And I'm afraid that these will kill my chances to ever, I'm not proposing a subdivision now but if I ever wanted to, it would effect me here.

Chairman Rogan stated where does your property front on a road.

Board Member Pierro stated [Route] 164.

**Nicholas Michailides** stated it expands, it goes on to [Route] 164 and I have one hundred feet on the road, I have a right of way through Nick Mangini's property, this house here and I also have my own private driveway over here.

Chairman Rogan stated I see, okay.

Mr. Buschynski stated again, similar to the situation with septic systems, no drainage from the developed lots will be sent in your direction, everything is going to ponds to be captured and treated to the east. This is a diversion swale to protect the back of the house because there is considerable hill coming towards it. That swale it brought around towards the east and into the drainage system, it is not being discharged to your property.

**Nicholas Michailides** stated if my eye sight serves me, that is one of the few things that's still fairly good, you had your hand over here and said that the water is going to be pulled this, by pulling this way it's going right into my property.

Mr. Buschynski stated (inaudible – Mr. Michailies was speaking over him.)

**Nicholas Michailides** stated well you just said, water, you have to pull the water this way.

Chairman Rogan stated he said its not.

**Nicholas Michailides** stated you just explained to the young lady that you are going to pull the water this way, that is going to pull it right to me.

Mr. Buschynski stated we are not directing a swale or a pipe to you.

**Nicholas Michailides** stated but you said you are grabbing this drainage water.

Mr. Buschynski stated this swale, this swale is for the purpose of collecting over land runoff which runs there now.

**Nicholas Michailides** stated yes.

Mr. Buschynski stated collects it, directs it to the drainage system.

**Nicholas Michailides** stated and where does it direct it, where did your finger go, your finger went right on my corner here.

Mr. Buschynski stated let me show you the path of the swale, right there.

**Nicholas Michailides** stated and my corner is right here.

Mr. Buschynski stated that is correct.

**Nicholas Michailides** stated and this is a down slope going down right here.

Mr. Buschynski stated but this is a down slope going down that way, its four feet lower than the common point.

**Nicholas Michailides** stated what is the elevation here.

Mr. Buschynski stated that is a 700.6.

**Nicholas Michailides** stated and what's the elevation here.

Mr. Buschynski stated 694.5.

**Nicholas Michailides** stated so it goes down pretty steep.

Mr. Buschynski stated and it goes down in that direction, here is 700, 698, 696.

**Nicholas Michailides** stated yeah but much less than that, much less than that.

Mr. Buschynski stated again, there is no drainage directed to your property.

**Nicholas Michailides** stated right here it is.

Chairman Rogan stated sir, I don't want this to turn into an argument between you and then engineer, understanding that they aren't impacting any of your property by actually excavating on your property and the water is designed to go through a swale, right. So, unless that swale for some reason isn't constructed properly, which is why we have people doing these site inspections, we are not directing water to your property that isn't currently going there. Again, the berm is collecting water that is sheet flowing, if any ever does sheet flow in a heavy storm event over the surface of the ground, through the forest that currently is not, there is no proposal to clear any of that, it is going to pick up water that, the lady had said, may be going down towards her house on to the road and put that into a stormwater basin. Based on these plans I don't believe in good faith, I don't believe there is any proposal here to put water onto your property, water that is already going on your property from other areas up gradient, certainly isn't proposed to be changed, it is natural flow. We did walk to the, we walked the survey line, we did note that you have some very steep property in there, so in the future when a potential subdivision comes before us, we are going to be looking to see what, you know what natural characteristics of your property exist and whether or not its buildable based on that. So we will have these discussion possibly in the future as well.

**Nicholas Michailides** stated this will most certainly cut down having septic so close, this septic is only forty feet away from my property line.

Chairman Rogan stated understood, understood.

Mr. Buschynski stated the minimum separation is ten feet, we are forty.

**Nicholas Michailides** stated that is quite a slope there, there is not too much this way, the slope is a lot going this way.

Mr. Buschynski stated we are sloping away from you in that septic area.

**Nicholas Michailides** stated I know how to read a topo, this is a very slight slope, this is a very steep slope, water tends to go down a steep slope.

Chairman Rogan stated but sir what your saying is that its going to go four to six foot of elevation up hill before it then goes down hill.

**Nicholas Michailides** stated it could erode that way.

Mr. Buschynski stated I guarantee it won't.

**Nicholas Michailides** stated you got it.

Chairman Rogan stated you got a guarantee on record, that is pretty good, thank you sir, thank you Joe. Any other questions or comments from the audience, no questions or comments at this point. Motion to close the public hearing.

Board Member Montesano stated so moved.

Chairman Rogan asks for all in favor:

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

Motion carries by a vote of 5 to 0.

Chairman Rogan stated okay, Joe, we have your bond calcs and we have the bond calcs that were submitted from Stantec, that were slightly different. I looked through them and it just seems that some of the figures, there is a difference between say, what you had estimated for a particular item for a catch basin for instance and the cost that Stantec has given us. Gene, this difference in numbers, is this pretty common with increase in costs, can you speak to that.

Gene Richards stated it depends, Tom McGinn in our office typically is the one that works these up and he stays current with construction costs, a lot of times you see an increase in asphalt pavement just because of the trend of the cost of oil and that is generally reflected in pavement. He uses the same numbers no matter what project we look at and if there is a need to bump them up for other factors you know, we stay current with those and we also look at quantities and sometimes some things are left off and we'll add those in but what typically happens in our office. If there is a significant enough difference, Tom will call the engineer and I think he may have done that and discuss where the differences were and why.

Chairman Rogan stated one item I noticed was the difference in the pavement thickness, four inches from your bond estimate and five inches from Stantec but the difference in the tonnage was significant. It was like 185 tons versus, maybe it was sixty or eighty tons, I don't have it in front of me but, so is that a discrepancy between the area that was estimated but also the thickness that was shown.

Gene Richards stated I honestly don't have an answer for you on that.

Mr. Buschynski stated I don't recall that one. I think the cost per ton is the most significant difference on that item.

Gene Richards stated I see Tom has 185 tons.

Chairman Rogan stated sixty-nine tons, pavement five inches, 185 tons, 120, it's a three fold increase from your estimation to Stantec's and I'm only looking off your numbers, it shows sixty-nine tons at seventy-five dollars a ton at 5,000 dollars for paving on Bibbo Associates memo. That was one that jumped out at me because it was so significantly different and the Stantec one is about 20,000 dollar figure, so it's four times. Yeah, so those items are what add up to the 100,000 dollar difference in the bond amount.

Gene Richards stated one thing we always do Shawn, as well as at the bottom of the bond calc, we do add a contingency, in this case it was five percent and that alone added 34,000 dollars, and that is just for any unforeseen field conditions that may come up.

Mr. Buschynski stated our tonnage is the same, it's the cost per ton where the difference is significant, he didn't disagree with our tonnage, it was the cost per ton. Pavement's been all over the place with oil up and down. We used a lower number than Tom.

Chairman Rogan stated I suppose the big question is do you agree with Stantec's estimation of the.

Mr. Buschynski stated we had a disagreement with the catch basin cost but the base cost between the two is 66,000 dollar difference, the cost difference for certain items.

Chairman Rogan stated okay.

Mr. Buschynski stated depending on the economy sometimes you get good numbers and (inaudible).

Chairman Rogan stated understood, so the discrepancy that you spoke about at the catch basins, is this number still valid on your memo.

Gene Richards stated as far as I know, again, our, this is just a recommendation from our office to the Planning Board who you ultimately make a recommendation to the Town Board and if you want to adjust the numbers, you certainly have the ability to do that.

Chairman Rogan stated well I guess what I'm asking is how did you gentleman, did you agree to disagree or did you come to some resolution as to your difference on that.

Gene Richards stated I can't say, Tom is the one who had spoken with Joe.

Chairman Rogan stated okay.

Mr. Buschynski stated yeah, we agreed to disagree.

Chairman Rogan stated okay, I appreciate your honesty on that. We have a recommendation, before we, I just wanted to first go over those items, anything Rich or Gene that you want to discuss on this subdivision.

Rich Williams stated I think that my comments were fairly straight forward and most of them have to do with the easements and legal agreements that have to be provided.

Chairman Rogan stated anyone from the Board, have anything additional that they want to discuss.

Gene Richards stated Shawn, I'm sorry.

Chairman Rogan stated yes.

Gene Richards stated just to answer your question, we had gone through the plans and they had satisfied all of our prior comments, so what our memo just talked about basically any statutory stuff, meets and bounds descriptions, payment of fees, that sort of thing, plus the bond, those were the remaining items.

Chairman Rogan stated okay, very good, what, oh I'm sorry.

**Nicholas Michailides** stated I still can't understand why on that last house, it has to be so far, you seem to be so worried about disturbing the environment, that driveway is so long that it disturbs so much on that upper house, that lot one, is that called.

Mr. Buschynski stated yes.

Chairman Rogan stated sir, part of the concern was between the house and road, as you know, you've been down that road, its fairly steep and.

Mr. Buschynski stated this area is quite steep.

Chairman Rogan stated we, one concern that the Board has is usability for the future homeowner and obviously we want to put that house in a position where it has some usable property.

**Nicholas Michailides** stated this evolved for so many years and Keasbey and everything else and the concern was Couch Road and there wasn't any concern for my property in the back, like again if I want to build, can you guarantee. You were nice enough to guarantee the lady about the drainage, you're not going to, how far are you going to have to set back if I want to develop there, wells and everything else are going to impacted greatly especially by the septic system in lot one, what is about 200 or 300 feet from the well, uphill.

Mr. Buschynski stated roughly 140 feet from the corner, this is could hundred feet from the ridge.

**Nicholas Michailides** stated but the septic is only forty feet from.

Mr. Buschynski stated but you won't see that.

**Nicholas Michailides** stated I'm not worried about seeing it, I'm worried about the ground water and if I ever develop.

Mr. Buschynski stated they have drainage again to the east.

Chairman Rogan stated sir are you concerned about separation distance for a potential new well, for instance if you were to develop the property.

**Nicholas Michailides** stated yes.

Chairman Rogan stated so the question is, you are concerned about the proximity of the lot one septic system to your property.

**Nicholas Michailides** stated yes and if I ever wanted to subdivide.

Chairman Rogan stated and I think that is a valid concern, Mr. Buschynski said its about forty feet, the Health Department which regulates this aspect only requires ten feet from the property line. From the Health Departments perspective, he can put it thirty feet closer to your property line, seeing on the map what the grade is, obviously you said its very steep grade which comes off the property line down on to yours. You wouldn't be putting

**Nicholas Michailides** stated New York City wetland, what is there requirement.

Chairman Rogan stated DEP.

**Nicholas Michailides** stated is there a New York City wetland regulation.

Chairman Rogan stated you are talking two separate issues.

**Nicholas Michailides** stated oh.

Chairman Rogan stated we have our Wetlands Inspector here and there aren't any wetlands on the site.

Ted Kozlowski stated there aren't any wetlands on the site.

Chairman Rogan stated but I think your concern mainly is just separation distance for your future plans and the forty foot separation from that property line is more than what is required. We don't have plans for a potential subdivision so we certainly can't ascertain what you are going to want to do with your property. Having said that you stated and we've seen from being other there, that that property in that corner is extremely rugged as you know, so it is highly unlikely that you are going to be proposing to put a well or a septic on that steep embankment.

**Nicholas Michailides** stated but down below, isn't the distance from the septic or a well.

Chairman Rogan stated a well, correct.

**Nicholas Michailides** stated what is it about three hundred feet.

Mr. Buschynski stated two hundred feet.

Chairman Rogan stated two hundred feet, direct line of drainage.

Mr. Buschynski stated again, we are not direct line of drainage.

Chairman Rogan stated you're below the high point.

Mr. Buschynski stated you can see it would be 150 feet away.

**Nicholas Michailides** stated I walk back there all the time and that is very, very steep there.

Chairman Rogan stated but not on this property, right.

Mr. Buschynski stated you wouldn't get within a hundred feet with the well (inaudible).

**Nicholas Michailides** stated you could get into, into the valley right there, you can drive right up that valley.

Chairman Rogan stated sir, how many acres is your property.

**Nicholas Michailides** stated twelve and a half.

Chairman Rogan stated twelve and a half, I think we are going to have to know a little bit more about what your plans are, if you are looking in the future for some kind of subdivision.

**Nicholas Michailides** stated is this going to be finalized tonight.

Chairman Rogan stated the Board is in a position to finalize it, yes.

**Nicholas Michailides** stated is there any way that we can hold it then.

Chairman Rogan stated we've had, this is the second public hearing on this, we actually, this public hearing, we opted to have because of the roadway concerns that were originally brought up. The layout for the house locations for these six lots, has not changes drastically over that time and in fairness I don't think that is fair to the applicant, considering the length of this process. But we would be happy to look at what proposal you may have for you property on a separate issue, if you want to make an application, you we would be happy to consider what the potential use of your property is, we look forward to reviewing that. Okay.

**Nicholas Michailides** stated all I would ask for is the same consideration if I was ever to do something there, that they would take into consideration how close that septic system is to my property.

Chairman Rogan stated we give the same amount of consideration to everybody.

**Nicholas Michailides** stated it's such a vast amount of property, it couldn't be placed in a worse place for me the way the septic is, it's the closest to mine.

Chairman Rogan stated but in fairness sir, the rest of the property from the northern corner, all the way back to [Route] 164, if you'll at least give us this much, it is all conservation land, other than that one corner and he's forty feet away, you've got a tremendous amount of protection, what more than what potentially could have happened under another review. You've got a tremendous reservation strip that is protecting your property, from one end to the other there, that full length you're talking about one percent of the boundary line that borders your property that has any encroachment in from what you're saying, its forty feet away, so I think that given that, you've got the protection of the rest of that property line, I think we've done our best in this case.

**Nicholas Michailides** stated I'm very pleased with the distance of the lower part of the map, my only concern is like I said, especially the top house and the one below it too is a concern to me.

Chairman Rogan stated understood, thank you.

**Nicholas Michailides** stated I'm still not satisfied but.

Chairman Rogan stated I understand that and I appreciate your concern and like I said, we believe that this plan, especially the way this septic had laid out, is in the best place so that it will work properly. I would rather put it there forty feet from your property line than move it to another location where its not, say as good of soil for instance and might have a potential for failure and when the time is appropriate we will look at your property and determine where the best location is for these things, they may not have anything to do with that corner based on topography and rock and et cetera.

**Nicholas Michailides** stated were there any perc tests done yet.

Chairman Rogan stated absolutely.

**Nicholas Michailides** stated are the available for me to go up and look at them, if I make arrangements with the owner.

Chairman Rogan stated well that is between you and the owner sir but the perc tests aren't open, I mean theres not deep test holes open anymore.

**Nicholas Michailides** stated it's just, what is it just perforated pipe.

Mr. Buschynski stated everything is back filled.

Chairman Rogan stated yeah.

**Nicholas Michailides** stated oh, backfilled.

Mr. Buschynski stated there are no deep test holes.

Chairman Rogan stated if this gentleman builds this project the way he went through this process, I think at the end of the day we are all going to be very happy with what we've done because we've had nothing through this process that has suggested that this man is not going to follow what this plan says and even if he doesn't want to. That is why we have these gentlemen here to review the process, we have the Building Inspector here, we have our Town Engineer and our Town Planner and if need be our Wetlands Consultant, which isn't needed in this case. So we have some people that its their job that what gets build is what's shown on these plans, okay.

**Nicholas Michailides** stated thank you.

Chairman Rogan stated thank you very sir. Okay, I think what this Board is considering for the bond recommendation is to split the difference between your numbers and Gene's. Gene, if you could just, while we are doing the resolutions, if you could just take those and figure out the inspections fees that are just a percentage, isn't it.

Gene Richards stated I don't have Joe's numbers.

Chairman Rogan stated Joe, Joe, we have them.

Rich Williams stated Shawn its five percent of the bond.

Chairman Rogan stated okay, so the bond amount, the difference between the two was I have it right here, it was 615,399 for Joe and 721, so if we add fifty, its about 100,000 dollar difference, if we add a fifty thousand to it, we just call it even, 665 and then we'll do five percent inspection fees, split the agreement to disagree issue. Gentlemen we have, Charlie, we have.

Board Member DiSalvo stated these final figures.

Chairman Rogan stated resolutions and that includes the SEQRA process, you want to start.

Rich Williams stated (inaudible).

Board Member Pierro stated SERQA's been done.

Board Member Cook stated whereas the resolution for final subdivision approval for 17 Couch Road, whereas the applicant has presented for approval by the Planning Board a final subdivision plat entitled 17

Couch Road Subdivision, prepared by Bibbo Associates and Bergendorff Collins, dated May 22, 2007 and last revised December 18, 2008. Therefore be it resolved in the application of 17 Couch Road, for final subdivision approval pursuant to chapter 138 of the Town Code, the Planning Board finds that the subject application and final subdivision plat and any applicable conditions set forth in this resolution, complies with all the requirements of the Town Law Chapter 138 of the Town Code and here by grants final subdivision approval subject to the applicants compliance with ten general conditions and one special condition within 180 days of the date of this resolution and be it further resolved that in any event this subdivision shall expire pursuant section 276 of Town Law, 62 days from the date the plat is signed by the designated representatives to the Planning Board, unless it has been filed in the office of the Putnam County Clerk in accordance with the provisions of section 276 of the Town Law.

Chairman Rogan stated thank you, can I have a second.

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

Motion carries by a vote of 5 to 0.

Chairman Rogan stated for the other resolution, Charlie.

Board Member Cook stated final site plan approval resolution 17 Couch Road. Whereas the Planning Board has considered the application of 17 Couch Road Corp for a site plan approval pursuant to Chapter 154 of the Town Code, a final site plan entitles 17 Couch Road Subdivision, prepared by Bibbo Associates, May 22, 2007 and last revised December 18, 2008. Now therefore be it resolved in the application of 17 Couch Road Corp for final site plan approval pursuant to chapter 154 of the Town Code, the Planning Board finds that the subject application and final site plan is 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 six general conditions within 180 days of the date of this resolution. Be it further resolved in any event that this site plan approval shall expire pursuant to section 154-87 of the Town Code, on year from the date the plat is signed by the designated representatives of the Planning Board, unless a building permit has been obtained in complete compliance of this final site plan approval.

Chairman Rogan stated thank you, can I have a second.

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

Motion carries by a vote of 5 to 0.

Chairman Rogan stated we are going to do a bond, I was just going to ask how long that tape was.

(Side 1 ended – 8:29 p.m.)

Chairman Rogan stated Maria is going to do the bond recommendation.

Board Member DiSalvo stated I'll do the bond.

Board Member Cook stated the inspection fees.

Chairman Rogan stated Maria is going to do it.

Gene Richards stated \$ 33,250.

Chairman Rogan stated okay Maria.

Board Member DiSalvo stated in the matter of Couch Road Subdivision, I would like to move that the Planning Board accept the recommendation of the Town Engineer for a sum sufficient to cover the cost of site improvements in the amount 665,000 bond plus five percent inspection fees which total 33,250 dollars with a recommendation to the Town Board that set amount be established as the amount of surety posted as guarantee to complete the improvements.

Board Member Montesano seconded the motion.

Chairman Rogan seconded by Mike, yes.

Rich Williams stated just for the record, that is not the Town Engineer's recommendation, that is the Town Engineer's recommendation as modified by the Board.

Chairman Rogan stated that is the Planning Board, correct. Please make that modification to the.

Board Member DiSalvo stated modification, recommendation by the Town Engineer, as modified by the Planning Board.

Chairman Rogan stated very good, thank you, thanks Rich for keeping us on the straight and narrow. Mike you seconded.

Board Member Montesano stated I'm seconding.

Chairman Rogan asks for all in favor:

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

Motion carries by a vote of 5 to 0.

Chairman Rogan stated okay, Rich one thing I would like you to do for us please, is just draft a simple letter to Don Smith.

Rich Williams stated sure (inaudible).

Board Member DiSalvo stated can we recommend a speed reduction on that road.

Tom Frasca stated it's a 30 now.

Chairman Rogan stated why don't we simply state to Sherriff Smith and cc the Town Board and the Highway Department on it, that at a public hearing on this application those members of the public brought up a safety concern with speeding along Couch Road and ask for their assistance to look into the matter. Something to that effect, this way Don Smith will get the letter directly from the Planning Board and the Town Board and Highway Department will get a CC on that and I think that will over it.

Rich Williams stated okay.

Chairman Rogan stated all right, thank you. Thanks.

Mr. Buschynski stated okay, thank you.

Mr. Frasca stated thank you.

Chairman Rogan stated I do appreciate how you've been through this process, it makes it a good thing, thank you.

Board Member Montesano stated all right, I want more color.

Chairman Rogan stated thank you, I appreciate it.

Board Member Pierro stated who is that guy.

The Secretary stated Robert Bak.

Board Member Pierro stated Bak, yeah, (inaudible).

## 2) **PETRILLO W/W PERMIT – Continued Review**

Mr. Harry Nichols was present to represent the application.

Chairman Rogan stated okay, we have Harry, Petrillo Wetlands/Watercourse Permit, continued review. Thank you very much. Good evening Harry.

Mr. Nichols stated good evening.

The Secretary stated the microphone.

Chairman Rogan stated I'm sorry.

The Secretary stated the microphone.

Chairman Rogan stated I apologize.

Board Member Pierro stated yeah but nobody was talking.

Chairman Rogan stated okay, so Harry, looks like we've made some modifications to the plans. We still don't see any mention of a fence, it looked, we noted that the wetland line had been changed, Ted had agreed with that location that you had shown. We had still thought that we were going to show a fence, you show a silt fence but I'm assuming that is not going to be permanent.

Mr. Nichols stated we have a silt fence.

Chairman Rogan stated but we are talking about a permanent.

Mr. Nichols stated oh a permanent fence.

Chairman Rogan stated permanent fence.

Mr. Nichols stated what type.

Chairman Rogan stated well when Mr. Pertrillo was here, we spoke about a couple of different varieties, we were going to leave it, I thought we were leaving it up to his discretion but something that was going to stop people from entering the wetland, in other words not post and rail, something a little more substantial than that. Whether it was a decorative vinyl fence or.

Board Member Pierro stated we wanted to prohibit dumping mainly in the wetlands because there is a lot of debris in there now.

Board Member Montesano stated no stone fencing because that is going to last about thirty seconds.

Chairman Rogan stated and then the other issue that was brought up at the work session, we had spoken with Ted about this, we are not seeing where the leader and footer water is going and Ted had suggested that we might be able to show an area on the plans for a rip rap swale of some sort.

Ted Kozlowski stated daylight it out Harry.

Mr. Nichols stated rip rap outlet.

Chairman Rogan stated rip rap outlet, I apologize.

Ted Kozlowski stated just rip rap it.

Mr. Nichols stated (inaudible) we do have an active septic area back here, this is the original septic area we are utilizing it as a reserve area should we need it. (inaudible – not using microphone) this direction.

Ted Kozlowski stated question, Shawn, the Health Department, if they are re-doing the septic and moving it away, are they going to allow the old one to be on top of the wetland like that.

Chairman Rogan stated I don't think that they would ask for them to remove it.

Mr. Nichols stated they asked to leave it there as reserve.

Chairman Rogan stated they wouldn't ask for it to be exhumed, no, my opinion, I don't believe so.

Ted Kozlowski stated well Harry obviously can't go through an existing septic.

Mr. Nichols stated we can go around it.

Ted Kozlowski stated wherever you can daylight it.

Mr. Nichols stated okay.

Ted Kozlowski stated but not directly into the wetland, just on the outside, let it just.

Mr. Nichols stated probably Ted, the best direction to go Ted, would be this direction over here, so we can stop.

Chairman Rogan stated I know.

Ted Kozlowski stated let's just make sure we don't interfere with whatever (inaudible).

Chairman Rogan stated well I'm thinking having the rip rap area, the rip rap outlet on the other side of whatever fence we put in, so that's not a safety hazard, that's all.

Ted Kozlowski stated you know, that person, I don't know, plant some trees or puts a vegetable garden and has that pipe there, so. Wherever is the most direct, not through the septic, it goes right into the wetland.

Mr. Nichols stated the most direct would be.

Rich Williams stated Harry.

Mr. Nichols stated yes.

Rich Williams stated would it be possible to take it towards Roanoke Road.

Chairman Rogan stated straight.

Rich Williams stated but not a straight run.

Mr. Nichols stated this way, we could.

Rich Williams stated it not, that's fine.

Mr. Nichols stated that's fine, we'd have to go back in this direction.

Chairman Rogan stated it wouldn't drain anywhere.

Ted Kozlowski stated (inaudible).

Mr. Nichols stated no.

Chairman Rogan stated but certainly there is some place where you are going to have to put the leader and the footer water, so why don't you show us what you had in mind.

Rich Williams stated why don't you, my two cents.

Chairman Rogan stated yeah.

Rich Williams stated why don't you leave it open ended, that he daylight it before the wetland boundary with a rip rap outlet.

Chairman Rogan stated I have no problem with that because there are only so many places where you are going to be able to put that.

Mr. Nichols stated yeah, we don't have much choice.

Ted Kozlowski stated yeah.

Chairman Rogan stated no problem, Ted, how are we on our wetlands permit application fees have been paid and all set there.

Rich Williams stated yeah.

Chairman Rogan stated okay.

Ted Kozlowski stated everything is fine, the garbage has to get cleaned up, which you also saw out there, so that is a condition of the permit that's the back too, where the shed is, some (inaudible) and other stuff.

Mr. Nichols stated we are, he is going to give him a twenty foot wide.

Rich Williams stated he's going to do a lot line adjustment.

Mr. Nichols stated well an adjustment, take care of that shed being over the lot line.

Chairman Rogan stated okay.

Ted Kozlowski stated all right but we want it cleaned up, regardless of the lot line.

Mr. Nichols stated okay.

Ted Kozlowski stated it still, they own the property now, let them clean up the property.

Mr. Nichols stated any problem going in there to clean it up.

Ted Kozlowski stated with people yeah, not with a big machine.

Chairman Rogan stated no bulldozers.

Ted Kozlowski stated actually, right now everything is frozen solid, you could.

Mr. Nichols stated if its all frozen in the ground.

Ted Kozlowski stated yeah, everything is frozen solid.

Mr. Nichols stated it will be difficult.

Chairman Rogan stated he's not getting the sump pump out of that wetland right now.

Mr. Nichols stated no.

Chairman Rogan stated that is pretty well frozen in there, they'll have to wait for spring for that one. Most of the stuff that we saw in there can be removed by hand, its just junk that was throw in there by hand.

Ted Kozlowski stated just don't put a back hoe in there and destroying everything, common sense.

Mr. Nichols stated right, I didn't anticipate that. I didn't know if you wanted to come out ahead of time before anybody goes in there.

Ted Kozlowski stated no, I think two guys going in there can lift the car bumper out.

Mr. Nichols stated is it usable.

Ted Kozlowski stated no.

Board Member Pierro stated yeah on a '63 Ensile.

Board Member Montesano stated Harry, you taken your car out of the garage lately.

Ted Kozlowski stated I think the neighbors will be happy too.

Mr. Nichols stated okay.

Chairman Rogan stated okay, so we, really then the only outstanding issue is showing a fence, which again I don't have any problem, as long as we can agree on a type of fence.

Mr. Nichols stated yeah, what type.

Chairman Rogan stated you showing it a few feet off of the wetland line that is delineated.

Ted Kozlowski stated well I think there was sort of a berm there, I think that is what we kind of agreed on, there was a berm, you walked out of the house and there was like this little berm that went down to the wetland and we were talking about that berm being the line.

Mr. Nichols stated is that very close to where the wetland line is now.

Ted Kozlowski stated yes.

Chairman Rogan stated yeah.

Ted Kozlowski stated it pretty much defines it and also Harry, note that I am going to post our Town signs along that boundary and they are to remain up.

Chairman Rogan stated the funny thing there is, you don't have much to post on, there is just not a whole lot, you know you're going to have bring some metal stakes or something.

Ted Kozlowski stated I know.

Chairman Rogan stated and that is kind of the point of this fence to.

Mr. Nichols stated when you put the fence up, you can put them on the fence posts.

Chairman Rogan stated to stop the you know, from somebody to say, we'll keep going in a little bit, nobody will ever know.

Ted Kozlowski stated Harry we just want the future owner to know that what they are buying has restricted property.

Chairman Rogan stated either of you gentlemen have a problem with a conditional approval on this, we are only looking at a fence and the drainage issue, I think you stated.

Rich Williams stated and the garbage.

Chairman Rogan stated and the garbage coming out, so we have those three items. Dave is making notes I see.

Board Member Pierro stated what is the third item.

Chairman Rogan stated the fence, the garbage and the daylighted drain, just they are going to put a rip rap outlet on that.

Ted Kozlowski stated I think you want to say that fence will be erected upon completion of the restoration of the wetland. You don't want that fence up now while the work is going on.

Rich Williams stated (inaudible).

Board Member Pierro stated wetlands/watercourse permit, we need to do SEQR.

Chairman Rogan stated we haven't completed SEQRA on this.

Mr. Nichols stated does that have to be (inaudible).

Chairman Rogan stated on a wetlands permit we don't do it, we haven't completed it.

Rich Williams stated (inaudible).

Chairman Rogan stated so we need a neg dec then.

Ted Kozlowski stated that is up to the Board.

Chairman Rogan stated what was the question.

Mr. Nichols stated does it have to be a visual barrier type fence.

Chairman Rogan stated well the intent is to keep people from, its drawing a line in the sand to say hey, you've got full us of everything from that fence to your house but not the other side, so I think it needs to be a pretty tight fence.

Mr. Nichols stated okay.

Chairman Rogan stated you know, I mean it can have slats in it or something but it should be something that is not going to allow children to just run back and forth through the fence through the swamp, which is what I would have done when I was a kid.

Ted Kozlowski stated or homeowners or people dumping in it.

Board Member DiSalvo stated composting back there.

Chairman Rogan stated okay.

Ted Kozlowski stated which is just what's been going on.

Chairman Rogan stated Ted.

Ted Kozlowski stated yeah.

Chairman Rogan stated if we put a condition on the fence that they, well actually we could do it, I'm sorry not Ted, Rich.

Ted Kozlowski stated the C.O.

Chairman Rogan stated I don't mean the C.O., I mean the design of the fence what they are putting in, you get a sense of what we want out there, okay.

Rich Williams stated I'll (inaudible).

Chairman Rogan stated sure, that is okay with the Board, that way we know what's going up. That's a mouthful.

Rich Williams stated I have a better idea, I'm going to have minimal involvement in this, as is Ted, make it a condition of the C.O. and the Building Inspector.

Chairman Rogan stated who has heard our discussion.

Rich Williams stated yeah.

Chairman Rogan stated boy Nick, trial by fire but Nick, you get a sense of what we are looking to do here, we just want to protect this wetland area and, okay, condition of the C.O., ready.

Board Member Pierro stated no.

Chairman Rogan stated want me to do it.

Board Member Pierro stated no, I'll do it, I'll wing it through. In the matter of Petrillo Site Plan.

Chairman Rogan stated wetlands/watercourse.

Board Member Pierro stated wetlands/watercourse permit, I make a motion that we grant approval for the wetlands/watercourse permit, conditioned on the drains being daylighted in the rear of the property, that the garbage be removed, garbage and debris being removed from the wetlands area.

Board Member Cook stated the entire site.

Board Member Pierro stated the entire site, of course and that a fence be installed to mark the wetlands boundary in the rear and side property lines.

Board Member Cook seconded the motion.

Chairman Rogan stated fair enough. And you need a negative dec.

Board Member Pierro stated and I also make a negative determination of SEQRA.

Board Member DiSalvo seconded the motion.

Chairman Rogan stated we've got two seconds going, let's complete all in favor on the wetlands/watercourse permit.

Chairman Rogan asks for all in favor:

Board Member Cook	-	aye
Board Member DiSalvo	-	aye
Board Member Montesano	-	aye

Board Member Pierro	-	aye
Chairman Rogan	-	aye

Motion carries by a vote of 5 to 0.

Chairman Rogan stated all in favor on the negative dec.

Chairman Rogan asks for all in favor:

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

Motion carries by a vote of 5 to 0.

Chairman Rogan stated okay, that should cover it.

Mr. Nichols stated all right.

### 3) **WERLAU W/W PERMIT – Initial Application**

Board Member Pierro stated Werlau.

Chairman Rogan stated for the audiences edification, Werlau, watercourse permit is off the agenda for tonight, they asked to be pulled from the agenda.

### 4) **RIMALDI SITE PLAN – Continued Review/Site Walk Comments**

Mr. Pete Paggi and Mr. Vincent Guerro of Paggi, Martin and Del Bene were present to represent the application.

Chairman Rogan stated we have Rimaldi Site Plan, who has been very patient tonight, back there.

Board Member Pierro stated okay.

Mr. Paggi stated good evening.

Board Member Pierro stated just save the.

Chairman Rogan stated just hold them on the side.

Mr. Paggi stated good evening, Pete Paggi, Paggi & Martin Engineers.

Chairman Rogan stated good evening, Pete if it helps you for tonight, you can remove that microphone from the stand.

Mr. Paggi stated that's okay I'm losing my voice, anyhow so I don't.

Board Member Montesano stated just stay on the air.

Chairman Rogan stated so you aren't going to speak much.

Mr. Paggi stated I'm going to speak as little as possible.

Chairman Rogan stated so that much lead us to you sir.

Mr. Paggi stated this is Vincent Guerro who is the project architect.

Chairman Rogan stated good evening.

Mr. Paggi stated we received the information from Rich this afternoon, regarding the walk through and the initial review, obviously we haven't had a chance to do much with that. I don't think that we saw anything that looked out of the ordinary, we did have a couple of quick questions, one of them on the walk through that the Board did, you noted that you wanted the building separated, the proposed building and the existing building.

Chairman Rogan stated to be more clear, what we were concerned about was fire separation distance, we would certainly defer that to either the Fire Inspector or the Building Inspector, we did not know what the safe separation distance was between two buildings of this nature.

Mr. Paggi stated so the sole determining factor there would be Building Code and Fire Code.

Chairman Rogan stated and then to tack on another issue we spoke about and we'll get into that tonight, but obviously egress in and out of the site, which ties into how you navigate around the building. At this point we are just looking up in front of the building.

Mr. Paggi stated okay.

Chairman Rogan stated if at some point we have to figure out a way to get around back either for additional parking for loading areas, et cetera, then I don't know whether it going to be part of your plan to try to go between the buildings, so no its not solely just fire separation, it is at this point.

Mr. Guerro stated I don't know if there is any plan to have vehicular access between the buildings, at this point.

Mr. Paggi stated no, not at this point.

Mr. Guerro stated pedestrian, if anything.

Mr. Paggi stated correct.

Chairman Rogan stated I guess my point was, not knowing where this plan might go three meetings from now, I don't want to lock into saying that there is no way you are going to have to get behind those

buildings. If it comes down to, the only way you can get by or back there is between the buildings, that may be a consideration.

Mr. Paggi stated the reason I ask is that in our moving forward, trying to move and trying to lay out the proposed building.

Rich Williams stated Mr. Paggi.

Mr. Paggi stated Paggi, I'm sorry.

Chairman Rogan stated why don't you take it out of the stand.

Mr. Paggi stated its okay.

Rich Williams stated you have to use the mic. The mic records everything for the minutes, so that the girls can.

Mr. Paggi stated the only reason that I raise the concern is in that moving forward in trying to lay out the proposed building and make everything work, we just want to have some idea of what kind of criteria to use.

Chairman Rogan stated understood.

Mr. Paggi stated if it was just in terms of Code, I didn't know if it was an aesthetic thing with the Board.

Board Member Pierro stated is the roof line of this building going to be similar to the existing building.

Mr. Paggi stated I'm going to let Vincent speak to that.

Mr. Guerro stated no, it won't be, it will be a lot lower. This is basically a one and one half story type of building with potential storage on the second floor.

Chairman Rogan stated let's start off with the site walk since you started the, obviously there were some common sense issues like moving utilities, that obviously will happen, the comment about the dumpster location was just one of common use from the existing deli. It just seemed like an awful long way to go from the deli to the dumpster, walking all the way past this and you know, if that works for the deli, then that is the issue we can look at.

Mr. Paggi stated well as alternative we can move that to the north of the building, if that became an issue.

Chairman Rogan stated well it was an issue that was brought up just in terms of have the people that own the deli thought about that because its an awful long way to walk with a bag of garbage and what will tend to happen is instead of walking out there and throwing a bag in, they are going to sit them somewhere outside the back door and then we end up with garbage blowing around. So it's really for that that we bring it up, that it becomes an nuisance issue, it becomes maybe a rodent infestation issue and that's a long ways out there. Pulling into the site, obviously it's a common access point with another parcel, we recognize that the existing facility the Panino Deli, is one use and now we are expanding on that use and expanding on that entrance and when driving north, which is the way that I entered the site. Site distance, the cars come up pretty quick on you so we had just made mention that we had wanted you to consider whether you could

have a secondary access on the southern most part of the property. That is something that we hope that you will take a look at.

Mr. Paggi stated okay, we will take a look at that, obviously that is going to depend on a large part of what the DOT says.

Chairman Rogan stated we understand that and we also realize that that will kill a few of your parking spaces.

Mr. Paggi stated it would and in that event, those parking spaces would probably move to the north portion of the site.

Chairman Rogan stated Rich had made mention of the stormwater ponds, we know that they need to be modernized, updated, there was a little bit of, Rich, I don't know if you want to speak to any of those issues tonight but when we get into it. Obviously making sure that they are going to not only meet current criteria for stormwater and also meet the intended additional flow.

Mr. Paggi stated understood.

Chairman Rogan stated I'm trying to think for tonight's purposes, with your architectural rendering, is it possible to have a rendering that shows the two stores side by side or have you already done that.

Mr. Guerro stated conceptually I have.

Chairman Rogan stated even if its two different pieces.

Mr. Guerro stated okay.

Chairman Rogan stated even if we take the old plan that was approved, or built or photos of it and put them to the same scale, I think that would help the Board. We realize.

Mr. Guerro stated not a problem, with relationship to the separation between the two (inaudible – not using microphone).

Chairman Rogan stated I think basically just from the main road, looking straight into the site so that we can see how the architectural elements from one building tie into the other.

Mr. Guerro stated just keep in mind that I am using the same materials.

Chairman Rogan stated okay.

Mr. Guerro stated as what is there, there is no change, the same block, the same stucco, the same type of columns, so the elements are going to be the same.

Chairman Rogan stated and the proposed use, you said one and a half story, what is the proposed use of the second floor.

Mr. Guerro stated storage.

Chairman Rogan stated for whatever retail operation or.

Mr. Guerro stated correct.

Mr. Paggi stated it possibly be (inaudible).

Chairman Rogan stated okay, better in the attic than on the roof.

Mr. Guerro stated these are just falsifide, there is no access.

Chairman Rogan stated okay, anything the Board is reading or wants to discuss that I've missed.

Board Member Pierro stated no, just those five items.

Board Member Cook stated for tonight, that's it.

Chairman Rogan stated we discussed at the work session, trying to get you over to the Zoning Board as quickly as possibly but not so quick that we are giving a concept that doesn't work properly, so there is a little bit of balance here.

Mr. Paggi stated okay.

Chairman Rogan stated we want you to invest a little bit of energy into getting this site plan to work because we want to make sure they are understanding what we are asking of them but clearly there is the issue of a special use permit, you would need regard less and then obviously the area variance for the acreage. So it's kind of a balancing act because we like people to know from Zoning, whether or not we can move forward but we want to make sure that we aren't send them something that we don't ultimately end up building. So you will have to bear with us a little bit there.

Mr. Paggi stated for a referral to the ZBA.

Chairman Rogan stated correct.

Mr. Paggi stated okay.

Chairman Rogan stated so just know that is where we are approaching this.

Mr. Paggi stated does the special use permit, that includes the area variance.

Chairman Rogan stated two separate.

Mr. Paggi stated there are two separate.

Rich Williams stated two separate applications.

Mr. Paggi stated the special use permit, is that granted and approved by the ZBA or by the Planning Board.

Rich Williams stated the ZBA.

Mr. Paggi stated ZBA, okay.

Chairman Rogan stated yeah.

Mr. Paggi stated and we wait until you feel comfortable that the project is stand alone okay, before you are going to refer to the ZBA.

Chairman Rogan stated correct, I'd hate to send something over to the ZBA and they approve it and then it comes back to us and we change everything drastically to the point where it doesn't resemble what they approved.

Mr. Paggi stated okay.

Chairman Rogan stated I don't see too much of that happening on that site, its limited with what we can work with but we want to make sure of course, there are some issues that Rich pointed, that the Code requires a loading zone, existing with the Deli, I don't spend much time up in that area but with the delivery trucks in and out of that site and now you've got a longer area, it seems that once one pulls in there, they wouldn't be able to very easily turn around. So think about those issues and please let us know if we are not clear because I don't want to waste your time or money or clients money.

Mr. Paggi stated oh, it's very clear, we just want to know how to proceed, if we are not going to go directly to the ZBA we are going to proceed to the Planning Board then.

Chairman Rogan stated correct, we are not sending you to the ZBA tonight.

Mr. Paggi stated okay, very good.

Chairman Rogan stated okay.

Dave Raines stated I just want to ask a question.

Chairman Rogan stated yes, please.

Dave Raines stated sorry, Dave Raines, Fire Inspector, potentially do you see how for the retail space, I see the doors on the west side, what kind of access would we be providing to those doors, for deliveries, what is the proposed access.

Mr. Guerro stated in the back here.

Dave Raines stated I just didn't see anything here to support that.

Mr. Guerro stated this is basically the office retail space so, the doors in the rear are for employees only.

Dave Raines stated it's a life safety.

Chairman Rogan stated gentlemen, with the train going by, I don't think we are going to pick you up without the microphone.

Dave Raines stated so I was looking at the rear doors from, you're telling me from a life safety perspective, not so much from a delivery, okay, ingress and it wasn't clear to me. I know we have an overhang but what I was really looking for, moving forward, I don't need an answer now but really what our net separation is, at our closest point between the two buildings. We can look at as we take a step further, the type of construction materials so we can determine what would be the minimal distance that we can achieve under the code because we are talking about two non-sprinklered buildings. They are not fire proof so we want to make sure before we go too far that we are maintaining that minimum distance and with the information we have, we really can't make that determination.

Mr. Guerro stated I'll print that out, once I get the other elevation.

Dave Raines stated okay.

Mr. Guerro stated now the architectural elevation, that you are asking for, you want that for the next meeting, when would you want to see the relationship between the old and the new.

Chairman Rogan stated the sooner, you know honestly, the sooner that we have a sense of how the two buildings relate, I think the better.

Mr. Guerro stated okay.

Chairman Rogan stated especially since you seem to know full well what you want.

Mr. Guerro stated yeah.

Chairman Rogan stated it's rare, we don't usually get this usually right up front, we don't get this too often anyway.

Mr. Guerro stated okay, yeah, pretty much we have clear direction in the path in which we want to take on that, so. So I'll have that for the next meeting.

Chairman Rogan stated okay, always ask for what you want and we'll work from there.

Mr. Guerro stated not a problem.

Chairman Rogan stated okay, anything from anyone else.

Board Member Cook stated we would like a written response to the site plan comments and to the Rich Williams comments.

Mr. Paggi stated at this point we are going to just move forward with answering the two correspondences that we got today.

Chairman Rogan stated excellent, okay.

Mr. Paggi stated and hopefully we'll be on the next meeting.

Chairman Rogan stated thank you.

Mr. Paggi stated thank you.

Board Member Pierro stated very well.

Chairman Rogan stated we appreciate your time. Thanks for your patience this evening.

**5) MARTINS SUBDIVISION – Continued Review**

Chairman Rogan stated number five on the agenda, Martins Subdivision was also pulled from the agenda, so everyone knows.

**6) MEADOWBROOK FARMS**

Mr. Harry Nichols was present to represent the application.

Chairman Rogan stated we are up to Meadowbrook Farms, you have anything.

Rich Williams stated there is actually nothing new on that either.

Chairman Rogan stated okay, Brewster Plastics.

Board Member Cook stated Harry is still here, should we ask Harry.

Chairman Rogan stated Harry, you don't have anything new on Meadowbrook, do you.

Mr. Nichols stated no I don't.

Chairman Rogan stated good night, thank you sir.

**7) BREWSTER PLASTICS – Discussion**

Mr. Brett Wallace of Brewster Plastics was present.

Chairman Rogan stated good evening.

Mr. Wallace stated hello everyone, Brett Wallace Brewster Plastics.

Chairman Rogan stated hello Brett. We appreciate that you are back in before us and are looking to expand.

Mr. Wallace stated absolutely.

Chairman Rogan stated I know from our original discussions, over a year ago with the temporary storage, we were hoping that you were going to propose something.

Mr. Wallace stated now we've got some contracts that will allow us to do that hopefully sooner rather than later.

Chairman Rogan stated do you want to just tell the Board a little bit about that expansion, what necessitates it and what you're looking for this evening.

Mr. Wallace stated at the moment there's a couple of different scenarios that we could pursue, one is a small addition that would just end up being warehouse space, the second and that depends on contracts that we are negotiating right now, would be a warehouse and then a separate production floor area, I'm not sure exactly.

Board Member Montesano stated the thirty-nine, the (inaudible).

Mr. Wallace stated this one here would be just an addition of a warehouse. The next page is the actual warehouse and production floor, the warehouse in the middle and production floor number two would be attached to it.

Board Member DiSalvo stated [Route] 22 is.

Board Member Montesano stated [Route] 22 is here.

Mr. Wallace stated this is the front of the building, these are the office.

Board Member Montesano stated okay.

Mr. Wallace stated here is the existing building.

Board Member Montesano stated this is where the warehouse.

Chairman Rogan stated Mike, you need to speak up a little bit.

Board Member Pierro stated can you speak into the mic.

Chairman Rogan stated just because you are speaking, you might as well be on the record.

Board Member DiSalvo stated Mike.

Board Member Montesano stated okay, all I'm saying is that this is what exists, this is one proposal.

Mr. Wallace stated just warehouse.

Board Member Montesano stated with just the warehouse and this is for the production floor.

Mr. Wallace stated correct.

Board Member Montesano stated you've got approximately 39,000, 40,000 square feet, the total would 68,000 all together.

Mr. Wallace stated correct.

Chairman Rogan stated okay and I know that you've spoken with Rich a little bit about process and I know there were.

Rich Williams stated just so we're clear, I actually met with his father.

Chairman Rogan stated I apologize, through your father, you understand about site plan modifications and such, we know that you have some immediate concerns, trying to, obviously you are not building this addition next month, it would be great if you wanted to but your immediate concerns require what.

Mr. Wallace stated immediate concerns are two fold, one is the addition of two plastic material silos and the.

Chairman Rogan stated you say plastic material silos, they are not made of plastic they are going to house plastic.

Mr. Wallace stated they are going to hold plastic resin.

Chairman Rogan stated okay, thank you.

Mr. Wallace stated they are either steel or stainless steel.

Board Member Montesano stated used to be across the road.

Board Member DiSalvo stated the plastic resin is liquid or solid.

Mr. Wallace stated plastic pellets.

Board Member Montesano stated pellets.

Board Member DiSalvo stated okay, Dippin' Dots.

Mr. Wallace stated a little smaller. The silos that we are looking at purchasing are twelve feet in diameter and a little under twenty-three feet tall.

Chairman Rogan stated okay.

Mr. Wallace stated so they will not exceed the current roof line of the building.

Chairman Rogan stated do you have anything that shows the look.

Mr. Wallace stated I actually called them today and unfortunately it's a make upon order type of thing, so they don't have any pictures of it because they haven't built it.

Chairman Rogan stated so how do you know what your getting.

Mr. Wallace stated because I specified the material requirements for the inside and then it is designed based upon the size of the pad, you know the diameter and then from that you know how tall you have to get, in this case be able to put in 16,000 pounds of plastic diodes.

Chairman Rogan stated the concern I would have, height and diameter is easy enough to get a sense of, twenty-three feet tall, is not very tall for a silo, the concern I would have is that we don't end up with something. Let's say its stainless steel and the sun hits it and when you're driving up the road all you ever see is a glare off the silo.

Rich Williams stated do you have a color specified as of yet.

Mr. Wallace stated if it is made out of steel, the default color from the manufacturer is white but I'm sure we can paint it whatever color you'd like.

Chairman Rogan stated what color is the building.

Board Member Montesano stated the one across the street.

Rich Williams stated beige.

Chairman Rogan stated beige.

Mr. Wallace stated normally they go light colors to keep the heat out, the sun pounding on it.

(Inaudible – too many speaking at one time).

Mr. Wallace stated okay, that's usually white or a lighter color is normal.

Chairman Rogan stated and the other issue is the trailer.

Mr. Wallace stated the trailer addition which is more, I can't say more immediate but very important, we have an existing loading dock area. The building was designed opposite those already framed out are two additional loading bays which we are going to add as we do the second phase of the building but for storage reasons we are doing to the McDonalds and Wendy's serving trays, they take up a lot of room. We were hoping to punch through those two areas and just put a temporary trailer, without wheels ground level, just up against the building, just be able to use for short term storage of that product, turn over about every week or two but it is a significant amount of space which is also why we are getting the silos. The silos are taking away floor space for now because the plastic pellets are coming in on forty by forty-eight pallets and Gaylord boxes, and they come in forty or fifty Gaylord's at a time which obviously we would like to take that off our floor and be able to use those skid locations for finished product in addition to the trailer space.

Chairman Rogan stated Charlie, you've never been on this site, correct. Everybody else has, we did this about a year ago, a year and a half ago.

Rich Williams stated about that.

Chairman Rogan stated Rich, do you have any concerns, based on what your hearing tonight, with either visibility of these from [Route] 22 or.

Rich Williams stated no, there won't be an visibility from [Route] 22.

Board Member Montesano stated they are going to be the height of the building.

Rich Williams stated the only thing I do just want to clarify while we are on the record is where you are proposing to do the trailers, to actually have delivery in that area, the ground elevation needs to be lowered, correct and you are not proposing to do that at this time.

Mr. Wallace stated I honestly do not know what about level we have to get to for it to be floor level for inside the building.

Rich Williams stated but you are not proposing to do that at this time.

Mr. Wallace stated no.

Rich Williams stated okay, because when I talked to your father and we talked about that a little bit, there will be a drainage issue with that, that you would need to bring additional drainage in.

Mr. Wallace stated oh yeah, no, we are just going straight on top for now.

Rich Williams stated yeah.

Mr. Wallace stated it's going to excavated so trucks can back in and then have the trucking dock.

Chairman Rogan stated that will be part of the site plan review for the expansion, we'll be looking for you to drainage for that area.

Rich Williams stated I would assume so.

Board Member Cook stated what is the diameter again of the silos.

Mr. Wallace stated twelve feet.

Board Member DiSalvo stated twenty-three.

Mr. Wallace stated by twenty-three feet tall.

Board Member Pierro stated my only concern is that these new storage trailers will be, maybe fully exposed to the rest of the site until we have the new construction project there.

Dave Raines stated they are there now.

Chairman Rogan stated yes, Nick.

Nick Lamberti stated we made a site visit last week, they are there now.

Board Member DiSalvo stated they've been there.

Board Member Montesano stated they've been there for, since the last time.

Mr. Wallace stated the cargo containers, as opposed to a truck trailer.

Nick Lamberti stated Nick Lamberti.

Chairman Rogan stated thank you.

Nick Lamberti stated Director of Code Enforcement, we made a site visit to this location, and the two trailers in question are already there. They are not positioned as they are shown on the plans, they are actually parallel on the building.

Chairman Rogan stated okay.

Nick Lamberti stated but they are there now, as Rich had mentioned earlier, this is an industrial area, you can't really see much from the street so aesthetically its not really going to be something that is going to be detracting to anyone passing by.

Chairman Rogan stated Nick, since you were most recently out on the site, more recent than any of us, you see the position of these silos they are proposing.

Nick Lamberti stated right now there is only a pad and its set up for the silos.

Chairman Rogan stated you feel pretty comfortable with where they've shown them that that is not going to be a nuisance or a problem.

Nick Lamberti stated no, no and from what Brett just said, they would be lower than the actual height of the building, so.

Chairman Rogan stated okay, then our only concern would be that they, if they come in white and white goes fine with the building or if they end up needing to be painted the color of the building, then we can do that.

Mr. Wallace stated okay.

Chairman Rogan stated all right.

Board Member Pierro stated when was this pad, this current pad installed.

Mr. Wallace stated it was done at the time we built the building.

Board Member Pierro stated so then you have knowledge of the structural integrity of that.

Mr. Wallace stated originally, those two pads were originally designed for a silo that held 120,000 pounds.

Board Member Pierro stated very good.

Mr. Wallace stated but we don't want to have anything that big so we have that, it's plenty strong.

Board Member Pierro stated okay.

Rich Williams stated if I might add in, these silos were contemplated, they were shown on the original site plan that was done for the project.

Chairman Rogan stated okay so, unless we are not in agreement, what we are looking at is a site plan waiver for the installation of the two silos which would be, as per shown on the plans that we have and a temporary approval, like a one year approval on the existing two fifty-three foot trailers. Does that sound correct to everyone.

Rich Williams stated yes.

Chairman Rogan stated understand, the reason that we are comfortable doing this because you are a man of your word. We said originally get rid of those storage sheds, come in for a site plan, you have worked towards that, we expect that you are going to be working towards the approval of this site plan. We appreciate that.

Mr. Wallace stated thank you.

Chairman Rogan stated does anyone want to do that motion.

Board Member Pierro stated in the matter of Brewster Plastics, Robin Hill, Jon Barrett Lane, I make a motion that we grant a site plan waiver to install two twelve by twenty foot plastic storage.

Chairman Rogan stated twenty-three foot, I think.

Board Member Pierro stated twenty what.

Chairman Rogan stated twenty-three foot.

Board Member Pierro stated twenty-three foot, corrected, two twelve by twenty-three foot plastic materials storage silos in the right hand rear of the building and that we grant a one year temporary approval for the use of two fifty-three foot storage containers on the rear of that site.

Board Member Montesano seconded the motion.

Chairman Rogan stated let me just, so that we're clear, we are approving them in the location they are shown on the submitted plans because I don't whether right rear or what direction it is.

Board Member Pierro stated do they have to do construction to build that loading dock in the fashion that it is depicted.

Mr. Wallace stated to turn it into a loading dock for trucks, yes but for putting the trailers in no, we just have to cut through the existing frame of the building and frame it.

Board Member Pierro stated south west corner.

Chairman Rogan stated thank you, so south west corner of the building as depicted on the plans that were sent to the Planning Board. We had a second.

Board Member Montesano stated yeah, I'll second it.

Chairman Rogan asks for all in favor:

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

Motion carries by a vote of 5 to 0.

Chairman Rogan stated okay great, so we look forward to working with you in the very near future on the rest of the site plan.

Mr. Wallace stated I look forward to it.

Chairman Rogan stated I'm glad that you're here and that things are improving business wise.

Mr. Wallace stated absolutely.

Chairman Rogan stated thank you very much.

Mr. Wallace stated thank you very much, take care.

Chairman Rogan stated tell your dad we say hello.

Mr. Wallace stated I will.

## **8) NORTH COUNTY HOMES**

Chairman Rogan stated okay, North County Homes, is anybody here. Joe Buschynski was here but he left, the bottom line is that we don't have the wetlands.

Rich Williams stated you know, again at the work session, the Board had discussed about them filing for a wetlands permit, I did notify the applicant, the permit has not been submitted to the office as of yet.

Chairman Rogan stated okay, so for the record, we just make note that North County Homes, we have agreed on some resolutions for a lot of wetlands issues and we are looking for a completed wetlands/watercourse permit application or an amended plan.

Board Member Pierro stated okay.

Chairman Rogan stated okay.

Board Member Pierro stated that gets saved too.

## **9) WATCHTOWER AMENDED SITE PLAN**

Mr. Joel Heier of Watchtower Bible & Tract Society was present to represent the application.

Chairman Rogan stated okay, we have Watchtower who has also been very patient this evening. Good evening Joel, how are you.

Mr. Heier stated good, Joel Heier from Watchtower, we are here of course requesting a site plan waiver for the installation or replacement basically of two cooling towers but in order to keep the existing cooling towers running, we are moving them to, or we would like to propose moving them to the other side of the building. I have these pictures that might help better than the plans.

Chairman Rogan stated thank you.

Mr. Heier stated the plans have a lot of detail on them, they are the same.

Chairman Rogan stated thanks.

Mr. Heier stated so the existing towers you see to the left of the picture right along where the orchard is at now to kind of get a bearing as to where its at on our site and we are proposing to move them to the exact opposite side of the building. A slightly smaller foundation because the footprint for the new cooling towers is slightly smaller than what they need because of the layout and then right behind that are the top where our heat rejecter pumps are at for our generators, moving them over to where the driveway exists now and then removing both concrete foundations on the west side, so we only have what's left on the east side.

Board Member Montesano stated where would [Route] 22 be on this, roughly.

Mr. Heier stated Route 22 runs, along here, this way.

Board Member Montesano stated okay.

Mr. Heier stated this is to the north, this direction here and this is to the west.

Board Member Montesano stated thank you.

Board Member DiSalvo stated this is where the (inaudible – not using microphone).

Chairman Rogan stated I don't think its going to change the landscape.

Mr. Heier stated the landscaping, we added a little bit there just because we are going to extend it around so that it does block it as much as possible, kind of isolate it to the building.

Chairman Rogan stated and you said that the new cooling towers are actually smaller than the existing ones.

Mr. Heier stated the footprint that they will take up will be less space on the foundation.

Chairman Rogan stated are they taller than the old ones.

Mr. Heier stated they are actually shorter.

Chairman Rogan stated wow.

Mr. Heier stated they are about, I didn't remember the exact height of the, they are about a foot shorter, so the new ones are nineteen feet tall and then when they are raised up on the foundation, with the catwalk and then with the handrail they will still be twelve feet below the peak of these roofs here on the power house building.

Chairman Rogan stated Joel, can you tell the Board, just very briefly what the purpose of the cooling towers are, what the function is of them, I think that would be helpful.

Mr. Heier stated sure, the cooling towers are used at to evaporate the heat off basically of the water that is running through our chilled water system, that is used for our air conditioning, it is used in some other facility systems where we need chilled water and so as the water circulates through, instead of having the really hot water that has gone through the system and come back, the. It goes through the cooling towers to take some of that heat off before it then goes through the chillers and is cooled down and back into the system.

Board Member DiSalvo stated so the new ones, the proposed cooling towers are going to be closer to the building too.

Mr. Heier stated correct, yes, basically that nook right at the front of the building, they are going to sit right in there, its about fifty one foot roughly by thirty-one foot foundation pad.

Board Member Montesano stated (inaudible), Shawn.

Chairman Rogan stated yes.

Board Member Montesano stated coordinate with Richie.

Chairman Rogan stated Joel, Charlie has never been on site, just across the road when they did the addition of the wells, we met Rich Eldred. Most of us have been on site for some of the other previous site walks years ago, Maria has not been on this side of the facility, nor Charlie. We were hoping that maybe we could coordinate something that these two and Richie could go up certainly with yourself or someone else to see the facility, I think Dave, myself and Mike feel pretty comfortable with where this is. I just think it would be good for them to get a sense of the upper half of the facility.

Mr. Heier stated absolutely.

Chairman Rogan stated not that you have to show them the whole place but it gives them an idea of what is up there and how this relates to the application.

Board Member Montesano stated and if Richie can't make it, I'll volunteer and take yous up.

Rich Williams stated go ahead.

Chairman Rogan stated the additional, Rich, what additional information, I almost said height, weight and color, colors.

Rich Williams stated I think that was predominately it.

Chairman Rogan stated yeah, I mean, I'm comfortable with the application, both based on the fact that this is a required part of the cooling system, that it doesn't look like its going to be a visual obstruction or hindrance to the site and that fact that we have at least two Planning Board Members who are going to check it out and confirm. So we can, what we can do is get you guys up there, any additional information, do you know the color is the same as the other one.

Mr. Heier stated it will be stainless steel.

Chairman Rogan stated stainless steel, what we can do, is if you guys can get up there, we can even approve this site plan waiver at a work session but I think it would be good to get them up there, certainly before they vote on something where they have never seen the facility.

Me. Heier stated okay.

Chairman Rogan stated and anything else that you want, anything that you can think of Gene, that we are not asking or, cooling towers are not our specialty.

Gene Richards stated I haven't looked at anything so I, I guess visually if its behind the building and not visible from [Route] 22.

Mr. Heier stated its going to be completely, its going to be less visible than the existing ones are now.

Chairman Rogan stated I appreciate that, it's a shame that you can't, you are taking water and your making it cooler so that it is more efficient in your cooling process. It sounds like just the opposite of geothermal heating, where they are drawing some of the heat out of water and using it to create heat, seems like you would be able to do both in this case, can.

Board Member Cook stated there is no public hearing necessary or anything.

Chairman Rogan stated not on a site plan waiver, we are going to do a waiver.

Board Member Cook stated okay.

Chairman Rogan stated so why don't we have Maria and Charlie talk to Rich about a mutually agreeable time.

Mr. Heier stated whatever works for you, we'll be available.

Chairman Rogan stated we'll take care of it, we'll wrap it up. You guys will get a sense of what's existing, what is going to be there, the relative size is going to be smaller, you'll be our eyes and ears.

Dave Raines stated if I may.

Chairman Rogan stated yes.

Dave Raines stated just so its on the record, I spent two visits up there, looking at this prior to them coming to you, just to corroborate, some things were said. The new location is more shielded than the existing cooling towers which is a little hard this time of year to really get a sense of when you are up there. They

are clearly lower and the catwalk structure is less involved than what they have under the old technology, I guess you would call it. so its, we also looked at the mechanicals of it, and we did do a review early on on this to get a sense of just, so you're aware of that.

Chairman Rogan stated I appreciate that input, thank you. Okay, thank you kindly.

Mr. Heier stated thank you.

Chairman Rogan stated thank you.

## 10) OTHER BUSINESS

Chairman Rogan stated the other items under Other Business, we discussed at the work session, more just of everybody putting input to Richie, nothing that really needs to be discussed tonight unless anybody has anything. Anything from you Rich, Gene, anything.

Gene Richards stated is there anything I need to know about with Review coordination.

Chairman Rogan stated we actually did not discuss much on review coordination, Charlie, we made mention of your original memo. The idea of the memo that showed the break down of what the engineering services are, we talked about any ideas for maybe reducing duplication of services but nothing earth shattering.

Board Member Cook stated what I said was, it looked good to me and I was just curious if the Town Board had any feedback and Rich said no, and that was fine.

Chairman Rogan stated anything from either or you gentlemen, Carl, I didn't mean to put you on the spot.

Board Member DiSalvo stated you woke him up.

Rich Williams stated the only question I do have is the proposed changes to the sign ordinance, you said you had a number of questions that I'm still waiting on.

Board Member Cook stated I had a question relative to, when we were talking about the regional center as opposed to the local one, I think we need two sections of the Code, you know.

Rich Williams stated I can make those changes but I was hoping to get all the comments before I started making all the changes.

Chairman Rogan stated I had just a couple of quick jotted comments that I did not bring with me either, nor at the last work session, I'll e-mail them to you, anything from anyone else.

Board Member Pierro stated (inaudible).

Chairman Rogan stated going once, going twice, motion to adjourn.

Board Member Cook stated motion to adjourn.

Board Member DiSalvo seconded the motion.

Chairman Rogan asks for all in favor:

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

Motion carries by a vote of 5 to 0.

Chairman Rogan stated thank you everyone.

The meeting adjourned at 9:20 p.m.