

**TOWN OF PATTERSON**  
**PLANNING BOARD MEETING**  
**February 7, 2013**

**AGENDA & MINUTES**



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1) <b>East Putnam Development Corp.</b>	1 – 9	Public hearing opened and closed. Negative Determination of SEQRA granted. Discussion of shielding between neighbors.
2) <b>Watchtower – Sign Application</b>	10 – 14	Negative Determination of SEQRA granted. Sign permits granted with conditions.
3) <b>Mama Jo’s Lakeside Deli – Sign Application</b>	14	Negative Determination of SEQRA granted. Sign permit granted with conditions
4) <b>Zegarelli Site Plan – Sign Application &amp; Waiver of Site Plan</b>	14 – 24	Negative Determination of SEQRA granted for sign. Sign permit granted with conditions. Public Hearing scheduled for March 7, 2013.
5) <b>Rimaldi Site Plan – Continued Review</b>	24 – 38	Discussion of rear access drive behind building, plantings, and conditional approval.
6) <b>Farese Subdivision – Driveway Waiver Request</b>	38 – 40	Driveway waiver granted with conditions.
7) <b>Other Business</b>		
a. <b>Paddock View Estates Subdivision – Request for Bond Reduction</b>	9 – 10	Bond reduction recommendation made to Town Board.
b. <b>Birch Hill Road (N.R.A) – Driveway Plan</b>	40 – 43	Discussion of guiderail. Driveway plan approved with escrow placement condition.
c. <b>Code Violations</b>		Discussed at January 31, 2013 Work Session.
8) <b>Minutes</b>	43	January 3, 2013 approved

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**TOWN OF PATTERSON  
PLANNING & ZONING OFFICE**

**ZONING BOARD OF APPEALS**  
Lars Olenius, Chairman  
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**PLANNING BOARD**  
Shawn Rogan, Chairman  
Thomas E. McNulty, Vice Chairman  
Michael Montesano  
Ron Taylor  
Edward J. Brady, Jr.

**Planning Board  
February 7, 2013 Meeting Minutes**

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

**APPROVED**

Present were: Chairman Shawn Rogan, Board Member Thomas E. McNulty, Board Member Michael Montesano Board Member Ronald Taylor, Board Member Edward J. Brady, Jr., Rich Williams, Town Planner, Ted Kozlowski, Environmental Conservation Inspector, Andrew Fetherston of the Town Engineer's office, Maser Consulting and Michael Liguori, of the Town Attorney's office, Hogan & Rossi.

Chairman Rogan called the meeting to order.

There were approximately 11 members of the audience

The meeting was called to order at 7:03 p.m.

Michelle Lailer was the Secretary and transcribed the following minutes.

Chairman Rogan stated good evening everyone; please join us for the Pledge of Allegiance.

Chairman Rogan stated Teddy's here.

Board Member Montesano stated Teddy didn't go.

Board Member McNulty stated he took the red eye.

Board Member Montesano stated and we have it in writing.

Chairman Rogan stated so much for the memo, huh Ted.

**1) EAST PUTNAM DEVELOPMENT CORP. – Public Hearing**

Mr. Harry Nichols, engineer and Mr. & Mrs. Thomas McNulty were present.

Chairman Rogan stated Michelle can you please read the public notice.

The Secretary read the following legal 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 7, 2013 at 7:00 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 **East Putnam Development Corporation Site Plan Application to allow for the renovation and addition to an existing structure, as well as improvements associated with construction.** The property is located at 2665 Route 22 (C-1 Zoning District), Patterson, New York. All interested parties and citizens will be given an opportunity to be heard in respect to such application.

Board Member McNulty stated I'd like to recuse myself at this time.

Chairman Rogan stated sure. If I could just ask, is anyone here specifically for this application or this public hearing tonight, okay, thank you. Good evening Harry.

Mr. Nichols stated good evening.

Chairman Rogan stated seeing as how we have people here for this application, if you could give a little overview of the project please.

The Secretary stated please use the microphone, thank you.

Mr. Nichols stated the applicant is proposing a small shopping facility; it is slightly less than one acre lot of land, which is currently occupied by an existing residence which the structure itself will be renovated as part of the work proposed for the building and be incorporated into the project. The tenants we assume would be interested would be retail, personal service and office type uses which is what will be provided. We are proposing a maximum lot area, I mean a maximum building area of rough 6,200 square feet, that in itself dictates, it is dictated by the amount of parking we can get on the premises while still meeting the code requirements for green space and providing an area for the septic disposal which is in the rear, we have reached that maximum that we can get on the property with this particular plan and to meet all of the requirements of the current zoning code and also the Board of Health regulations. Access will be from [Route] 22 on to Old [Route] 22 in this location and then there will be a full movement entrance at this location and on the side where the loading and service is going to be for the perspective tenants, this will be a truck access only. We have conducted the testing with the Board of Health on the soils and the soils were excellent for this particular area and we are able to meet their requirements for the number of feet of trench that will be in the septic system. There also will be a new well drilled for the project, currently there is an existing hand dug well on the site which will be backfilled and abandoned in a proper manner. The project is scheduled for two phases, the initial phase will include the existing residence structure which will be renovated and to that will be added a service area, a service bay in this area here and, excuse me, and that at a later date will be followed by construction of the major portion of the building, we anticipate it will be retail sales, some office space and there will be an access to another use in the lower level from the rear. We have provided landscaping, lighting, storm drainage, in that regard we're proposing the detention sediment basin at the rear of the property and currently all the drainage from the premises does drain to the left rear corner of the premises, of the property and into the Great Swamp, in that regard we are dealing with the State, it's a State wetland back there and we also have local wetlands, however we are maintaining the required separation of 100' from the edge of the wetland to where we're disturbing the premises. With that, are there any questions from the Board or from the public.

Chairman Rogan stated ma'am, if you want to just, please come on up to the front of the room and use the microphone and state your name for the record please. It's okay, we won't bite you, come on up.

**Mrs. Olsen** stated okay.

Chairman Rogan stated this is a friendly group, its okay.

**Mrs. Olsen** stated we're Daphne and Chuck Olsen, we own the property...

Chairman Rogan stated you need to state it on the record please.

**Mrs. Olsen** stated Daphne and Chuck Olsen, we own the property adjoining that to the north.

Chairman Rogan stated okay.

**Mrs. Olsen** stated and we've got some questions.

Chairman Rogan stated just please use the microphone so that Michelle can get it on the record.

**Mrs. Olsen** stated here Chuck.

**Mr. Olsen** stated you need my name again.

The Secretary stated no.

Chairman Rogan stated you just said it.

**Mr. Olsen** stated okay, how much space is there from where this parking is to the property line.

Mr. Nichols stated its 5'.

**Mr. Olsen** stated 5'.

Mr. Nichols stated yes.

**Mr. Olsen** stated okay, right now there's a green belt that separates this property from my property and you're going to take this parking, literally right up to the property line, there's not going to be any separation anymore, between here and here and I'm going to be staring at all this parking and I don't find that very appealing.

**Mrs. Olsen** stated just another thing, when we bought our property, we've been there for 15 years, it was zoned residential...

Chairman Rogan stated your property.

**Mrs. Olsen** stated yes, residential, we live there, so to have these cars facing our bedroom, is not very appealing, that's one thing. The other thing is we have no idea where our well is, we are...

**Mr. Olsen** stated I know where the well is.

**Mrs. Olsen** stated you know where the well is and I would like to know how this construction is going to impact our well.

**Mr. Olsen** stated it's not going to.

**Mrs. Olsen** stated okay, good, that was my question, and that's, you know that's it, they're questions, they're not...

**Mr. Olsen** stated the main thing is that there was, there is a degree of privacy now...

Chairman Rogan stated sure.

**Mr. Olsen** stated I mean there has been some trees taken down already, which has opened that up, hopefully come spring when there are leaves, it will fill back in again because right now I'm looking at all the trash in the yard over there and the debris, you know from the construction which is taking place which is understandable when you have construction but it's just, I don't find this very appealing, you know to have a, all of a sudden parking lot right up against my, my property and cars potentially facing my bedroom and our property was, when we bought it, was zoned residential professional and that was why we bought it but it's mainly, you know I don't really care what he's doing in there but I don't like the lack of privacy, you know.

Chairman Rogan stated so it sounds like you in favor of a little bit of plantings or some...

**Mrs. Olsen** stated well there's, no, no...

**Mr. Olsen** stated I want a barrier, I don't want to look at.

**Mrs. Olsen** stated just leave the trees where they are...

The Secretary stated one at a time please, one at time.

**Mrs. Olsen** stated oh, sorry.

The Secretary stated thank you.

Chairman Rogan stated plus ma'am you don't have a microphone so you're going to have to share.

**Mr. Olsen** stated I'd like to see a barrier, you know, I don't want to look at...

Board Member Taylor stated what do you mean by a barrier.

**Mr. Olsen** stated I don't want to be looking at somebody's parking lot, I don't want to be looking at cars...

Board Member Taylor stated you want a fence.

**Mr. Olsen** stated I don't want to be looking at, I was there to be a visible barrier...

Board Member Taylor stated like a fence.

**Mr. Olsen** stated like a fence, I don't want a fence, right now there's a green barrier, I prefer that the green barrier remain or a form of green barrier be put in.

Chairman Rogan stated sir it sounds like you're saying what I just said that maybe some, a, when you said green barrier, I was thinking of plantings, a green, a living, breathing...

**Mr. Olsen** stated yeah.

Chairman Rogan stated you know and that's something that we can potentially work with, with our consultants.

**Mr. Olsen** stated right because my property and his property, you know, we both border on the swamp, so it is a, there's all kinds of stuff growing there and that's part of the appeal, you know...

Chairman Rogan stated sure.

**Mr. Olsen** stated I'd like to keep that. Did you have anything to say...

**Mrs. Olsen** stated no, that was it.

**Mr. Olsen** stated I don't have anything else.

Chairman Rogan stated alright, thank you sir, appreciate it.

Mr. Nichols stated give your name.

Chairman Rogan stated thank you Harry.

Mr. McNulty stated hi, Tom McNulty, Vice President of East Putnam Development, applicant. To address Chuck and Daphne's questions here, they might not understand that this phase one would be this front corner and there's going to be a cut into the property which will result in about a 4' high wall, so that would prevent any kind of lights directly into your property, like a Unilock wall or a stonewall of some sort. The second phase of the project would cut even further to create a wall 3 to 5, 4' high, again giving you some but I'll be glad to work with you on some kind of greenery to plant back, we can address that.

Chairman Rogan stated okay.

Mr. McNulty stated any other questions.

Chairman Rogan stated well let's see if we have anything else from anyone in the audience, you have any questions, comments...

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

Chairman Rogan stated can I have a second.

Board Member Taylor seconded the motion.

Chairman Rogan asks for all in favor. Motion carried by a vote of 4 to 0.

Chairman Rogan stated okay, from you gentlemen.

Ted Kozlowski stated I can give you some suggestions on trees, I'll give you some suggestions on tree and plants through Rich.

Rich Williams stated yeah, there are some cleanup details that are remaining, that remain outstanding as well as looking to address the comments from tonight, so I expect that by the next meeting we're going to see a revised plan back in there addressing all those comments, past comments and this and then we can you know, start taking some actions.

Chairman Rogan stated okay.

Board Member Taylor stated the DEP said that your proposed rip rap overflow doesn't need design guidelines, it is not on the design manual or do you have a response to that.

Mr. Nichols stated no, their answer was, the question they were asking was, we call it a sediment basin but it's really a detention basin and they say sediment basin is really not a...

Rich Williams stated it's not a listed practice within the stormwater design manual...

Mr. Nichols stated yeah, in the...

Rich Williams stated the issue though is that they are not required to meet the design standards for the stormwater design manual, they are well under the threshold for doing that, so what is being proposed here is well over and above anything that is actually required.

Board Member Taylor stated so that's moot.

Rich Williams stated it really is, it's DEC doing, DEP doing their usual thing.

Mr. Nichols stated I have talked to Cynthia Garcia the person who wrote the letter and gone over item by item and you know I told her everything that we were doing and the fact that the soils were in the 8 to 10 minute per inch drop perc rate, she felt a little better about it but until a, either they acknowledge the fact of what Rich said or they are satisfied with what we have done but I would feel comfortable, that's for sure.

Chairman Rogan stated okay, any questions or comments from anyone else, if not we'll move it along, anything, no, okay, thank you Harry, we're all set.

Mr. Nichols stated all set.

Chairman Rogan stated yes sir, we need to get our Planning Board Member back up here, we have to you know, move along.

Mr. McNulty stated I just wanted to ask, is there any way to move forward on SEQRA and a preliminary approval, so we can go to the Board of Health at this point.

Board Member Taylor stated I thought we closed the public hearing.

Chairman Rogan stated well he wasn't asking about the public hearing...

Board Member Taylor stated oh.

Mr. McNulty stated no, as the (inaudible)...

Chairman Rogan stated he was asking about the SEQRA determination.

Board Member Taylor stated but he's a member of the public isn't he, okay.

Mr. McNulty stated as applicant.

Chairman Rogan stated Rich, procedurally, you have any reason why we can't do SEQRA on this.

Rich Williams stated yeah procedurally, you do require SEQRA on this...

Chairman Rogan stated no, I realize we require, you have any reason we can't...

Rich Williams stated yeah and we have circulated, we do have comments back from all of the other involved agencies, I don't know this Board has had time to review those comments but if you have and you're comfortable with you know, how they're all be addressed, then certainly you're in a position you could make a determination of significance.

Chairman Rogan stated the comments that we have are from DEP and only the Natural Heritage, I don't think we have...

Rich Williams stated I thought we had seen others of DEC and possibly Health Department but you know Health Department.

Chairman Rogan stated you know what I, yeah...

Board Member Taylor stated I remember Health Department.

Chairman Rogan stated we have DEP...

Board Member Taylor stated you have a DEC there...

Mr. Nichols stated DEC has been out there, we've put some flags in where the wetland is and they're going to be survey located and that's just to prove to the City of New York that we are 100' separation distance as required.

Chairman Rogan stated Ted, any problem you see with that or anything.

Ted Kozlowski stated I recused myself from the wetland part of this.

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

Rich Williams stated if you recuse yourself, you've recused yourself. No, I reviewed the comments and I didn't see any red flags.

Chairman Rogan stated I'm sorry, say that again.

Rich Williams stated I reviewed the comments from DEP and did not see any red flags here.

Chairman Rogan stated alright, gentlemen, you all feel pretty comfortable on this. Alright, in the matter of East Putnam Development Corp, I make, oh I'm sorry you had your sheet out, do you want to do a...

Board Member Brady stated no, you may use it if you want.

Chairman Rogan stated make a motion that the, having found no significant environmental impacts the Planning Board grants a negative determination for significance for SEQRA, so moved.

Board Member Montesano seconded the motion.

Chairman Rogan asked for all in favor. Motion carried by a vote of 4 to 0.

Chairman Rogan stated okay, preliminary though, I think we ought to get things wrapped up, how does that stop you from going to Health, you have a SEQRA Determination.

Mr. Nichols stated the Health Department, they...

Rich Williams stated they require the SEQRA determination.

Chairman Rogan stated yeah, so you're okay.

Mr. Nichols stated plus they say preliminary approval now...

Rich Williams stated there is no preliminary approval.

Chairman Rogan stated that's what I was thinking, yeah.

Mr. Nichols stated I understand, I understand, I don't sense a problem.

Rich Williams stated well if that's a problem, have them call me office.

Chairman Rogan stated sounds good.

Mr. Nichols stated okay.

Rich Williams stated that's easy.

Chairman Rogan stated okay, that seems reasonable.

Mr. Nichols stated okay.

Chairman Rogan stated alrighty.

Mr. Nichols stated thank you.

Chairman Rogan stated thank you. Okay, Rich I have a question, Mr. Eldred if you just for one second, I see Mr. Porcelli in the back for Paddock View, that's just a bond release, we expect, I'd like to just in fairness to him, maybe get him out of here, Mr. Eldred would mind if we jumped the agenda by one person.

Mr. Eldred stated not at all.

**7) OTHER BUSINESS**

**a. Paddock View Estates – Bond Reduction**

Mr. Mark Porcelli was present.

Chairman Rogan stated alright, let's do Paddock View.

Mr. Liguori stated wait, did you do the neg dec or no.

Chairman Rogan stated we did.

Rich Williams stated oh you did.

Chairman Rogan stated yeah.

Mr. Liguori stated you guys are incredible.

Chairman Rogan stated okay.

The Secretary stated Shawn and Mike.

Chairman Rogan stated I made the motion and somebody else seconded. Okay, Paddock View, we have a bond release notice from Andrew, his recommendation is to release \$220,394.93 for a total reduction if \$454,865.13, correct Andrew.

Andrew Fetherston stated yes.

Chairman Rogan stated okay, I'll make the motion that we...

Board Member Montesano stated second.

Chairman Rogan stated recommend to reduce that.

Chairman Rogan asked for all in favor. Motion carried by a vote of 4 to 0.

Chairman Rogan stated okay, I didn't want you to sit here for all that.

Mr. Porcelli stated thank you very much.

Board Member Montesano stated don't want you making any more noise than one.

Chairman Rogan stated you want to vote on the bond.

Board Member McNulty stated no, I'll pass.

The Secretary stated welcome back.

Board Member McNulty stated thank you.

Chairman Rogan stated okay, take care Mark.

Mr. Porcelli stated drive safe.

Chairman Rogan stated be careful in the snow tomorrow.

## 2) WATCHTOWER BIBLE & TRACT SOCIETY – Sign Application

Mr. Richard Eldred was present.

Chairman Rogan stated okay, Watchtower, I apologize Rich.

Mr. Eldred stated should we put our plan up here.

Chairman Rogan stated sure.

Board Member Montesano stated yeah, he's tall.

*Whispered side conversations.*

Rich Williams stated Michelle.

The Secretary stated yes.

Rich Williams stated I'm sorry.

The Secretary stated I know.

Chairman Rogan stated good evening sir.

The Secretary stated I already wrote it down.

Mr. Eldred stated my name is Richard Eldred, I'm with Watchtower and we're proposing to have 2 existing signs, have the name changed on the signs and I'll show you the location of the 2 signs. The one sign as you come from the south, you'll see on the right hand side before you get to our entrance drive, the other sign is coming from the north, going south, you'll see on the right hand side. They both depict the same thing, our property and the use of our property, we're adding the name Jehovah's Witnesses to the sign because our website that we have now is JW.org, the Watchtower is still the corporate owner of the property so we have Jehovah's Witnesses and below it Watchtower, as the write up indicated the size of the sign is the same as the original size of the signs, 25 square feet and there will be plantings around it but we haven't shown exactly what the planting is, we do plant flowers in the spring and we change them through the growing season, we could have some evergreens or something else but we still need to be able to see the name on the signs, so that's essentially it on this plan, we're showing the top of the sign as being 6" high, we may make that slightly smaller, maybe 5 1/2" so we feel that that would still be readable as a vehicle is going by the property. So that is basically what our request is, is to change the names on the

existing signs, these will actually be new signs but they will look like the existing, the existing, the signage is embedded into the concrete, that will be true of the top one and the bottom on it will be an anodized brushed aluminum with letters cut out, concrete color will show through, so that's what that appears like. You can get a feel for it, here's the concrete showing through, concrete showing through for Watchtower and this name up here will be embedded in the concrete but it too will have a, some indented letters like the original sign, the color will be charcoal grey to match similar to the existing sign, so that's basically the request.

Board Member Taylor stated now you're keeping the directional signs.

Mr. Eldred stated the directional signs.

Board Member Taylor stated there is a sign that says residence or...

Chairman Rogan stated are those within this facility.

Mr. Eldred stated I'll have to check that.

Board Member Taylor stated no, they're on the road, you can see them from the road.

Mr. Eldred stated okay, I'll have to take a look...

Board Member Taylor stated is that a separate sign.

Mr. Eldred stated we do have some stop signs here...

Board Member Taylor stated no it's not, it says something about the facility, the Inn...

Mr. Eldred stated oh we do have a sign in front for proposed development, that's has writing on it.

Board Member Taylor stated the Patterson Inn, the sign that says Patterson Inn.

Mr. Eldred stated oh, right, that's a part of this sign.

Board Member Taylor stated so you're replacing that.

Mr. Eldred stated yes, it's still there but we want to emphasize Watchtower and Jehovah's Witnesses.

Board Member McNulty stated question, is there a total of just two signs being replaced or three because I have two applications with different tax map numbers.

Mr. Eldred stated it's two signs, it's...

Board Member McNulty stated just, like a...

Mr. Eldred stated this sign and this sign will both be replaced with 2 out...

Board Member McNulty stated same locations.

Mr. Eldred stated yeah because it's on two separate properties...

Board Member McNulty stated one across the street from the other.

Mr. Eldred stated yeah.

Board Member McNulty stated it just said two signs on each application.

Mr. Eldred stated so you have two applications.

Chairman Rogan stated and I noticed Rich in your memo, you mention the lack of shielding of the lights shown on the application, is that intended to be screened with plantings as depicted on here.

Mr. Eldred stated I believe so, you know the smaller lighted light will be behind this shining up.

Chairman Rogan stated okay because obviously that would be the only concern.

Mr. Eldred stated it might have to be some kind of evergreen shrub or something so it would be year round because flowers this time of year don't do much.

Chairman Rogan stated or is there a shielding device that they can use in place, just in case the natural vegetation doesn't do the intended.

Rich Williams stated sure, they can shield them.

Chairman Rogan stated you know, so that's always the other option.

Mr. Eldred stated which kind.

Rich Williams stated well there are, well there are full shields on the flood lights that...

Mr. Eldred stated oh okay.

Rich Williams stated make sure that you can't see the flood light, except on the sign.

Mr. Eldred stated yeah.

Board Member Taylor stated so we should make that a condition of the approval.

Chairman Rogan stated yup.

Board Member Montesano stated Richard, do you know what the duration of time the driver would have to see that sign as they go by.

Mr. Eldred stated when you're coming from the north and you come past the red barn, to this sign here is about 500', 400' maybe and at 88 feet per second, you'd have about five or six seconds. Coming from this direction you start to see the property below Nina's place and it might be about the same, five or six seconds.

Board Member Montesano stated thank you, at my time, I think I'm going to have to take a little stroll.

Chairman Rogan stated any other questions or comments from anyone, no. Okay, so we have two separate applications that we need a SEQRA determination on each, can we bundle the two together, the signs, the applications, does it really matter.

Rich Williams stated I don't think it matters.

Chairman Rogan stated who would like to do that one.

Board Member McNulty stated make a SEQRA, you want SEQRA first...

Chairman Rogan stated sure.

Board Member McNulty stated I move that the application for Watchtower, the sign application for Watchtower, the Planning Board of the Town of Patterson finds the proposed action being an unlisted action and will not leave a significant impact on the environment and hereby issues a negative declaration of significance.

Board Member Montesano seconded the motion.

Chairman Rogan asks for all in favor. Motion carried by a vote of 5 to 0.

Chairman Rogan stated and you want to go right to the sign application.

Board Member McNulty stated I make a motion the that Patterson Planning Board approve the sign applications for both signs, to replace the existing monument signs and with the condition to provided shielded flood lights.

Chairman Rogan stated great, second.

Board Member Montesano seconded the motion.

Chairman Rogan stated asks for all in favor. Motion carried by a vote of 5 to 0.

Chairman Rogan stated okay.

Board Member McNulty stated good luck.

Mr. Eldred stated thank you.

Chairman Rogan stated Mr. Eldred I would be surprised if we have a light glare issue on any of your signs, the way you've done things have always been, setting the bar and setting the example, so I trust that they'll be fine but you know if you have any questions, certainly call Rich and...

Mr. Eldred stated we will.

Chairman Rogan stated alright, thank you sir.

Mr. Eldred stated thank you very much.

Chairman Rogan stated have a great evening.

**3) MAMA JO'S LAKESIDE DELI – Sign Application**

Applicant did not appear.

Chairman Rogan stated do we have anyone here for Mama Jo's Lakeside Deli. Okay, Mama Jo's Lakeside Deli in Put Lake, we have a sign application, we were ready to move on this at the work session but admittedly I hadn't had a chance to look at the application thoroughly. The sign looks straight forward, I don't remember there being any significant issues, again, lighting was mention, I see that there are spots lights directly above and those seem like they should be shielded as well.

Rich Williams stated they look like they're pointing the wrong way even, they look like they're pointing out to the parking lot rather than...

Chairman Rogan stated yeah.

Rich Williams stated yeah.

Chairman Rogan stated anybody have any comments, thoughts on this, otherwise it's pretty straight forward.

Board Member Taylor stated yes I would make a condition that they bore in the lights properly and shield them properly.

Chairman Rogan stated okay, in the matter of Mama Jo's Lakeside Deli, move that the Planning Board grants negative determination of significance for SEQRA and approve the sign application as submitted with the condition that the lights that illuminate the sign do not glare and are shielded properly so as not to provide a safety hazard...

Board Member Montesano stated can I make a question on that.

Chairman Rogan stated of course.

Board Member Montesano stated okay, instead of saying lights on the sign since they may not be, can we just state shield flood lights above the sign.

Chairman Rogan stated sure and those are the lights that are intended but they may also illuminate the parking lot, you're right. So just modify my motion to include that change and can I have a second.

Board Member Montesano stated and I'll second.

Chairman Rogan asked for all in favor. Motion carried by a vote of 5 to 0.

Chairman Rogan stated good luck to Mama Jo's Deli, it's a tough location.

**4) ZEGARELLI'S SITE PLAN – Site Plan & Sign Application**

Mr. Angelo Zegarelli and Mr. Tony Lomeli were present.

Chairman Rogan stated okay Zegarelli's, we have gentlemen here for that.

Mr. Lomeli stated good evening.

Chairman Rogan stated good evening.

Mr. Zegarelli stated good evening.

Chairman Rogan stated Angelo, how are you.

Mr. Zegarelli stated good, how are you.

Chairman Rogan stated good, good. So you're taking over the old Nick's...

Mr. Zegarelli stated yes, yes.

Chairman Rogan stated and I heard you're making some really nice improvements.

Mr. Zegarelli stated yes I am.

Chairman Rogan stated and we also understand there's not an old site plan on the place, so we're trying to do the best we can to not slow you down but also kind of put some things on paper and work out a site plan if we can. Rich did a review of what you submitted to date, there are some items that are missing from what you have but there are also some things with an existing site like this that we have the ability to waiver, if it's not going to impact the overall use of the site or you know, going to affect, knowing what's on the site, things like topography for instance, sometimes getting a surveyor back out there for topography, we've considered waiving in the past if it, if the improvements you're doing aren't significantly based on change in grade. Having said that, Rich, you have any thoughts on the, on that part of the code, as it relates to the site plan.

Rich Williams stated sure, this is a relatively flat site, the improvements that they're proposing out there, really aren't incumbent on changes to the grade. The improvements are substantial but not extensive.

Chairman Rogan stated okay.

Rich Williams stated I don't know how else to phrase it and Angelo certainly has made the site look incredibly better, compared to what it has looked in the recent years, it has been a market improvement. I did provide a list and I'll just, you know I'll sum it all up you know, as quickly as I can...

Chairman Rogan stated sure.

Rich Williams stated that I think based on what the intent of the code is to provide a snap shot of what the site is going to look like or in this case we have an as built for what a site does look like, the plan that's been submitted adequately covers that and then additional requirements that are typical with a site plan are really not needed in this case and certainly can be waived.

Board Member Taylor stated I had a few questions, the parking spaces are not uniform on the plan, they don't look uniform.

Rich Williams stated actually that is a good thing that you brought that up, we did talk about that at the meeting, they do not meet the minimum requirement for parking spaces, that being said, at a reduced number, there are sufficient spaces to cover the interior space but they're proposing I believe at 9 by 18...

Board Member Taylor stated well they've got two sizes, is what they have.

Rich Williams stated what are they.

Board Member Taylor stated they have two different sizes.

Rich Williams stated right.

Board Member Taylor stated you've got the sizes in the back along the stonewall are narrower than the other ones in the front and in the center, I didn't measure them, it just and then they didn't mark out, it says macadam parking lot in front of the one story building, they didn't mark any spaces there on the plan.

Rich Williams stated no, they didn't so there is a couple there now, whether they're going to continue in the future, I don't know.

Board Member Taylor stated is there a dumpster.

Mr. Zegarelli stated no, right now there is no dumpster on the property, the dumpster will be in the back of property.

Board Member Taylor stated do we want them to show that on the plan, generally it is shown on the plans.

Mr. Zegarelli stated it will be on the Fairport [Road] side.

Rich Williams stated you can include that...

Mr. Zegarelli stated the dumpster will be somewhere right in here.

Rich Williams stated you could include it in the resolution.

Board Member Taylor stated we could add it on, just so...

Rich Williams stated well that would require going back to the surveyor and an additional cost...

Board Member Taylor stated oh okay.

Rich Williams stated what I'm trying to do is not...

Board Member Taylor stated yeah, no, I understand that, I was, so we can add it in as a note on the...

Rich Williams stated well we can add it in as part of a condition on the resolution that the dumpster will be placed on such and such a location.

Board Member Taylor stated okay, we can do that and what's this chain link fence with roof, what's that protected.

Mr. Zegarelli stated oh that's just, right here...

Board Member Taylor stated yeah.

Mr. Zegarelli stated it's an existing dog fencing, fenced pen.

Board Member Montesano stated kennel type.

Board Member Taylor stated it's a kennel, okay.

Mr. Zegarelli stated existing from the seller of the property.

Board Member Taylor stated and you're keeping it.

Mr. Zegarelli stated it's in good shape, it's covered nice.

Board Member Taylor stated okay.

Mr. Zegarelli stated it's actually has cement footings on it.

Board Member Taylor stated yeah and there is a deck going somewhere here.

Mr. Zegarelli stated the patio right here that just put.

Board Member Taylor stated oh that's this grey area.

Mr. Zegarelli stated yes it is.

Board Member Taylor can we just label that as a patio. Now are any of these stonewalls over 4' high.

Mr. Zegarelli stated there's no stonewalls.

Board Member Taylor stated well no, there's stonewalls on the plan.

Board Member McNulty stated masonry wall.

Rich Williams stated it's an existing wall.

Mr. Zegarelli stated existing wall.

Board Member Taylor stated well it says stone.

Board Member McNulty stated stone masonry.

Board Member Taylor stated are any of them more than 4' high.

Rich Williams stated I don't believe any of them are 4' but they, they're walls that been in existence...

Mr. Liguori stated they're existing.

Rich Williams stated for 40 years.

Board Member Taylor stated so, alright, I just and this, you're putting the sign up, it's a one sided sign or it's two sided.

Mr. Zegarelli stated two sided.

Board Member Taylor stated and you have a fence on the other side of it.

Mr. Zegarelli stated what are we...

Board Member Taylor stated is that fence going to block the sign.

Mr. Zegarelli stated no, that's a guardrail over there.

Board Member Taylor stated no, this here...

Mr. Zegarelli stated yes.

Board Member Taylor stated this says it's a fence, stockade fence.

Rich Williams stated there is no fence that's going to block one of his signs.

Mr. Zegarelli stated the fence ends right here on the grey area and this is the guardrail.

Board Member Taylor stated oh, so it's transitioning from one thing to another.

Mr. Zegarelli stated correct, yes, yes from the grey to the other.

Board Member Taylor stated sure.

Board Member McNulty stated between the patio, new patio and the parking lot, is there a fence or guiderail so cars can't come there.

Mr. Zegarelli stated there is.

Board Member McNulty stated its existing.

Mr. Zegarelli stated no, we put it in.

Chairman Rogan stated so it's existing, it wasn't previous to the site but it's new.

Board Member McNulty stated it's there now.

Mr. Zegarelli stated the grey next to the building, that's all...

Board Member McNulty stated and Rich noted, you noted the water supply location, is the on the plan.

Chairman Rogan stated it's not...

Rich Williams stated it is not shown on the plan I mean, there are a couple of structures out there that potentially could be the well but you know there's a concrete lid that labeled, there's some things in the southeast corner.

Board Member McNulty stated do you know where the well is.

Mr. Zegarelli stated no.

Board Member McNulty stated oh.

Rich Williams stated so we know there's water out there, we know there's septic out there because this has been pizzeria for 40 years.

Mr. Zegarelli stated the septic, the water was tested by the Health Department up until 6, a year ago.

Board Member McNulty stated they just don't know where it's coming from.

Rich Williams stated and we don't know where it's going.

Mr. Zegarelli stated it's going somewhere.

Board Member McNulty stated it doesn't smell right.

Rich Williams stated but it's not coming up.

Chairman Rogan stated and that brings up a really good point Angelo, the idea that everybody knows that Nick didn't do business out there to speak of for a long time...

Mr. Zegarelli stated yeah.

Chairman Rogan stated and we certainly hope that you're going to have a very busy business, otherwise you wouldn't be going there so that's a concern for the future, to not know what you have out there.

Mr. Zegarelli stated well the lot behind, the lot behind, lots number 52, 53, 54, 55, they could be used for fields...

Chairman Rogan stated yeah, if your well isn't there.

Mr. Zegarelli stated yes, exactly.

Chairman Rogan stated hopefully its not there.

Mr. Zegarelli stated well...

Board Member Montesano stated you'll find out.

Chairman Rogan stated yeah but it ultimately that's another department's decision, not ours, so...

Mr. Zegarelli stated option yes.

Chairman Rogan stated you know if it, if you're continuing a business and the health department is fine with that, that's fine with us also. Well the good news on this would be that moving forward we would have a better handle as to what's on site currently at this point in time we're codifying what's there any amendments to the site would require an addition to this plan, I don't have any problem with it and I'm glad to see that its an improvements for the community.

Board Member Taylor stated I would just suggest that we put a note on here making the distinction between the fence and the guardrail because these symbols are slightly different. The guardrail is not labeled as a guardrail, the fence is labeled as a fence...

Chairman Rogan stated oh the posts here.

Board Member Taylor stated yes.

Chairman Rogan stated okay.

Board Member Taylor stated just if, see this is guardrail where the post is to the sign of the line, the fence the posts are in the center of the line, see the difference and this is guardrail, she never identifies the guardrail.

Mr. Zegarelli stated I switched to guardrail at the last minute and my folder is in the car.

Board Member Taylor stated just for clarity purposes.

Chairman Rogan stated okay.

Mr. Zegarelli stated yeah, that's not a problem.

Chairman Rogan stated Rich...

Rich Williams stated what...

Board Member Taylor stated we can just add it to our notes.

Chairman Rogan stated so procedurally we would be looking at having a public hearing next meeting and we can wrap up then between now and then can you put together the review memo that lists the waivers that we would be doing, which I imagine are all the items listed in your memo, right.

Rich Williams stated right.

Chairman Rogan stated and well, so you already have those, any other items that need to be put into the record for resolution to capture these items.

Rich Williams stated sure...

Chairman Rogan stated awesome.

Rich Williams stated we prepare the standard resolution but I would recommend that before you set the

public hearing, you make a determination about whether you're going to waive those requirements because if you're not...

Chairman Rogan stated oh yeah, no we have to do that.

Rich Williams stated then that takes us down a different road.

Chairman Rogan stated how does everyone feel about that.

Board Member Taylor stated there was a note about zoning, about them not meeting zoning.

Rich Williams stated no, they meet zoning.

Board Member Taylor stated it's on the application, somebody changed the check box from do to don't.

The Secretary stated you do have a new application in there.

Chairman Rogan stated yeah.

Board Member Taylor stated they changed the application.

The Secretary stated you have an actual site plan...

Chairman Rogan stated one was a site plan waiver, this is an application for site plan approval.

The Secretary stated the first one was a waiver, this is an actual site plan.

Rich Williams stated correct.

Chairman Rogan stated sorry, I didn't mean to try to talk over you.

The Secretary stated that's okay.

Chairman Rogan stated can we at least come to a determination on the additional site plan issue listed in Rich's memo on page 2 of 4, the topo, a couple of these other items.

Board Member Brady stated I don't have anything.

Chairman Rogan stated that don't, they don't substantially change the...

Board Member Taylor stated I don't have a problem.

Board Member Montesano stated that's not a problem.

Chairman Rogan stated okay, alright, so then by way of a motion, I'll move that the Planning Board grants a waiver from the specific conditions required for site plan documentation, list in Rich's memo dated February 7, 2013 under site plan number 1, those bulleted items, so moved.

Board Member Montesano seconded the motion.

Chairman Rogan asked for all in favor. The motion carried by a vote of 5 to 0.

Chairman Rogan stated alright and I'll move that we set a public hearing for the next meeting in March.

Board Member Montesano stated 7<sup>th</sup>.

Chairman Rogan stated March 7<sup>th</sup>, so moved.

Board Member Montesano seconded the motion.

Chairman Rogan asked for all in favor. The motion carried by a vote of 5 to 0.

Chairman Rogan stated alright, thank you.

Board Member Taylor stated can we approve their sign.

Chairman Rogan stated I don't see why not, Ron, I like the way you move things along.

Mr. Lomeli stated it fits.

Chairman Rogan stated it fits, Rich you don't have any issue with the sign.

Rich Williams stated no I don't have issues with the sign.

Board Member Taylor stated you want to advertise right.

Mr. Zegarelli stated yes.

Board Member Taylor stated let's approve the sign.

Rich Williams stated with one exception...

Chairman Rogan stated okay.

Rich Williams stated and that is we need to nail down the lighting on the sign that is going to be mounted out in front of the building.

Mr. Zegarelli stated yeah, we have a drawing right here that shows it.

Mr. Lomeli stated we got it.

Chairman Rogan stated okay, what do you have.

Mr. Lomeli stated so we decided that any light lights coming off the building on to the site would be obtrusive, so in our search to find a remedy for that, the bracket that we're going to use to hang the sign, actually has a light bar on it and the lights hit the sign itself...

Chairman Rogan stated okay.

Mr. Lomeli stated so it's not turning into the street or anywhere opposed to the street level.

Chairman Rogan stated can we photocopy that for the...

The Secretary stated or can I have it.

Mr. Lomeli stated yeah.

Chairman Rogan stated sure.

Mr. Lomeli stated yup.

Chairman Rogan stated okay.

Board Member McNulty stated can you pass it down and just take a look.

Chairman Rogan stated no, you're not allowed to look at it.

Board Member McNulty stated I need ideas.

Board Member Montesano stated you guys are awful nosy.

Chairman Rogan stated of course you can look at it.

Board Member Taylor stated it looks like a good idea, it looks nice too, doesn't it.

Mr. Lomeli stated it's the top.

The Secretary stated it's the top.

Mr. Lomeli stated yeah because it has the bar and you can see the light.

Chairman Rogan stated so it will be like a T off that.

The Secretary stated alright.

Board Member Montesano stated at the bar, have to have the bar.

The Secretary stated thank you.

Chairman Rogan stated okay, so sign application in the matter of Angelo Zegarelli, Zegarelli's Pizza, 185 Fairfield Drive, Brewster, I move that the Planning Board, on the sign application, grant a negative determination of...

Board Member Taylor stated two signs.

Rich Williams stated two signs.

Chairman Rogan stated two signs, I'm sorry, for SEQRA and approve the two signs as submitted with the addition of the light bracket for lighting of the sign and appropriate shielding so the glare is not an issue.

Board Member Montesano seconded the motion.

Chairman Rogan asked for all in favor. Motion carried by a vote of 5 to 0.

Mr. Lomeli stated thank you.

Mr. Zegarelli stated take care.

Chairman Rogan stated okay, so we'll see you next month and we'll get you out of here.

Mr. Zegarelli stated okay, thank you.

Chairman Rogan stated okay, alright, thanks.

Board Member Montesano stated good luck.

Board Member Taylor stated just a question, this site plan application, this has been superseded by something.

Chairman Rogan stated yes by the site plan waiver.

Rich Williams stated let me see what you've got.

Board Member Taylor stated that's the one where it's checked that there is a zoning...

The Secretary stated that's the waiver application.

Rich Williams stated it's been superseded by...

Board Member Taylor stated superseded.

Rich Williams stated they submitted that...

Board Member Taylor stated okay.

Rich Williams stated you asked to go back and actually do a site plan, so he's submitted a new application and form, new application and fee.

Board Member McNulty stated this is the one you have Ron.

Board Member Taylor stated yeah, where's checked, yeah, that's.

Board Member McNulty stated that's superseded.

## 5) RIMALDI SITE PLAN

Mr. Ernie Martin of Paggi, Martin, Del Bene and Mr. Vincent Guerro were present.

Chairman Rogan stated Rimaldi please, come on up.

Board Member Montesano stated it's always superseded, not super-sized.

Chairman Rogan stated it's been some time and I was driving by recently and thought I wonder when they're going to start building, you forget where you are in the process sometimes because we haven't seen you in a while.

Mr. Guerro stated we're starting right now.

Chairman Rogan stated you're going to be digging out from the snow in a couple of hours.

Board Member Montesano stated you going to shovel all the snow, you stay out of it.

Chairman Rogan stated so Ted, are you going to still head first thing in the morning up to...

Ted Kozlowski stated no, we went today.

Chairman Rogan stated oh I thought it was like a weekend...

Ted Kozlowski stated no, no, no, just for the day, everybody just said eh, so we cut it short.

Chairman Rogan stated good evening sir.

Mr. Martin stated good evening.

Chairman Rogan stated how are you.

Mr. Martin stated fine thanks.

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

Mr. Martin stated Ernie Martin.

The Secretary stated you can take the mic right out of there, if you want.

Mr. Martin stated Ernie Martin, engineer for the application.

Chairman Rogan stated Mr. Martin, if you could bring us up to speed as to what changes have been made and where we are in this process.

Mr. Martin stated I think since the last time we were here, there was two letters generate by Rich and by the Town Engineer that we responded to and we have some comments tonight that for the most part, they look like cleanup items, although there's two things on I see, I'd like to maybe spend a minute or two to discuss...

Chairman Rogan stated of course.

Mr. Martin stated at the last meeting the Board has asked us to take a look running a road behind or a drive behind the existing deli and then behind the proposed structure, the proposed building for deliveries and at that time I said to you at the meeting, we'll take a look at it and see what we can do and we believe that the

site just doesn't warrant it, we gave about 6 reasons in our response and I don't know whether you want me to go over those or you concur with them or you have questions on them but I think the topography is such that it would make it very difficult, I think between the basement here and the first floor here, I think its about 12 feet, so you've got a pretty steep ramp coming down here, you've got retaining walls on both sides, so extending this through, somehow you're going to have to retain this and either retaining wall or you would kind of come to this water quality pond and we feel that that is probably not in the best interest of overall the project. Then once you get into this area, you can see here the grading is such there that then what do you do, continue this driveway around to here, you have steep grading you have to deal with, you have a septic system, by the way, which is approved by the Health Department, I know there was some question in the comment letter that it is pending...

Chairman Rogan stated okay.

Mr. Martin stated but we do have an approval.

Rich Williams stated it hasn't been submitted in here, so we don't know that, I don't believe.

Mr. Martin stated okay, I'll see that you get that. So we said well alright, why don't we stop the road here so we can get our deliveries, we have to, somehow you have to overcome this grading situation here and then once you make your deliveries, assuming you do all that now you have to back out, I think it's just a very awkward situation considering the site and we would ask that you know, that don't really spend more time pursuing this.

Chairman Rogan stated sure but we appreciate that you spent the time taking a hard look at it.

Mr. Martin stated okay.

Chairman Rogan stated and if I recall that one of the reasons driving that whole concept was that idea of trucks getting into this site and you know blocking some of the areas that are reserved for public parking and them not being able to navigate, I think that's going to be dependent on the size of the trucks that make deliveries but also on a little bit of self-policing based on the businesses that are there, they don't want the interference with their customers and to create any kind of a safety issue. We all understand the delivery people will find a way and that's what scares us sometimes but I don't appreciate you taking a hard look at it.

Mr. Martin stated and I know, at least I can speak for the Deli, I mean I can't speak to the newest businesses, whatever will be in that new building but a lot of their deliveries, I'm told I think they get them earlier in the day when you don't have that traffic.

Mr. Guerro stated yeah.

Mr. Martin stated so I don't know, Vinnie do you want to speak to that.

Mr. Guerro stated the plans...

The Secretary stated can you come up, use the mic and I need your name.

Board Member Montesano stated Smith.

Mr. Guerro stated John Smith. I'm Vincent Guerro, I'm the architect for the client, typically what he does is that he makes sure that all type of deliveries are in the morning prior to lunch hour or even dinner hours, for obvious reasons like you indicated, you know we're not blocking or (*inaudible – mumbling*) and so forth, so he definitely knows to treat the schedules like that.

Chairman Rogan stated yeah.

Rich Williams stated that's for the existing business, how about the future businesses.

Mr. Guerro stated one would automatically assume that that would also be done. I mean once again we're not sure what type of business are going to be going there, so it's all here...

Chairman Rogan stated right.

Rich Williams stated I just wanted you to say that so we're clear that...

Mr. Guerro stated oh absolutely.

Chairman Rogan stated I was thinking more of the new businesses, I understand the deli deliveries...

Mr. Guerro stated yeah right and the same thing will probably stand true with the new business, I would assume that they would do that, you know with scheduling...

Rich Williams stated we know how that works.

Mr. Guerro stated well you know, that's the intent anyways, that would be the positive intent.

Chairman Rogan stated well you know it brings up a point where, these things are always so tough to enforce but when new businesses are seeking to go into this, the owner can certainly say look we have a certain situation here, we need you to understand and maybe even acknowledge that you have to be a little bit responsible with your delivery people...

Mr. Guerro stated right.

Chairman Rogan stated to self-police to say hey, you can't park right there in the middle.

Mr. Guerro stated especially when the owner is right next door.

Chairman Rogan stated yeah.

Mr. Guerro stated so I mean they'll be some enforcement there, I would think so.

Chairman Rogan stated yeah, I think that needs to be part of a conversation.

Rich Williams stated I'm sure there will be.

Mr. Guerro stated yeah, I would think so because obviously he doesn't want to hinder his own business as well too with that going on.

Chairman Rogan stated yeah, okay.

Mr. Martin stated you know, obviously just going through this quickly, there are some cleanup items but I think we've, I think this plan is rather detailed and I think these things are not insurmountable and I don't know whether the Board is comfortable at this point, granting final, I don't know typically what your policy would be.

Chairman Rogan stated well I'll tell you, there was a really conversation, I wish you'd been at our work session last week, we were talking about commercial sites, now this one is not built so it's a little different but commercial that seek conditional approvals, more to start their business, for C of O's and we never get the work completed, in fact years go by and now we're seeking legal counsel and figuring out a way to get them to resolve things. This case is a little different because we don't have, we can make sure these items get done prior to issuing a building permit for instance, right...

Rich Williams stated or at least a C.O.

Chairman Rogan stated because we've, well or at least a C of O, we have a lot more control than you're here with a building and you say yeah I know we have these 22 items but we really need to open, can we get a conditional approval and we unfortunately have been really burned on that in the last couple of years, economy and all being what it is, I understand but we, do we have a performance bond on this yet.

Rich Williams stated we have not, that was one of the comments in my memo that we need to have those calculations prepared.

Chairman Rogan stated would it...

Mr. Martin stated excuse me...

Chairman Rogan stated go ahead, no, go.

Mr. Martin stated the performance bond, is that specifically, do you typically like to see that before you grant approval or before you sign the site plan or how does that typically...

Chairman Rogan stated well the performance bond needs to be recommended to the Town Board to be set...

Rich Williams stated correct.

Chairman Rogan stated so if we have the performance bond we can roll a final resolution, the performance bond and everything all into one and get it out of here, so if, I mean are these things that you're doing, can we wrap this up next month and have it all done, these items that you mentioned that are, you're saying are relatively easy to resolve, get a performance bond over to this office to review, so we can get the recommendation on it.

Mr. Martin stated so the, the answer to that, yes...

Chairman Rogan stated good.

Mr. Martin stated but does the bond have to be placed before you sign the site plan.

Chairman Rogan stated does the bond in place...

Board Member McNulty stated the value of it has to be.

Rich Williams stated the bond and all the fees have to be paid up before we sign the site plan, yes but not necessarily before they grant conditional approval.

Chairman Rogan stated exactly but we can do a motion, a resolution next month assuming that we nail down these issues with a performance bond and procedurally at least from this packet...

Mr. Martin stated the value of the performance bond.

Chairman Rogan stated yeah, yeah.

Mr. Martin stated okay because I'm thinking, typically the approval is good for two years once it's...

Rich Williams stated one year.

Chairman Rogan stated one year with a couple of, with how many extensions.

Rich Williams stated as many as you want to give him.

Chairman Rogan stated you know Ted, you have to go like this once in a while.

Ted Kozlowski stated I just, keep going.

Chairman Rogan stated alright, so I'm sorry, I missed the part about the extensions.

Rich Williams stated one year but there is no limit on the number of extensions.

Chairman Rogan stated okay, send a letter in...

Rich Williams stated so that can be renewed year to year.

Chairman Rogan stated yeah, sounds good, Ted had some observations.

Ted Kozlowski stated that site you know Dilmaghani's next door with a big building, you have you're the deli and then you're going to have this building and just from an aesthetic standpoint it would be nice if you added a few more trees, I know you got street trees there, the red maples but is this a two-story building...

Mr. Guerro stated no two-story.

Ted Kozlowski stated if you can fit it, if it's not too much of burden it would be kind of nice to soften that a little more with some more trees. I see you've got like rhododendrons between the two buildings, it might be better to provide that with a tree than rhododendrons, rhododendron is a letter more specific, it needs a little more care than, you know it's a plant that I would really put between two buildings like that, you know, is it critical, no but I just think with all those buildings there and the lack of greenery, it would be kind of nice to soften it, that's all.

Rich Williams stated can I ask the question, when we're talking about a tree between the buildings, are we talking about a large tree with a large growth pattern or...

Ted Kozlowski stated no, no.

Rich Williams stated something with a small to moderate.

Ted Kozlowski stated yeah.

Mr. Martin stated so it sounds like the Board would rather me to clean the items up a little better, get a construction estimate.

Chairman Rogan stated yeah, you're going to need that, do you want to speak to the performance bond Andrew, I mean it's pretty straight forward, right.

Andrew Fetherston stated yeah I think so.

Chairman Rogan stated cost estimates for the work.

Andrew Fetherston stated my only thought on the tree or shrubs, (*inaudible – laughter*) into, he's got a lot of utilities right in between the two buildings...

Rich Williams stated sure does.

Chairman Rogan stated yeah.

Andrew Fetherston stated they've got to be considered, so I think that's going to dictate.

Mr. Guerro stated and a lot of undergrowth.

Mr. Martin stated I would think you'd want something, in my opinion something low as opposed to...

Ted Kozlowski stated well I'm not just talking about that area, I'm talking about the front of the building.

Mr. Martin stated well that's, yeah that's.

Ted Kozlowski stated the dividing between those 2 buildings...

Chairman Rogan stated an sense on when ideally if the world was a perfect place when you'd want to start building this project.

Mr. Guerro stated no.

Chairman Rogan stated good answer.

Mr. Guerro stated you know, like anything else, it's contingent to the economy but never the less, an approval is a start...

Chairman Rogan stated sure, approval in hand, absolutely, then you do it on your terms, I understand. Okay, so we're all in agreement, we can get this wrapped up.

Mr. Guerro stated so we can't get a conditional approval.

Chairman Rogan stated well I mean I think it sounds like it would be cleaner to get it all wrapped into one, because you still need a performance bond that the conditional...

Mr. Liguori stated just Shawn...

Chairman Rogan stated yeah.

Mr. Liguori stated just be clear on...

Chairman Rogan stated sure.

Mr. Liguori stated when you need a performance bond because I think there's...

Chairman Rogan stated okay well because you don't need it until you're actually starting working.

Mr. Guerro stated right.

Mr. Liguori stated right, right, I mean the Town Board will set the performance bond, so if the items need to be cleaned up on the plan, so that the plan isn't final, that's one thing...

Chairman Rogan stated okay.

Mr. Liguori stated okay, they would do that and then submit back, the Planning Board would issue a sub, I'm sorry, site plan approval with whatever conditions might be outstanding at that time, you would have a recommendation from the engineer as to an amount of the performance bond and that would just be referred to the Town Board, simultaneously with the resolution for final site plan approval, did I mess that up.

Rich Williams stated yeah, site doesn't come back to the Town Board here.

Mr. Liguori stated oh, no, no I didn't mean that I just meant that the Planning Board would adopt the final site plan approval, it would also refer the bond aspect over to the Town Board to set the performance bond amount and then at that point they still, you would get the bond in hand before you would sign the final site plan or would...

Rich Williams stated yes, no.

Mr. Liguori stated so you'd have the, then they would have the bond in hand, you would sign the site plan, bring that in...

Rich Williams stated all the fees would have to be up-to-date and the performance bond, all the conditions met...

Mr. Liguori stated okay.

Rich Williams stated all the other approvals from other agencies.

Mr. Liguori stated other agencies, right, right.

Chairman Rogan stated so the conditional allows them to go to get all the approvals from all the agencies, in the interim, they get the bond set up before everything gets signed off final before they can get a building permit, so it's self-regulating, is what you're saying.

Mr. Liguori stated yeah.

Mr. Martin stated but then your, let's say they don't build it for two years, you're carrying this bond for two years, is that correct.

Chairman Rogan stated oh I see what you're saying.

Mr. Martin stated yeah I mean it seems to me...

Rich Williams stated no, you're actually not because if you got a conditional approval, then you're not going to put the bond in place until you're ready to pull a building permit.

Mr. Guerro stated right.

Mr. Martin stated okay.

Chairman Rogan stated so you're going to have a conditional approval not a final approval.

Mr. Martin stated so the building permit is going to trigger that but you're saying you're not going to sign the site plan until you have a bond.

Rich Williams stated correct, so you're going to be holding a conditional site plan, conditionally approved site plan that you can't get signed until you've met all the conditions, one of those conditions is posting the bond.

Mr. Martin stated the bond, okay, but you're not going to need the bond until you're to start construction.

Rich Williams stated correct.

Mr. Martin stated so we could have every item taken care of except the bond but we won't have a signed site plan.

Rich Williams stated that's correct.

Mr. Martin stated but when they're ready to build then...

Rich Williams stated you give us the bond, we sign the site plan, you go pull your building permit.

Chairman Rogan stated what's the length of the conditional approval because it seems like they've run out on us...

Mr. Liguori stated it's a year...

Chairman Rogan stated a year.

Mr. Liguori stated and then you can extend it for as many times as you want.

Chairman Rogan stated okay, I got you. So we'll get the conditional, when you guys are ready you post the bond and get everything in place, we'll sign off on the final...

Mer. Guerro stated that would be ideal.

Chairman Rogan stated okay, does that seem reasonable to everybody, so then the conditional can be, conditional approval subject to meeting the items outlined, I'm having a problem speaking, items outlined in the memo and looking at this softening the hardscape here with a few extra trees and plantings.

Board Member McNulty stated we also want to include Maser's letter as well.

Chairman Rogan stated thank you so much.

Board Member Taylor stated so are any of these issues, major issues.

Rich Williams stated they've got to come back here next, you know I don't want to...

Chairman Rogan stated no, go ahead.

Rich Williams stated if you're ready to do it, that's fine but they do have to come back here next month to get that performance bond resolved, so.

Chairman Rogan stated but you just said they don't have to do the performance...

Mr. Liguori stated the amount.

Rich Williams stated the amount.

Chairman Rogan stated oh, well that...

Rich Williams stated you have to make a recommendation on the amount.

Chairman Rogan stated and they haven't even submitted the calcs yet.

Mr. Martin stated by...

Chairman Rogan stated no, by us.

Rich Williams stated no by them, you're going to submit it to Andrew, who is going to review and the two of you are going to work out to make sure that you've got the right amount that you agree and then based on Andrew's recommendation, the Planning Board is going to approve a recommendation to the Town Board who then sets the bond amount. It's a long way around but that's the way it is.

Mr. Martin stated but only the Town Board will approve the bond.

Mr. Liguori stated they're the only ones that have the authority to set the bond.

Chairman Rogan stated right and in fairness, these items as you can imagine, a performance bond well Tommy probably has the most expertise but the bottom line is we're looking heavily to the

recommendations from the engineer to say yes, this makes sense because quite often there are variations between what the applicant says it will cost and what they determine what the actual fees are. So regard, so then either way, the performance bond not even being calculated, is a big issue, the other items, forgetting about performance bond for a second, the other items in your memo, are you okay with those being done via a conditional approval because we're going round and round here working on...

Board Member McNulty stated I think there's an item in Andrew's memo, Maser's memo about the pedestrian ramp that goes into a parking space, that caught my eye, I don't have the plan open, that's it yeah.

Mr. Martin stated we were talking about that outside, I assume this is this are right here.

Andrew Fetherston stated yeah it was just blocked, it would be blocked if somebody parked there, it's close to the building, it's just a tough spot.

Board Member McNulty stated I don't know what the plan was for that.

Mr. Martin stated not to kind of beat this to death but I think before we had our handicap spot here, so you had your unloading for candy spat the striped area would be right where this is but of course we've taken the handicap and moved it over here...

Chairman Rogan stated oh I remember that.

Mr. Martin stated I was almost thinking, I was just saying to Vinnie, I just say we eliminate this.

Board Member McNulty stated have you relocated one to the new area, an access ramp.

Mr. Martin stated well yes, here.

Rich Williams stated you've got a drop curb and an access ramp.

Mr. Martin stated we have one here and we have an existing one here.

Board Member McNulty stated that's the corner one up there that also Andrew made note about.

Mr. Martin stated so I mean I would just take that out myself.

Rich Williams stated the drop ramp, the only other thing I'd like to touch then I, whatever you want to do, is the rear access drive. The original plan that was approved for this didn't ever have an access drive, it was never contemplated that we were going to have the basement and storage in the basement. The put the ramp in, they came back in, they received an amended site plan approval based on a drawing that was designed by Bibbo Associates which showed the rear access drive on a 90° alignment with the driveway. The as-built on this shows that that driveway is not actually on a 90° which inhibits the truck turning radius. The applicant currently is proposing with a note on the plan that that additional improvement to provide for that truck turning isn't going to occur unless somebody feels it's needed and it's really not clear...

Chairman Rogan stated okay.

Rich Williams stated who that somebody is within the note on the plan. My opinion is it's an existing

driveway, trucks are making deliveries, it's used for storage down there and that improvement really should be made at this point and I don't see it as a substantial improvement, you know but I want to throw that out there for discussion.

Mr. Martin stated we were talking about that out there also, right now he pretty much, he doesn't get deliveries of his product here but he keeps his, you know he keeps his...

Mr. Guerro stated he puts his picnic tables down there, he puts his lawn stuff down there...

Mr. Martin stated his lawnmower.

Mr. Guerro stated there are no deliveries that go through there, there are no one doing deliveries...

Rich Williams stated but there was storage, there used to be storage down there, right food storage.

Mr. Guerro stated food storage, no.

Rich Williams stated never.

Mr. Guerro stated no, there's no food storage.

Board Member McNulty stated just dry goods and equipment.

Mr. Guerro stated you might have paper products, like paper dishes, cups or plates like that but no food, everything is inside, inside stored, they have a walk in box and they have all shelving for the storage.

Chairman Rogan stated is there access from the main floor to the basement inside the building.

Mr. Guerro stated yes, yes.

Mr. Martin stated yes.

Chairman Rogan stated so they could potentially have deliveries that they have additional product, dry storage type items that they then walk downstairs, you're saying he drives out and around for additional storage that's not day to day type stuff.

Mr. Guerro stated yeah and usually the stuff that is stored there, is something that he picks up upon himself, once again the paper products.

Chairman Rogan stated okay.

Mr. Guerro stated and so forth.

Chairman Rogan stated so would it be safe to say that upon written notification by the Town to the property that that improvement, for just cause, for reasons that come to the Town's attention that then that change or modification to the existing driveway be made as per what you're showing there.

Rich Williams stated if the Board is comfortable with postponing that improvement for being made...

Chairman Rogan stated I am if it's not used for, if it's not intended for a commercial delivery zone.

Rich Williams stated yeah that well...

Chairman Rogan stated which doesn't sound like, it sounds like opinions vary.

Rich Williams stated alright if that's the case, then what I'd like to do is just write up the note and give it to the applicant...

Chairman Rogan stated right.

Rich Williams stated because we do this all the time with other projects.

Chairman Rogan stated sure.

Board Member Montesano stated this has been going on for how many years, if anything's been used and nobody's gotten stuck that I recall...

Mr. Guerro stated no, not at all.

Board Member Brady stated but if it was part of the original agreement, why shouldn't it be brought back to the way it was it was agreed upon.

Board Member Montesano stated plus that didn't go over that on the other side.

Board Member McNulty stated the amendment you're talking about.

Board Member Brady stated yeah, the amendment when they came in for the driveway, they were supposed to make that change and they...

Rich Williams stated well they weren't supposed to make that change, what they showed was a driveway with a 90° alignment...

Board Member Brady stated okay.

Rich Williams stated obviously the driveway wasn't constructed with a 90° alignment which further restricts the turning radius.

Board Member Brady stated right, what's the hang up with doing it now.

Mr. Guerro stated cost, it's cost, everything is about cost.

Board Member Montesano stated the object would be...

Board Member Brady stated I understand that, you know, I understand there is a cost involved.

Mr. Martin stated but not only that, you don't get (*inaudible – spoken over*).

Board Member Montesano stated alright, hold it one second, the business has been in existence for what, 20 something years and nobody's ever gotten stuck down there...

Mr. Guerro stated 19 years.

Board Member Montesano stated because nobody goes down there, so why put the added expense.

Rich Williams stated do you know that for a fact, Michael. Michael do you know that for a fact that you've been out there and you're (*inaudible – spoke over*).

Board Member Montesano stated I've been out there on more than one occasion and I have yet to see a truck stuck in there.

Rich Williams stated but you're out there 24 hours so you know that.

Board Member Montesano stated well no, they're not open 24 hours, you see but the time I've been in there, I've never seen anybody get stuck because in all honesty, they go to the right when they come in with a big truck because it's usually empty.

Rich Williams stated and I don't have a problem with it being postponed as long as we put...

Board Member Montesano stated the note in.

Board Member Brady stated I was just curious as to why...

Rich Williams stated the note on it.

Board Member Brady stated it wasn't going to be done if there was another reason besides cost.

Mr. Martin stated well and again I think, I mean I've been down there, in the basement twice, the compressors are down there for the coolers and then he has not really much down there, there's a snow blower, there's a grass machine, there's maybe salt for the softener...

Board Member McNulty stated so small vehicles accessing this driveway.

Rich Williams stated right.

Mr. Guerro stated it's usually himself, just himself.

Mr. Martin stated but it's not like this food product is delivered there, that all goes through the front door.

Chairman Rogan stated I think it's just important to note, even if it's just through this record because maybe the owner isn't going to own this place forever that based on the existing design and functionality of that road that it's not designed nor intended for commercial traffic, commercial loading zone. I think that's important to put on the record so that that guy sells the place and the new owner comes in and says oh, I've got a loading zoning, I'm going to put all my commercial trucks down there, well it's not quite designed for that, you know, that seems reasonable.

Rich Williams stated that's fine.

Chairman Rogan stated that's all part of what we're doing here is codifying what the site is made for and what its not made for. Having said that I have no problem with conditional approval provided that these gentlemen are not throwing up red flags to say, whoa wait a minute, no, we're walking down a road we

shouldn't, you know it comes down to satisfying these issues, they're going to be back in for a bond, the bond calcs, you know. At the end of the day the reason I feel comfortable is they don't get a building permit until all of these site plan issues and there's nothing left here that seems to be discretionary, correct, okay, so...

Mr. Martin stated so Rich you'll give us a note on that item, okay.

Chairman Rogan stated yup, okay, so in the matter of Rimaldi Amended Site Plan, I will make a motion that the Planning Board grants conditional approval with the conditions that the applicant satisfied the memo from the Planning Department dated February 7, 2013 and the memo from Maser Consulting dated January 31, 2013 with the addition of the comments to be supplied by the Planner in reference to the existing driveway cut, did I miss anything.

Board Member McNulty stated no.

Chairman Rogan stated because your letter speaks to that curb cut that we're talking about...

Rich Williams stated yes.

Chairman Rogan stated okay, so moved.

Board Member Montesano seconded the motion.

Chairman Rogan asked for all in favor. Motion carried by a vote of 5 to 0.

Chairman Rogan stated and we'll see you back in at some point with the bond calcs.

Mr. Guerro stated thank you very much, we appreciate it.

Chairman Rogan stated thank you.

Board Member McNulty stated good luck.

Mr. Martin stated thank you.

Chairman Rogan stated alright.

**6) FARESE SUBDIVISION – Driveway Waiver 32 Sylvia Barlow Way (Lot #6)**

Applicant did not appear.

Chairman Rogan stated do we have anyone here for Farese Subdivision, we don't have anybody here.

The Secretary stated no.

Chairman Rogan stated Michelle are you here for Farese.

The Secretary stated no.

Chairman Rogan stated that was a pretty straight forward...

Board Member McNulty stated his only issue was the cobblestone right by the street.

Rich Williams stated well there is one small caveat to that and that is I did have a conversation with the Highway Superintendent, we don't want to be a position where our plows, if this road ever becomes a Town road, are tearing up the cobblestone driveway, so and this is typically on pretty much anything we do that he's got to have a blacktop apron extending across the road right of way, once he gets to his property then the Planning Board can do anything you'd like with the driveway.

Board Member Montesano stated need to come and look at this.

Board Member McNulty stated is there a set distance on that or are they different on all roadways.

Rich Williams stated it's generally about 12' off of the edge of the pavement or 25' from centerline of the road.

Chairman Rogan stated okay, so in essence, no cobbles within the right of way, that would...

Rich Williams stated well it's got to meet the Town Code for an asphalt surface.

Chairman Rogan stated okay.

Board Member McNulty stated and that includes the side stones, the curbing.

Rich Williams stated generally, yes, though we have allowed them to bring those down a little bit closer. I mean the issue really is more about the curbing, the plows hitting the curbing.

Chairman Rogan stated yeah, sure.

Board Member McNulty stated sure.

Chairman Rogan stated any concern or questions from anyone.

Board Member McNulty stated no, just the, meet the Highway standards.

Chairman Rogan stated okay, someone like to do this driveway waiver.

Board Member McNulty stated I'll do it. Make a motion that that Patterson Planning Board grant a waiver with the condition of, a waiver to add the cobblestone entry and curbing to the driveway with the condition that it meets the Highway setback.

Chairman Rogan stated and we just want to say who it's, the applicant.

Rich Williams stated just the...

Board Member McNulty stated the applicant is Barlow Corporation, Joseph A. Farese.

Rich Williams stated just to be clear, you're waiving the requirements of the Town Code pursuant...

Chairman Rogan stated for the town...

Rich Williams stated to the driveway standards for an asphalt surface to allow alternate surface of item 4 and river stone.

Chairman Rogan stated so moved.

Board Member McNulty stated so moved.

Board Member Montesano seconded the motion.

Chairman Rogan stated he says it so well.

Board Member Taylor stated as he said, yes.

Vice Chairman McNulty asked for all in favor. Motion carried by a vote of 5 to 0.

Rich Williams stated did you get it.

Chairman Rogan stated you did it, you're hired.

Board Member McNulty stated thank you Rich, I have to get educated every time I'm here.

Chairman Rogan stated we all do.

Board Member Montesano stated it's a good thing you're in here for these.

Rich Williams stated some of the others you did, I was impressed, you did good.

Chairman Rogan stated see that.

Board Member McNulty stated thank you.

**b. NRA – Birch Hill Road – Deviation from Driveway Plan**

The Applicant did not appear.

Chairman Rogan stated okay and we have this issue with the NRA Birch Hill Road, we have a drawing, Andrew had some comments about some of the specs on the boulders not being consistent with what they were stating of size, dimension, proportion, depth of fill, et cetera, Andrew, do you want to speak to that.

Andrew Fetherston stated well I talk to Rich, you know we'll, as requested, we'll go out there and we'll inspect it, we have no problem with that, one of the, one of the sketches, I think note number 3 says that the boulders that, the center of gravity is going to be low, the draftsman may not have gotten that note because there's an angle on there that sure looks like it would tip a rock very easily so, hopefully they're not placed like that exact detail, I noticed that and I said oh boy, but we have no problem going out, it doesn't meet DOT...

Chairman Rogan stated right.

Andrew Fetherston stated and a car will be terribly damaged if it impacts those, as opposed to being guided back to the travelled way is what guiderail is supposed to do, this is their choice, this is a private driveway, if that's what he wants to do you know, we're going to make sure that they're just installed per the plan, that's it.

Board Member McNulty stated you feel it's sufficient that it would stop a car from going over the embankment.

Andrew Fetherston stated I'm not going to say that, absolutely no.

Board Member McNulty stated you don't know.

Andrew Fetherston stated not a chance, how fast is the car going, how far did it, you know if you come down, we all walked up that and if somebody comes around that hair pin turn and loses all traction on ice tomorrow...

Board Member McNulty stated you don't think they'd go through a wood guardrail.

Chairman Rogan stated well that was my next question.

Andrew Fetherston stated oh they'd go through, sure.

Board Member McNulty stated so the potential exists either way.

Andrew Fetherston stated yeah, yeah, it's a tough driveway.

Chairman Rogan stated yeah, it is.

Andrew Fetherston stated it's a tough driveway.

Board Member Brady stated would the guardrail push them back into the roadway.

Andrew Fetherston stated the idea is, well for like a DOT approved guiderail, it's supposed to bump you back in, put you back on course...

Mr. Liguori stated just obliterate your car, instead.

Andrew Fetherston stated well that rock will do that.

Mr. Liguori stated the rock will do that.

Board Member Brady stated but that means you don't go over that cliff.

Board Member Montesano stated maybe, we can always try to go over the rail, the boulders.

Board Member McNulty stated I don't think there's any high rate of, there's no high rate of speed.

Chairman Rogan stated Michael are we unnecessarily putting the Town at an risk, okay, that's my only concern, then I think they can do whatever they want on their...

Mr. Liguori stated they're asking for it.

Chairman Rogan stated as long as it's safe.

Rich Williams stated if the Board is comfortable with approving this, we have costs associated with this and I would recommend that the Board not approve this except with the following condition of the applicant posting with the Town in escrow to cover the cost of the engineer's, an amount of \$1,200.

Board Member Montesano stated so moved.

Chairman Rogan stated okay, Mike are you making the motion on the approval.

Board Member Montesano stated yeah.

Chairman Rogan stated go ahead.

Board Member Montesano stated I'm making the motion that we just do what Richie said...

Board Member Taylor stated you have to wrap it all together.

Chairman Rogan stated but I mean in terms of the, approving the request.

Board Member Montesano stated alright, alright, I'm going to do an approval of the NRA...

Chairman Rogan stated yeah, it's Birch Hill Road...

The Secretary stated Birch Hill Road.

Board Member Montesano stated yeah, its Birch Hill Road Associates, road as show on, I can't find the plan, on the amended site plan of Zarecki & Associates of 11/28/2012, with the paying of all fees first...

Rich Williams stated with the condition of setting an escrow amount, posting an escrow amount in the amount of \$1,200 with the Town of Patterson to cover the cost of the engineering review of the changes to the design of the project.

Board Member Montesano stated that's the review...

Chairman Rogan stated I just want to make sure that we add and Mike I know you were searching for the date, that was the original date, the revision date of January 23, 2013...

Board Member Montesano stated thank you.

Chairman Rogan stated that's because they've done several revisions, I want to make sure they get the accurate plan.

Board Member Montesano stated no problem, I want to get the right one in.

Chairman Rogan stated no, absolutely, so we're, the motion was on the amendment to the driveway plan to allow the boulders as shown in design with the associated inspections and the escrow fee, you said \$1,200, okay I'll second that.

Chairman Rogan stated asked for all in favor. Motion carried by a vote of 5 to 0.

Chairman Rogan stated and...

Rich Williams stated just for the record, I intent to carry that to the Town Board to ratify.

Chairman Rogan stated absolutely and we did code violations at the work session and we have minutes from January 3<sup>rd</sup>...

## 8) MINUTES

Chairman Rogan stated do I have a motion on those minutes.

Board Member Brady stated I'll make a motion to accept the minutes from January 3, 2012, 2013, I'm reading your writing.

Chairman Rogan stated oh yeah.

The Secretary stated Rich writes the agenda, I'm not taking any credit for that one.

Rich Williams stated I'm sorry what.

Chairman Rogan stated didn't see that bus coming.

The Secretary stated it says 2012, not 2013...

Board Member Brady stated and I read it that way.

Rich Williams stated Michelle's a little bit behind.

Mr. Liguori stated Anchorman.

Chairman Rogan stated oh, I'll second.

Chairman Rogan asked for all in favor. Motion carried by a vote of 4 to 0.

Board Member McNulty stated I abstain.

Chairman Rogan stated an opposed, any abstain, okay. Any general conversation, questions, anybody have anything.

Andrew Fetherston stated I've got a quick...

The Secretary stated no you don't.

Chairman Rogan stated yeah.

Andrew Fetherston stated my last comment on Rimaldi was, he was going to change the base and put in a clay minor, I have no issue with any of that, he was going to do that and say I'm not going to do any test pits. That could be dangerous when they go to build. This is Paddock View, this is our inspection binder, I'll pass it around in case, because you fellas don't get out there all the time when we're out there but...

Board Member McNulty stated we don't see the end result.

Chairman Rogan stated oh.

Andrew Fetherston stated they did a test, they did some test pits out there, maybe 4 to 5' deep for the fire tank...

Board Member McNulty stated and how big.

Andrew Fetherston stated which is probably 10' diameter and 20' long.

Chairman Rogan stated like a submarine.

Andrew Fetherston stated it's monstrous big when you're standing next to it, that's it in the road...

Chairman Rogan stated wow.

Andrew Fetherston stated it is a whopper but I just wanted to show you some of the pictures where they did soil tests, that's a good one right there, they did soil tests right there and they didn't go deep enough.

Chairman Rogan stated you have to see the...

Mr. Liguori stated shit, he's going to the other way.

Andrew Fetherston stated 4' of soil...

Chairman Rogan stated Andrew, please show Mike.

Andrew Fetherston stated they got like 4' of soil...

Mr. Liguori stated this just happened in North Salem too on another project.

Andrew Fetherston stated and they're chipping like crazy.

Board Member Montesano stated well they get started at 7 o'clock in the morning.

Andrew Fetherston stated they've got 4 of 5' to go, they want to enlarge those basins out there, they're going to go down 4 or 5'.

Board Member Montesano stated they got those chippers out at 7 o'clock in the morning.

Andrew Fetherston stated the problem is when my inspector goes out and the contractor is out there with a hoe and he's saying now what do you want me to do, it's not our problem at that time, you know...

Chairman Rogan stated right.

Andrew Fetherston stated you didn't do your due diligence...

Chairman Rogan stated due diligence, yeah.

Andrew Fetherston stated so I made sure to put a note in there that, you know, I think that a test pit would be a good idea just for that reason, especially, you know it's for a deli, that's very expensive to get that rock out of there, so I'm trying to protect the guy but that's the whole site. They did hit unbelievably good soils out there for pavement and for road life, they hit beautiful stuff out there, unfortunately...

Board Member Taylor stated one spot.

Board Member McNulty stated that one spot where the fire tank goes.

Andrew Fetherston stated one spot.

Board Member Taylor stated one spot, of course.

Andrew Fetherston stated that was tough.

Rich Williams stated the good news on the project is there was a retaining wall considered for the site, which may not have to go in at this point, up front...

Chairman Rogan stated oh.

Mr. Liguori stated well they have the material now for it.

Andrew Fetherston stated yeah, they were chipping out there for a while.

Board Member Montesano stated they're out there every morning at about 7 o'clock, them things are going like a bat out of hell.

Board Member McNulty stated who did that work at Paddock.

Rich Williams stated Brennan Construction.

Chairman Rogan stated oh.

Board Member McNulty stated they banged it out.

Board Member Montesano stated there's a school bus, one comes in a 6:30...

Andrew Fetherston stated they did a great job out there, those guys.

Chairman Rogan stated it looks great, looks clean.

Andrew Fetherston stated they really did a good job.

Mr. Liguori stated is this off of Ice Pond.

The Secretary stated no Route 292, just up the road.

Andrew Fetherston stated at [Route] 292, right at the light, just about.

Mr. Liguori stated okay.

Rich Williams stated you want a house with a good lot and a great view.

Andrew Fetherston stated there are some nice ones in there.

Board Member McNulty stated yeah, it's a nice property.

Mr. Liguori stated not really.

Board Member Montesano stated that's where are all the antiques are, by the way.

Chairman Rogan stated do we have any other conversation for the record in fairness to Michelle.

Board Member Montesano stated right.

Chairman Rogan stated anybody, motion to adjourn.

Board Member McNulty seconded the motion.

Chairman Rogan asked for all in favor. Motion carried by a vote of 5 to 0.

The meeting adjourned at 8:25 p.m.