

TOWN OF PATTERSON
PLANNING BOARD MEETING
March 1, 2007

APPROVED
4/5/07 MKR

AGENDA & MINUTES

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| 1) JMT Consulting Group, Inc. – Sign Application | 1 – 5 | Sign Application Approved with Conditions. |
| 2) Ruffler-Colarusso W/W Permit Application | 5, 61 – 62 | Public Hearing set for April 5, 2007 Meeting. |
| 3) 2J2B Inc. W/W Permit Application | 5 – 10 | Discussion of wetlands delineation and verification, property dispute. |
| 4) Keasbey Subdivision | 10 – 13 | Public Hearing set for April 5, 2007 Meeting. |
| 5) Paddock View Estates | 13 – 20 | Subdivision and Site Plan Approval Granted. Discussion on road name. |
| 6) Greenlands, LLC Site Plan | 20 – 33 | Discussion on loading spaces and parking and site use. |
| 7) Boniello Site Plan | 33 | Applicant was not present. |
| 8) RP Development Subdivision | 33 – 42 | Discussion on wetland verification, house and septic locations, common drive, and storm water pond. |
| 9) Papitto Site Plan | 42 – 51 | Discussion on change of use, equipment storage, and office use. |
| 10) Burdick Farms Subdivision | 51 – 56 | Subdivision and Site Plan Approval Granted. Discussion on drainage easements. |
| 11) Other Business | | |
| a. Camp RE Lot Line Adjustment | 56 – 61 | Approval to weld cap on well Granted. |
| 12) Minutes | 62 | Approved |

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**TOWN OF PATTERSON
PLANNING & ZONING OFFICE**

4/5/07
MCK
ZONING BOARD OF APPEALS
Howard Buzzutto, Chairman
Mary Bodor
Marianne Burdick
Lars Olenius
Martin Posner

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

**Planning Board
March 1, 2007 Meeting Minutes**

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

Present were: Chairman Rogan, Board Member Pierro, Board Member Montesano, Board Member DiSalvo, Board Member Cook, Rich Williams, Town Planner, Gene Richards with the Town Engineer's office, Stantec Consulting Services Inc., Ted Kozlowski, Town of Patterson Environmental Conservation Inspector, Anthony Molé, from the Town Attorneys Office, Curtiss, Leibell and Shilling P.C., and David Raines, Interim Building Inspector.

Meeting was called to order at 7:32 P.M.

Michelle K. Russo took the seat of the Secretary and transcribed the following minutes.

Chairman Rogan led the Salute to the Flag.

There were approximately 15 audience members.

1) JMT CONSULTING GROUP, INC. – Sign Application

Ms. Suzanne Merriman, the Applicant was present.

Chairman Rogan stated first up, is anyone here for JMT Consulting Group, please come up. Good Evening, could you please state your name for the record.

Ms. Merriman stated Suzanne Merriman.

Chairman Rogan stated could you please spell you last name.

Ms. Merriman stated Merriman.

Chairman Rogan stated is that microphone too high for you.

Ms. Merriman stated yes.

Chairman Rogan stated you can take it out of there also.

Mr. Merriman stated I will just hold it.

Chairman Rogan stated okay, this application is for a sign, this is on Route 22.

Ms. Merriman stated correct.

Chairman Rogan stated we had a question, do we have a plan. The plan shows the sign parallel to Route 22, is that the way that you want the sign to be, so that they will only see it as they enter the site.

Ms. Merriman stated yes, so you can see it as you are driving down the road from both sides.

Chairman Rogan stated you won't though because if you are driving down the road and the sign is parallel to the road, you will only see the face of the sign.

Board Member DiSalvo stated if you are going north on Route 22, do you want the sign to go this way.

Ms. Merriman states correct.

Board Member DiSalvo stated that is perpendicular.

Chairman Rogan stated not perpendicular, not when you are driving you can see it from each side.

Ms. Merriman stated oh, yes.

Chairman Rogan stated the plan shows it parallel to the road, so you can see it when you come and when you are leaving the site you will see it. I don't know what benefit that would be for you. We are just trying to clarify whether you want it perpendicular to the road or parallel to the road.

Ms. Merriman stated perpendicular.

Chairman Rogan stated okay, so we are clear on that then. We will just amend the application, the plan does show it parallel. There is lighting that is going to be proposed.

Ms. Merriman stated correct.

Chairman Rogan stated and the lighting will be mounted to the sign or will it be on the ground facing up.

Ms. Merriman stated on the ground facing up.

Chairman Rogan stated okay, then what we normally request of Applicants with that type of lighting is that they consider planting some shrubs or something to screen the light so that it is not a visual problem for other drivers, so that we don't create a problem with glare, upward lighting. Certainly you can talk to our Town Planner about that once they get ready to put the lighting in to make sure that it is appropriate but that is what we would be looking for on that.

Ms. Merriman stated okay.

Chairman Rogan stated does anyone have anything else on this.

Board Member DiSalvo stated it is pretty much what is in Rich's memo from February 22, 2007, white background with black and blue letters.

Ms. Merriman stated correct.

Chairman Rogan stated do you have a.

Board Member DiSalvo stated just want to make sure that nothing changed.

Chairman Rogan stated here is a picture of it, it is a black and white picture but I guess that is what it is going to look like.

Ms. Merriman stated yes, the JMT logo will have color.

Chairman Rogan stated what color.

Ms. Merriman stated it will be predominately blue.

Chairman Rogan stated okay.

Ms. Merriman stated and the little circle will be orange and then the other lettering on there will be black.

Chairman Rogan stated did we get one colored copy of that or no.

Rich Williams stated I do believe that we did get one color.

Chairman Rogan stated so blue with some orange in there.

Board Member DiSalvo stated a blue background.

Ms. Merriman stated no just the JMT logo.

Board Member DiSalvo stated that's blue.

Ms. Merriman stated blue.

Rich Williams stated that's orange you said.

Ms. Merriman stated just that little circle.

Chairman Rogan stated yes, there is a little.

Rich Williams stated I don't remember the orange circle so maybe we did not get a color copy, did you send a color copy.

Ms. Merriman stated I think I did submit one.

Rich Williams stated I don't remember the orange.

Chairman Rogan stated we will give the approval contingent upon showing a color copy to the Town Engineer, something is out of whack

Gene Richards stated the Town Engineer.

Chairman Rogan stated did I say Town Engineer, I apologize, Town Planner

Dave Raines stated after receiving Rich's memo I did.

Chairman Rogan stated Dave can you come, because Michelle is going to have a hard time capturing.

Dave Raines stated Dave Raines, Building Inspector, for the Planning Board I did go out there after receiving Mr. Williams memo back in earlier February to make sure that the location of the sign didn't impede on line of sight entering or leaving the driveway of that business and it does not nor does it impact traffic north or south bound on Route 22 as far as site line issues.

Gene Richards stated Shawn, excuse me is he aware that now the sign will be rotated ninety degrees.

Dave Raines stated I knew that because I met with, I forgot her name in the office there.

Ms. Merriman stated Gina.

Dave Raines stated yes, Gina and she showed me. She actually walked out and we marked out about where it is going to be.

Ms. Merriman stated we planned on putting it in the same location where the Just 4 Kids sign was.

Chairman Rogan stated great, does anyone else have anything else that they would like to ask on this.

Board Member Pierro stated Charlie.

Chairman Rogan stated I would ask for a motion for the sign and also a SEQR determination.

Board Member Pierro stated in the matter of JMT Consulting Group 2200-2202 Route 22, Town of Patterson, I make a motion that the Town of Patterson Planning Board grants a negative determination of SEQR and thereby approves a twenty square foot sign to be placed in the front of the building there perpendicular to Route 22 with lighting that will be reviewed by the Town Planner at the time of construction and the sign being a mainly white sign with blue and black lettering therein.

Board Member DiSalvo seconded the motion.

Chairman Rogan asks for all in favor:

Chairman Rogan	-	aye
Board Member Montesano	-	aye

Board Member Pierro - aye
Board Member DiSalvo - aye
Board Member Cook - aye

Motion carried on a vote of 5 to 0.

Chairman Rogan stated any opposed. Okay thank you.

Board Member Pierro stated thank you.

Chairman Rogan stated if you could just please get a color photo just so that Rich can review it before you actually have it printed, have the sign made, thank you.

Ms. Merriman stated thank you.

2) RUFFLER-COLARUSSO W/W PERMIT APPLICATION

The Applicant was not present.

Chairman Rogan stated Ruffler-Colarusso wetlands/watercourse permit, is anyone here for Ruffler.

Rich Williams stated is Ted here.

Chairman Rogan stated there is no one here for it right now, it looks like, we will carry it over.

3) 2J2B, INC. W/W PERMIT APPLICATION

Ms. Theresa Ryan from Insite Engineering was present, representing the Applicants.

Chairman Rogan stated is anyone here for 2J2B Inc. wetlands/watercourse permit.

Board Member Pierro stated Mr. Chairman I will recuse myself from this application.

Chairman Rogan stated Michelle, just please note that Dave has stepped down from the desk. Good evening Theresa.

Ms. Ryan stated good evening.

Chairman Rogan stated you want to pop that microphone out.

Ms. Ryan stated is Ted coming back.

Chairman Rogan stated he is coming back for this one.

Ms. Ryan stated hi Ted. This site located on East Branch Road and it also has frontage on Haviland Hollow Road, there is an existing driveway that comes off of East Branch Road, this portion of the driveway is proposed along with the house, a new septic system and a new well. We are here in front of you for an application for a wetland permit to pave the existing driveway, if there were no improvements required for the driveway we wouldn't need a permit and I also found a section in the wetland Code, I don't know if this would apply, this is a question for Ted.

Chairman Rogan stated did you just say that this is a challenge for Ted.

Ms. Ryan stated yes, there are exclusions, excluded activities and I don't know if this would fall under that. Ordinary maintenance and repair of existing structures or improved areas which do not involve expansion or substantial restoration, reconstruction, rehabilitation, or modification included but not limited to bridges, roads, highways, rail road beds, bulk heads, stocks, piers, pilings, or paved streets. This isn't paved but we would have to pave it because it is a Town requirement and if you waived it there wouldn't have to be any improvements in this buffer at all.

Chairman Rogan stated Theresa, before Ted answers that, why is the road there to begin with.

Ms. Ryan stated the driveway.

Chairman Rogan stated the driveway because it is showing a proposed house. Was there an existing house there.

Ms. Ryan stated I think there was a barn in here, there was an agricultural use here at one time.

Chairman Rogan stated the existing driveway there that is on that site was used for some type of an agricultural access.

Ms. Ryan stated I don't know, all I know is that its there.

Chairman Rogan stated do you know how long ago it's been there.

Ms. Ryan stated I don't know.

Dave Raines stated at least twenty years.

Board Member DiSalvo stated this is part of the white house next door.

Ms. Ryan stated this house up here.

Dave Raines stated there is a foundation up here now.

Ms. Ryan stated there is a foundation right here.

Chairman Rogan stated okay, does somebody want to jump in on that or do you want to think about it.

Ted Kozlowski stated I wouldn't think that that is part of that, it is not routine maintenance, this is a driveway, that wasn't a driveway that was an access way, it is kind of a different, especially now because you are telling me that there is a house that sits really along the road.

Ms. Ryan stated this was a barn, I don't know if this a was house.

Ted Kozlowski stated let me put it this way. I don't have a problem with having the driveway go up there the problem that I am having is that the wetlands were never verified by the Town, the flagging. This is an application before us in the middle of the winter and I don't feel comfortable approving the wetland permit without verifying the wetlands. I never do that.

Ms. Ryan stated right.

Ted Kozlowski stated and I see on the plans that these wetlands were flagged in 2003, no one ever called me and no one ever asked me to verify, so I really have to verify the wetlands before I say yes or no.

Ms. Ryan stated right, just that you know also there are stone walls that line this driveway so that is another indicator that at one time there was something in here for quite awhile but again if we are not required to pave it we would not have to make any improvements to the driveway.

Chairman Rogan stated I understand, it is not part of this application but since it is on your plan I have to ask what the status of the gore parcel is that is shown on the plan because it is such an odd parcel.

Ms. Ryan stated apparently there has been a lot line adjustment recently between our clients and the adjoining property owner over here to swap some land, part of this will be going to that lot and the other part will go to is lot.

Chairman Rogan stated but not a lot line adjustment that we approved.

Rich Williams stated does that mean that there is an illegal subdivision out there Theresa.

Ms Ryan stated is it proposed.

Chairman Rogan stated I haven't seen this in five years.

Rich Williams stated it is proposed the surveyors are working on it.

Chairman Rogan stated okay, so this is all contingent upon that lot line adjustment.

Ms. Ryan stated I meant that the map was recently completed, I'm sorry.

Chairman Rogan stated because the gore parcel is a vacant parcel as shown, it doesn't have any frontage. You would think that they would have bought the lot and combined it with this and then gained more usable area for this house.

Rich Williams stated it is labeled as gore because of the property boundary dispute.

Ms. Ryan stated they both claimed to have the same piece of property, that is usually what happens with a gore piece.

Chairman Rogan stated is that what that means.

Ms. Ryan stated they settled and adjusted it so that both parties are.

Ted Kozlowski stated Theresa, are the applicants here.

Ms. Ryan stated I don't see them.

Ted Kozlowski stated I just again, it is a minor thing but this a big piece of property with an awful lot of wetland do the owners know, are they fully aware that they (unable to hear) and that this site is in the floodplain with a protected stream and a major wetland, do they understand that because they are going to be pretty limited to what they can do out there, I hope that they are going into this understanding.

Rich Williams stated if I could just jump in here, I have been meaning to e-mail you and I apologize.

Chairman Rogan stated I hope this picks up, you can yell at him.

Rich Williams stated they submitted it to this department a map with certifications, (unable to hear) DEC wetlands on the site.

Ted Kozlowski stated I don't care.

Rich Williams stated I am just letting you know that we have that (unable to hear).

Ms. Ryan stated I have heard that exists but I haven't see it but I heard that it exists.

Ted Kozlowski stated I have not seen it.

Chairman Rogan stated what I comes down to.

Ted Kozlowski stated I am looking at a site plan that has (unable to hear) soils on it and they are clearly hydratic soils and most of that map are wetlands soils. That is why it is important that we have the Town verify the wetlands on this site. Theresa if you can get whoever to re-flag it according to your survey but just so that you know I am not verifying anything until the snow is gone.

Ms. Ryan stated sure that makes sense.

Rich Williams stated that will be tomorrow.

Chairman Rogan stated that will any moment, right.

Ms. Ryan stated over the weekend we are going to lose it all.

Board Member Montesano stated maybe it will clear tomorrow and you can go check it.

Chairman Rogan stated so Theresa if we can get the wetlands re-delineated, coordinate with Ted, does the board want to take a look at this once it has been delineated.

Board Member Montesano stated I can see going out there.

Chairman Rogan stated if you would let Ted know, we can also just, the rock walls are present you said so we don't need anything staked there.

Ms. Ryan stated it is pretty obvious.

Chairman Rogan stated in this case I don't think we need anything staked but what we will do is coordinate after Ted has observed it, then we will coordinate a site walk and then we can make a decision.

Board Member Montesano stated one question I have for Theresa, that entrance way, I am looking at it, that can be a driveway right on the line.

Ms. Ryan stated sure but it is existing though.

Chairman Rogan stated does it need to go through the wetland approval.

Board Member Montesano stated well if you are going to improve it in any way, shape, or form why not give it a little bit over so that it is not on the property line.

Chairman Rogan stated that would make sense except that if it is an existing disturbance we are probably better off leaving it but would that require a waiver through this Board or because it is existing.

Rich Williams stated as I recall I took a look at it and our Code requires.

Ms. Ryan stated ten feet.

Rich Williams stated yes, ten feet on the side property line and because of the angle, it met the side but not the (unable to hear) right on the corner but it met the side for the most part.

Ms. Ryan stated you mean once it got through the front yard.

Rich Williams stated once it got through the front property line.

Board Member Montesano stated we can take a look at it when we go out there.

Chairman Rogan stated and Theresa is there a chance because I didn't understand everything you said about this gore parcel that this gore parcel will be incorporated into the proposed site, is this line what has been decided to the best of your knowledge.

Ms. Ryan stated to best my knowledge once I find out for sure I will include it on our map.

Chairman Rogan stated okay because if there is more room available to this proposed, I would want to gain offsets and it looks like the flatter property is certainly up above the house. It would benefit this parcel to have this extra property but I don't know what the status of that is.

Ms. Ryan stated they are going to be gaining, up by the house, I have the map here, a draft one.

Chairman Rogan stated okay, Charlie do you have anything.

Board Member Cook stated no.

Chairman Rogan stated Theresa do you have anything.

Ms. Ryan stated no.

Chairman Rogan stated thank you.

Board Member Cook stated do you want me to get him.

Chairman Rogan stated yes please, I was just going to ask, I didn't know who to ask.

Board Member DiSalvo stated should we do Ruffler.

Chairman Rogan stated I don't think anyone is here for it. Is anyone here for Ruffler-Colarusso wetlands/watercourse permit, no. If they aren't here by the end of the meeting we can act on it, it was a pretty straight forward application. Do you expect anyone to be here.

Ted Kozlowski stated is this a public hearing.

Chairman Rogan stated no, we don't even have them here to discuss the application, this is the one that you said is very straight forward, the house addition down grade.

Board Member Pierro stated we don't have an application on it yet do we.

Ted Kozlowski stated yes we do.

Board Member Pierro stated we do.

Chairman Rogan stated I just don't have it, it wasn't included.

Board Member Pierro stated it is in the pile, I am sure it is in there.

4) KEASBEY SUBDIVISION

Mrs. Edie Keasbey, the Applicant, was present.

Chairman Rogan stated okay moving right along, Keasbey Subdivision.

Mrs. Keasbey stated good evening, I have no papers with me, they are at the attorneys office, Edie Keasbey.

Chairman Rogan stated that's okay, Edie from what I understand this is basically that the approval lapsed and you are seeking re-approval for the subdivision. This subdivision was done to sell land to the Putnam Land Trust.

Mrs. Keasbey stated donate.

Chairman Rogan stated donate, sell.

Mrs. Keasbey stated there is a big difference.

Board Member Montesano stated there is a difference.

Chairman Rogan stated no changes have been made to the proposal.

Mrs. Keasbey stated nothing.

Chairman Rogan stated we are just going through this more the formality of re-memorializing the approval.

Rich Williams stated you do not have plans.

Chairman Rogan stated I thought I had a plan, I looked at it.

Board Member Pierro stated that is Paddock View.

Rich Williams stated I can get you the old subdivision plat if you would like to look at it.

Board Member Pierro stated you met with the Town Board last night.

Chairman Rogan stated maybe next month with the public hearing.

Mrs. Keasbey stated yes and they approved the waiver of the fees.

Board Member Pierro stated very well.

Chairman Rogan stated what we are looking at tonight is to set a public hearing for the next meeting.

Mrs. Keasbey stated do I have to do another one.

Chairman Rogan stated you have to do the notifications, that you still have to do, so I am afraid so.

Mrs. Keasbey stated that was an expensive mailing.

Chairman Rogan stated you don't have many neighbors out there do you.

Mrs. Keasbey stated you would be surprised.

Chairman Rogan stated it pays to live in the woods.

Board Member DiSalvo stated just for curiosity, what was the ball park figure of the fees that were waived, approximately how much, are we talking about a lot of money.

Mrs. Keasbey stated well it depends, I consider it a lot of money.

Rich Williams stated I am guessing about three hundred and fifty dollars plus professional plan review fees which on something like this would be one hundred, one hundred and twenty-five.

Board Member DiSalvo stated so about five hundred dollars.

Mrs. Keasbey stated it was less on the original then that.

Board Member Pierro stated Rich can we waive the requirement for a public hearing and just.

Rich Williams stated no.

Board Member Pierro and renew the notification process.

Mrs. Keasbey stated I am happy to do it but.

Chairman Rogan stated okay, so would anybody like to make a motion for a public hearing for the next meeting.

Board Member Pierro stated in the matter Keasbey Subdivision, I make a motion that we set the public hearing for the April 5, 2007 meeting.

Board Member DiSalvo seconded the motion.

Chairman Rogan asks for all in favor:

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

Motion carried on a vote of 5 to 0.

Chairman Rogan stated any opposed.

Board Member Pierro stated you would have to go through that process again of notifying the neighbors.

Mrs. Keasbey stated yes, refresh my mind.

Board Member Pierro stated I think that it is best for you to refresh your mind with Rich's office during the day.

Mrs. Keasbey stated Rich, I have to have the slips that they have been sent out.

Rich Williams stated certified mail, return receipt requested.

Mrs. Keasbey stated and how soon do I have to have send them out to qualify for the April meeting.

Rich Williams stated check with me in the morning but I believe that it is either ten days or two weeks.

Mrs. Keasbey stated thank you.

Board Member Pierro stated thank you.

Chairman Rogan stated thank you.

5) PADDOCK VIEW ESTATES SUBDIVISION

Mr. Mark Porcelli, the Applicant, was present.

Chairman Rogan stated alright, anybody see the agenda that had my handwriting on it because I lost it in this pile, here it is, I got it. I have a new one but I had my notes on the other one. Paddock View Estates, I know that they are in the hall.

Board Member Pierro stated yes, he is back there.

Board Member DiSalvo stated where is Dan, he's not here.

Chairman Rogan stated I guess not, good evening, please state your name for the record.

Mr. Porcelli stated Mark Porcelli, Paddock View Estates.

Chairman Rogan stated so Mark, obviously we have some technical issues to resolve but nothing that can't be resolved between your engineer and our consultants.

Board Member Pierro stated we are going to need bond calculations and performance bond issues taken care of.

Chairman Rogan stated we had at least four or five different suggestions for road names on this from the historical perspective. Did the Board ever take a look at those and come up with any recommendations.

Board Member Montesano stated Burton, I liked Burton because it was the original owners of the land. Meeting House you are making a generalization, we can call it Town Hall but that is a generalization, City Road, I don't know if you can call this a city anywhere that we have a road of that nature and it is only one lane. I would go along with the Burton name because I think it fits the area better then the other ones.

Board Member Pierro stated are there any other suggestions.

Board Member DiSalvo stated it sounds a little more blue collar and you do that the Bucci's next door with some kind of a farm with all the land in the back and Beverly Sills property and I think that it would fit the area better, Burton Farm Road.

Board Member Pierro stated do you have any other suggestions other then what you have provided.

Mr. Porcelli stated once Rich had informed that the County didn't want any roads with P within the whole County he was kind enough to send me a whole list of name to chose from which were not in the County and I went with the Meeting House Road not have a name of a person on it but if you guys have a preference.

Chairman Rogan stated it is a shame that Paddock View did work because I liked that name, whatever the Board is comfortable on this, is it Burbon or Burton.

Board Member DiSalvo stated Burton.

Board Member Montesano stated Burton.

Chairman Rogan stated Burton Farm Road.

Board Member Montesano stated not the actor.

Board Member Pierro stated Edie would you attest to the veracity of this name, what it Burton Farm in the past.

Edie Keasbey stated yes.

Chairman Rogan stated Burton Farm Road, unless the Applicant has some.

Edie Keasbey stated that would be nice.

Mr. Porcelli stated I don't have a problem with that if that is what makes everybody happy.

Chairman Rogan stated well it is nice to have a road name that goes along with the.

Board Member Pierro stated with some history to it.

Mr. Porcelli stated in that letter there was some reference to that there was a meeting house near by and that is why I went with that but Burton.

Chairman Rogan stated Edie, you are dying there.

Rich Williams stated I think that she is about to come through my back.

Board Member Pierro stated go ahead Edie.

Edie Keasbey stated I received a call from Judy Kelly Moberg the other day, they are out in Colorado now and she was concerned that because this subdivision is sited on the original part of the Town and it was a very important revolutionary war site because of the mill and everything there, they stored a lot of grain. I know that they have done a Phase IA, have they done the Phase IB.

Chairman Rogan stated I don't know the answer to that.

Rich Williams stated I thought that they had.

Edie Keasbey stated for the record.

Chairman Rogan stated Edie just so that you know because I don't know how much you have been around for this project but the idea of archeological finding we have discussed at public hearings and we brought up, I guess and this is just my guess, maybe eight months ago or so and we had looked for some input from different agencies and Rich had done a little bit of research on it and at that time they had concluded that while there is

certainly a possibility of archeological finding. You could say that of just about any site in the area that it was of significant origin or concern. The Applicant, I believe went on to the Phase I, although he was not required to do so by this Board and I believe that the findings were, Rich kind of summarized them for me but I believe that the findings were that there was potential but that no further action was recommended or suggested, the only concern that I have and I am certainly. I don't want to lose the chance to find things that would be important to the history of this Community but it is somewhat difficult to put burdens on the Applicant at this point in the process considering that we have gone through such a lengthy process on this and the public hearings. He certainly will still have to get approvals from other Agencies such as DOT, right Rich, for the road construction or the entrance way. The only thing I think I am going to suggest on this is that if there is a group of people who are involved in these archeological studies, maybe they want to contact the owner outside of this Board. They have been very accepting and open to any ideas we have come up with so far through the process and I believe that they will continue to be and it may be the kind of thing that as construction progresses or as they are opening up the road maybe these people can work out something where they can be available and look at the site but beyond that I don't think, unless anyone has any other input, I don't think that the Board is going to take any further action on that sense.

Eddie Keasbey stated is Mr. Mackey, I believe, up at the Office of Parks, Recreation and Historic Preservation and then it is something of that. I know that the people who are working on that book that is going to be published are very concerned because that corner was really a hot bed of Revolutionary War stuff. I am not familiar with it.

Chairman Rogan stated I understand that you are only the delivery person.

Eddie Keasbey stated I am only the messenger on this.

Chairman Rogan stated and you are doing a fine job of delivering that message.

Eddie Keasbey stated I will pass on that they should talk to the developer.

Chairman Rogan stated I don't know with the construction sequencing, certainly the concern here is that maybe there is historical significance to the area where you are going to excavating at the entrance. I know that there is a lot of rock that has to be removed. Certainly we are not going to find anything where they remove rock, it is when they are scraping between the surface and that first two feet of soil. I would imagine that if these people reach out to you, if there is any way that anything could be worked out that they can look while something is going on without being a hazard. I think that that is something for them to deal with you but I really believe that the applicant has gone above and beyond with researching this.

Eddie Keasbey stated that is okay with me and I will pass it on.

Chairman Rogan stated and we will get Judy, if she asks, a copy of the minutes so that she can see because you are not required to try and repeat my dissertation.

Eddie Keasbey stated that is okay. She won't be back until mid-April. Thank you.

Chairman Rogan stated thank you very much. We have a road name. Rich, the bond calculations are done as part of the resolution because we don't have them as of yet.

Board Member Pierro stated no.

Rich Williams stated no they are not. They are usually done separately, we don't have them in here yet.

Chairman Rogan stated okay, so we can do a resolution to approve and then they still have to post the bond, that is part of the process, they have to come.

Rich Williams stated the resolutions are all set up to be conditional resolutions to met.

Chairman Rogan stated (unable to hear).

Rich Williams stated we need other agency approval and there is still some design work that needs to be complete and certainly the bonding.

Board Member Pierro stated Rich, should the road name be included in one of these resolutions that we have tonight.

Rich Williams stated it wouldn't hurt did include it as a condition.

Board Member Pierro stated of the final subdivision approval.

Rich Williams stated that would be fine.

Chairman Rogan stated does anyone on the Board have anything else on this that they would like to address.
Rich or Gene do you guys have anything else.

Board Member Pierro stated one question.

Gene Richards stated no, you have my memo.

Board Member Pierro stated the archeological studies that were done in that area, were they done involving the changing. Wasn't it done by DOT when they were changing the intersection around there.

Eddie Keasbey stated there was some done there.

Rich Williams stated there were two done. One was by DOT when they were doing the changes to the intersection and they knew that they were going to be excavating into the bank and then they went out and took a look. The other was done by a private consultant over the site that is the subject of the subdivision.

Board Member Pierro stated very well.

Chairman Rogan stated okay, the resolution.

Mr. Porcelli stated a couple of things.

Chairman Rogan stated sure.

Mr. Porcelli stated I don't know if this one of the thing, there are a couple of things on Rich's notes. One was the reason for the infiltrators, you also have the swales included in that but if the size or anything of the house changes, whether it gets a little shorter or deeper or wider or bumped out on one side, the swales are pretty close

the homes. Is that something that could be done at a later time because creating an easement that may change down the road for a swale, its not.

Rich Williams stated we are also approving a site plan so it pretty well lays it out. The intent of requiring site plan approval by the Town is specifically for this reason, so that storm water practices as they are laid out on the plan is how they are going to be constructed.

Mr. Porcelli stated I understand but this house, if this house shrinks in size or gets a little deeper this swale is not going to be where the house, as close to the house in proximity now, or if this house grows a little bit in length or shifts over toward the driveway.

Rich Williams stated I think that is what I am trying to hint at you is that that probably shouldn't happen. Simply because it is imperative to have storm water practices, to make storm water practices function. What you are showing for grading and what you are showing for house sites and what you showing for the layout for the infiltrators and the inverts going into the infiltrators can't change. Now there is an ability to do some field fit once we get going out there, just keep that in the back of your mind and make that easement area wide enough do that we can move things around a little bit.

Chairman Rogan stated I think slight field modifications happen in any construction project and what it sounds like we are hearing from you is that we do all this so that we make sure it all fits and that it can be done. If a house has to move three feet or five feet and something changes then that is something that you would have to work between Rich and the Building Inspector.

Mr. Porcelli stated would I have to if something was going to change, like grading or whatever, do I have to get an addition site plan for that lot. Can that be done if something had to change where that swale would have to.

Rich Williams stated you are going to at least have to submit a new site plan into my office.

Mr. Porcelli stated it really is just pertaining to these two lots with this swale.

Rich Williams stated and then I will take a look at that depending on what I find it may have to go back to the Planning Board or it may have to go back to the Engineer. I may be able to sign off on it.

Mr. Porcelli stated I don't think that, obviously there are not going to be significant changes but it just allows me to either change a little bit of the footprint of the house whether it is the same amount of footprint or impervious surface but it may not be a rectangle that is shown here and that is more of my concern.

Rich Williams stated I would try to fit it into that rectangle as much as you could.

Mr. Porcelli stated I don't know if these things are.

Gene Richards stated Mark, just let me ask one thing on the retaining wall design, up on lot two there. Paul Lynch had called our office, I guess earlier in the week and Paul and I spoke and after that Paul was going to contact you, to encourage you to let him finalize the design on the wall. I just wanted to hear for the record if you did speak and if you did authorize the design.

Mr. Porcelli stated I already brought, we brought the plans to a designer that is a manufacturer, Mesa and they are doing the calculations for you.

Gene Richards stated okay, so that is in the works then.

Mr. Porcelli stated yes.

Gene Richards stated okay good, thanks.

Mr. Porcelli stated he said he had couple conversations with you and I would just rather go ahead and get it done. It may change obviously, that is why we are kind of hoping to wait and not to design it twice.

Gene Richards stated I understand but it is normal protocol to have a full design prior to the Chairman signing the plat and if we were to allow you to go beyond that point, we would need safeguards in place just to ensure that there would be a design that would be acceptable later on.

Mr. Porcelli stated okay and the other thing is about the water tank and I know that it has been an issue for awhile and from what I understand they are doing a dry hydrant on North Street now, is that correct or no.

Chairman Rogan stated I have no idea.

Rich Williams stated there are plans to talk about putting one in park district, coming out onto North Street, yes.

Mr. Porcelli stated now the only reason I'm saying that because to have another tank right there might be redundant and whether I spend some money putting the tank in there or spend some money to put a tank in here it would really be needed all away from the Town or from a dry hydrant, it just doesn't make sense.

Rich Williams stated I hear what you are saying but I can not tell you when the dry hydrant is going in on North Street.

Dave Raines stated if, if.

Rich Williams stated if the dry hydrant is going in on North Street. I would assume that it is going in someday but I just don't know if it is this year or it's ten years from now but we are trying to plan that out.

Mr. Porcelli stated I misunderstood then with the conversation that we had, I thought that this was something that was going ahead, instead of me spending money on a tank here, it may be worth looking to put it somewhere else or towards that instruction. But if you don't know when it is going to happen.

Rich Williams stated I mean we are planning for it and I don't know how much your outfit has done on the design, I know that I have had some conversations with the person in charge of the park about getting that done. Then it comes down to us finding the money to actually put it and that is going to be the big issue.

Mr. Porcelli stated that is what I was trying to get at, the money part, whether it is something that has to be maintained or a dry hydrant that has a good source of water that you don't have to monitor.

Board Member Pierro stated I think that they would both have to be maintained. The dry hydrant into the park and once that responsibility is given to the fire district correct.

Dave Raines stated right.

Board Member Pierro stated it is out of your hands once it is in, in either location once it is accepted.

Mr. Porcelli stated so I am not going to have any responsibility what so ever, this has definitely been resolved.

Dave Raines stated absolutely, it is in the resolution and once I accept it and get a letter from the Town saying that we own it. If things change over time as this subdivision develops and we put other tanks or other hydrants in, we will certainly discuss it. It will have impact on you doing our not doing what we talked about, we certainly don't need redundancy do if something happens within the next few months as we move along, we will sit down and talk about.

Mr. Porcelli stated like I said, if we need a tank ten miles away instead of one thousand feet away that might be better and more practical.

Dave Raines stated absolutely and we appreciate that.

Chairman Rogan stated absolutely, all set.

Mr. Porcelli stated that's is.

Board Member Pierro stated on a motion, Mr. Chairman. May I go ahead.

Chairman Rogan stated please go ahead.

Board Member Pierro stated in the matter of Paddock View Subdivision I make a motion that Town of Patterson Planning Board approves the final subdivision approval with the eleven general conditions and six addition conditions written in the memo dated March 1, 2007.

Chairman Rogan stated do you want to add the road name.

Board Member Pierro stated I am going to add that in the final site plan approval sir.

Board Member DiSalvo stated should he do them both.

Chairman Rogan stated it doesn't really matter.

Board Member Pierro stated oh sorry.

Chairman Rogan stated can I get a second on that please.

Board Member DiSalvo seconded the motion.

Board Member Pierro stated Rich would you rather the road name be in the final or it doesn't make a difference.

Chairman Rogan asks for all in favor:

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

Board Member Cook - abstain

Motion carried on a vote of 4 to 0 with one abstained

Board Member Cook stated Mr. Chairman, I am going to abstain, due to the fact that this project is three years old and I am five months old.

Chairman Rogan stated I appreciate that.

Rich Williams stated who seconded that.

Board Member DiSalvo stated I did.

Chairman Rogan stated Maria did.

Board Member Pierro stated in the matter of Paddock View Subdivision, I make a motion that the Town of Patterson Planning Board grants final site plan approval with the six written general conditions and the seventh condition being naming the road Burton Farm Road and also granting approval based on the six special conditions written in the memo dated March 1, 2007.

Board Member DiSalvo seconded the motion.

Chairman Rogan stated let me just have Michelle, amend, you referred to the general conditions twice, six general with a seventh being the Burton Farm and then, how many special conditions are there.

Board Member Pierro stated six special, I'm sorry Michelle for the confusion.

Chairman Rogan stated it might have been that I just didn't hear it, I'm sorry.

Chairman Rogan asks for all in favor:

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

Motion carried on a vote of 4 to 0 with one abstained.

Chairman Rogan stated Charlie abstained for the same reason. Okay, motion carries. Michelle, if anything comes up that you think that we aren't being clear or you can't get it, please speak up, you can yell at us a little bit, within reason.

Board Member Pierro stated we won't get upset.

6) **GREENLANDS SITE PLAN**

Ms. Carrie Hilpert and Mr. Paul Suozzi were present.

Chairman Rogan stated anyone here for Greenlands, he was here, he is out in the.

Board Member DiSalvo stated he is sitting outside.

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

Ms. Hilpert stated my name is Carrie Hilpert, I am here on behalf of Greenlands and I am here tonight with Paul Suozzi, who is a member of Greenlands.

Chairman Rogan stated thank you. Just to state why we are here tonight, at the last meeting we have spoken with the Applicant, I don't know if you were present.

Ms. Hilpert stated I was present but I was not speaking.

Chairman Rogan stated I apologize for that. We had basically come to the realization that we need to either come up with a plan that either addressed the concerns that the Board has with allowing the retail space at this site. Recognizing the constraints of the site and they had done that and we had requested that our Town Planner and also our Town Engineer do a review on whether or not this works. The Board has received memos from both the Town Engineer and the Town Planner, does anyone have any questions with regard to those memos, I know that I have one particular. It is actually for you Rich, no matter how many ways I went through this, I could not grasp what you were trying to get at with your note number two, which is under site design and layout and it is talking about the planter, the bull nose planter closest to the dumpster and how that will change the alignment and then angle. Could you post your plan up, that would be great. I could not wrap my brain around that idea and I wanted you to maybe speak about that a little bit, if you would.

Rich Williams stated first let me say considering the volume of traffic out there, it is not a tremendous issue but generally when we are designing a site for a parking layout we try to keep intersecting angles at 90 degree angles so that when cars are coming into that intersection, whether it is a parking aisle or drive aisle, you want those intersections to be at 90 degree angles so that the cars come at each other and that is the reason that the original design done by a professional engineer by my opinion had the bull nose out as far as it did. By shaving a portion of it off you realign that drive aisle, so now it is coming around at more of an acute angle rather than that 90 degree angle. Again, considering the volume at the site it is not a fatal flaw.

Chairman Rogan stated I just clearly wanted to understand the concern because I wasn't getting it, to be honest with you, in that regard. I understand that you received copies of the memos from both Rich and Gene, you have those.

Mr. Suozzi stated yes.

Chairman Rogan stated I know the one from Gene you got just tonight. I will be quite honest, the people that we rely heavily on, of course because we are not a technical group here, we are a lay group of individuals, that is my feeling our job is to see whether something is reasonable or not based on the feedback we get from these gentlemen. This particular instance, this particular design, as you have read, raises a lot of concerns and does not provide for safe modes of ingress and egress on this site. I don't like to lead applicants along, I don't like to waste people's time, I don't like to tell people that wow, this doesn't work, come back and bring something else. I don't know how to fix this either, I am not sitting here saying I have an idea but I'm not telling you

Because I am keeping it to myself. I am not an engineer so I don't know but what I am getting from these memos is that this site, as it exists with nothing added, you know the actual area that is delineated does not support the type of use that we are trying to modify it for.

Ms. Hilpert stated we do have an approved site plan for an office use, the practical effect of this application is that we are asking for a one tenant suite to be a personal service use, we are talking about a one seven hundred foot tenant space. The impacts from a seven hundred square foot tenant space that probably one hundred square foot of that is dedicated to a bathroom, I don't see that it could generate. If the entire site was to be personal service or I could have two or three, or Mr. Suozzi could put four of these service in there, I could understand your concerns and they are valid points but the practical effect of that special use permit clause for the C-1 Zoning District limits us to this one use. Any impact that is generated from a seven hundred square foot tenant, I really find that, I understand your position but it is minimal. We are stuck with what we have and how the site was approved and how it was built and we are trying to make it better and under your parking requirements you have the authority to waive certain parking requirements. We meet the number of spaces, what we don't meet the loading zone requirement. To me, a seven hundred square foot tenant, where you know that we are limited to that, this seems like it would warrant that type of discretion on your part. The other point, I think, is that any type of deliveries are going to be no greater than what is already going there for the office uses, we are talking about FedEx, UPS trucks to suggest that tractor trailers are going to be coming in and out of that site.

Chairman Rogan stated we didn't suggest that, be clear.

Ms. Hilpert stated no, I know but something larger, we are not really increasing the deliveries to that site by adding one tenant.

Chairman Rogan stated I will respectfully disagree with a lot of what you said but as you stated you are a lawyer and not an engineer also.

Ms. Hilpert stated correct.

Chairman Rogan stated I will tell you also, one second, we as a Board have concerns when we see businesses that are currently there that can not draw in the people that they need. I am seeing on my daily trips I am seeing people standing out and causing commotion at Route 22 and Route 312 for Liberty Tax, out in front of the site, trying to draw people desperately into this site. I don't know how effective it has been but I am sure that it has had some impact but I can tell you that is demonstrates that the site is very challenged for retail and you have acknowledged that yourself. The site is not very visible you need to be able to draw people off the road somehow that you can currently can not. That brings up a whole another host of concerns that if we have a retail operation in there, it is not my concern or issue whether or not that business is successful but I certainly would hope that they would be, we certainly would not want businesses going in that are not going to be successful.

Mr. Suozzi stated they are not desperate, they just moved in, they are just trying to let everyone know that they are there. I would not describe them as desperate.

Chairman Rogan stated okay, did I say desperate.

Mr. Suozzi stated yes you did.

Chairman Rogan stated I am sorry, I didn't mean to say that they were desperate but if you would drive down to Route 22 and 312 and see the antics that are going on down there.

Ms. Suozzi stated I have seen the person.

Chairman Rogan stated I wouldn't want that to be my business.

Board Member DiSalvo stated don't say that because when you are in business you have to do everything you can to survive.

Mr. Suozzi stated just like I have to do everything I can so I can pay the taxes because I am only fifty percent rented in there.

Chairman Rogan stated I understand.

Mr. Suozzi stated we are trying.

Ms. Hilpert stated and that is the nature of the businesses that go in that site, these are small businesses, these are people from your community that are struggling to get by. You are not talking about a very large business, if they can only afford to rent six or seven hundred square feet.

Mr. Suozzi stated I would also like to add that.

Chairman Rogan stated you just need to move a little closer, you are a soft speaker.

Mr. Suozzi stated We Consider It Sold, the business that has been under a lot of scrutiny in the last year, is being forced to leave and they are leaving the Town and they are moving to Brewster where they have a zone where they can operate their office business and sell retail, so we all lost and now I have another empty space. All of that was for nothing, what we went through.

Chairman Rogan stated are suggesting some things that I think are not fair, I don't think that is fair to this application.

Mr. Suozzi stated anyway, well I am just saying that the zoning is very restrictive for us and the Town did change the zone to C-1 for a reason, why did they include the C-1 for our property if we can't really exercise it. One other point I would just like to make is that we submitted the plan because we were asked last month to show a loading space. I chose to show two to give you an option, to show two different locations not that I was proposing two different spaces and I also showed the five different spaces. I believe that the space in front of the dumpster works the best, there is more room, there is currently a truck that goes in there to pick up the dumpster and also we could reduce that space to twelve by twenty-five, okay which in the Engineer's memo indicates that if we use that space fourteen by twenty-five we would only have eighteen feet of traffic being able to go in both directions, well if I reduce it to twelve then we are up to twenty. That is only four foot difference of the overall twenty-four feet that was approved on my original plan for getting in and out, I mean four feet is not that much, it is not going to stop anybody from getting in and out of down below for five or ten minutes when a guy is making a delivery, in my opinion. Also, I don't really think that it is that big of deal for somebody to make a turn even if all the parking spaces are taken up in the site, you can still navigate in that twenty-four feet to make a three or four point turn to get out and frankly if somebody can't turn their car and get out, they shouldn't have a drivers license, again that is just my opinion. Again, it is not impossible for a person to make a few turns and get out. We went through this review originally for an office building, why wasn't there any discussion about loading spaces or having UPS trucks or FedEx trucks in the site when we originally came in.

Chairman Rogan stated well if you remember.

Mr. Suozzi stated it is only now because we are asking for this one use.

Chairman Rogan stated you are not correct in that sir. It became on office use after this site was constrained to an office use. It didn't start as that, the proposal didn't start as that.

Mr. Suozzi stated okay but I came to all the meetings for when we were the applicants.

Chairman Rogan stated you mean just for this particular application.

Mr. Suozzi stated for what is built there now. I am not talking about what happened before we came on the scene and that really wasn't an issue.

Chairman Rogan stated what really wasn't an issue, can you repeat that.

Mr. Suozzi stated it wasn't an issue.

Chairman Rogan stated what wasn't an issue, I am asking you, the loading spaces.

Mr. Suozzi stated the loading spaces, now if what we are proposing is not changing the size of the trucks, why is this a big issue.

Board Member Pierro stated we got a recommendation from our Planner that it may be, in order to grant your request that we improve traffic flow and improve the vehicle access to the site and we made an honest attempt to do that to find some way to improve. We went out to the site and site walked it and verified that there weren't a lot of changes that we could make and then only thing that we could come up with is the parking and the temporary loading zone in front of the dumpster area. I mean how long does it take to get in and out of there to pick up a dumpster early in the morning.

Mr. Suozzi stated and the five ten foot spaces that I can provide, that is also an improvement, so that is something.

Board Member Pierro stated right, well our Engineer has written specifically in that regard and we have to take their professional opinions into consideration.

Chairman Rogan stated Rich or Gene, do either of you gentlemen want to jump into this and add anything to this conversation in regards to the constraints that we are talking about on this site, now is the time.

Gene Richards stated just so that you understand what we had done was, you don't see my name on the memo, David Debaie, is a traffic engineer with our firm and he was the one that we requested look at this and consider what impacts these loading spaces would have. We didn't know that, we just reacted to the plan, he showed two loading spaces, so we weren't aware that he was offering two to say pick one, which one you think is best. That is not really an important point but when we looked at it, we looked at both spaces, both of them have challenges, both of them create issues, in amongst the other issues that we see with the site plan generally.

Anyway, I understand that they are arguing that there is only one space that they are proposing for this type use, the zoning is what requires the loading space that type use, so you must provide a loading space on the plans. Rich picked up on the fact that Zoning requires a specific size of loading spaces and they are not showing that but the Board could always waive, I guess the requirements for the size. It is a very tight site and it has been

at way all along, I think that when the Board approved it as office space use, that you did what you could at the time to allow them development of this site. It was always anticipated to be office, that is another issue anyway.

Mr. Suozzi stated I have never had any of my tenants complain that the site was challenged, as you phrase.

Board Member Pierro stated maybe so.

Chairman Rogan stated you have agreed that driving in there with larger then a normal.

Mr. Suozzi stated I would agree that a tractor trailer would have a hard time.

Chairman Rogan stated I am talking about maybe a full size pick up truck. I try to drive in there whenever I am in the area just to get a sense, while you may not be happy with what we are saying tonight, one thing that you have to admit is that we have struggled with this for the last couple of months trying to ascertain whether or not we can approve this.

Mr. Suozzi stated I realize that the site is not perfect, I am just saying that is it enough to not let me have just one, six hundred and eighty square foot.

Ms. Hilpert stated exactly.

Mr. Suozzi stated is it going to make that much of a difference but we are also losing an office use.

Chairman Rogan stated you are not losing it though, you would be losing one that you would be replacing.

Mr. Suozzi stated by giving one to personal services, we can't have another office, there is a trade off that hasn't been stated as far as traffic flow. I mean, it is my feeling that it is so minimal that it really is not that much of an impacts.

Ms. Hilpert stated we do appreciate the time and obviously this application has been before you since August and you have all made numerous site visits and gone over our submissions and the memos from the Planners and I think that Paul speaks from frustration. He has had this site since 2004, it has never been fully occupied, he constantly struggles to get it filled.

Chairman Rogan stated hold on one second, we apologize, we just want to get it on the record.

Board Member Pierro stated hold on.

Ms. Hilpert stated he has constantly struggled to have it fully occupied. We do understand from a Planning perspective and from an Engineering perspective, the site does have certain constraints but as Paul said we are asking for a really a minimal change in the grand scheme of things. It is a seven hundred square foot tenant, you are losing the office space, as Paul has pointed out, so it is a swap out and he has never had any problems there before. It is something that, we are here before you because we are seeking relief, it is not that he hasn't tried to market this building as an office space, he has and really this whole application was precipitated by the fact that someone approached him about a typical personal service use. That is what has done this, honestly, he has lost two perspective tenants in the time that we have been before you and it is frustrating on both ends.

Chairman Rogan stated and that it exactly why we had asked him to come back, we didn't want to wait until he had another customer, potentially waiting, we wanted to either resolve this one way or another.

Mr. Suozzi stated it is also very difficult when the Tax Assessor is raising my taxes every year.

Chairman Rogan stated we are not getting into tax assessment questions.

Mr. Suozzi stated do you know what I mean, I am just saying, it is a financial hard ship. I would just like to address one more thing about the snow, if our, we currently are not using all of our parking spaces because of the hardship, if we had all of our parking spaces used, or almost fully rented, don't you think that I would do what I have to do to get the snow out of there, we would bring in back hoes and we would do whatever we have to do, there wouldn't be snow sitting in the parking spaces, that shouldn't be an issue.

Chairman Rogan stated what you said about seeking relief, as you were discussing Mr. Suozzi frustration with this, it was making me think that you were looking at us as the Zoning Board actually because our job, I'm sure you know but I am going to say it anyway, is to make sure that you are addressing safety issues, the environmental issues, and doing that adequately and if you are not doing it adequately, then our professionals, our Engineer and our Planner are saying that you are not doing it, then we would be remissent in approving that. You are talking about a Zoning Variance, where we want relief because we know we need ten feet and we only have eight feet, there is a little bit a discrepancy in that view.

Ms. Hilpert stated I think what I am saying to you is that we are seeking relief from the parking requirements specifically, this is a permitted use at the site, under your Zoning regulations, it is not that it is not permitted in this zone, we meet the number of parking space requirements, what we don't meet is this loading zone requirement for retail and personal service uses. This loading zone requirement is for up to ten thousand square feet of space, we are talking about seven hundred square feet of space and in practicality, one tenth of that space. To me this seems like a situation that you have the discretion under your parking code in the Town Code to waiver certain requirements and this seems like this is something that would warrant that from you.

Chairman Rogan stated Rich, would we be requiring, excuse me for one second, one loading space if all ten of the sites were retail.

Rich Williams stated honestly I don't have an answer for you sitting here, I would have to check the Code and I don't want to give you the wrong answer sitting here right now. I do want to add this though, if it was the parking spaces and just the parking spaces, alright, maybe, if it was just the loading zone, okay, if it was just the traffic circulation, if it was just the signage, or if it was just the access on to a residential road in proximity to Route 164, it is not just one thing. Why I have been reluctant to view this application favorable is that it is all of the above.

Ms. Hilpert stated a lot of those requirements that you are specifically talking about, also exist in the site if it was all office as opposed to having one.

Rich Williams stated if it was all office we would not have a Statue of Liberty waiving at cars going by, we would not have a site that right now had a whole run of flags across the front of it because an office doesn't need to attract people in off the road.

Ms. Hilpert stated she is an office use, she is a CPA, accountant.

Rich Williams stated I respectfully disagree with that interpretation. I will grant you that it is vague within our code and vagueness always end up going to the property owner. Clearly she meets all the, what you would consider a personal services under any other situation, so nobody is sitting here challenging that but if it walks like a duck.

Mr. Suozzi stated but most of the business and office in the retail zones in the Town of Patterson are in or around the Route 22 corridor, why are they in or around the Route 22 corridor because we want to attract the traffic off of it. why is it out of the realm of possibility to put up flags or, why aren't business located in residential zones.

Rich Williams stated again the case is made.

Chairman Rogan stated right. You are making our case. Does anyone from the Board have anything else that they would like to discuss on this matter.

Board Member DiSalvo stated we can't put this on a trial basis, it is either do or die.

Board Member Pierro stated we don't have an application for a particular use in front of us at this moment.

Chairman Rogan stated I don't think that it would make a difference to be honest, I don't think that we should look at it as a particular use, to be honest, I would rather look at this application.

Ms. Hilpert stated would you allow us to withdraw this and come back with a particular use as we.

Chairman Rogan stated I don't think that that is appropriate.

Mr. Suozzi stated you had said you wanted to.

Chairman Rogan stated I really and truly want to look at this application because what I want this man to do is that if he gets an approval, he gets an approval for anything within that use because then we have considered all the different types of uses. I was never comfortable with idea of looking at a karate use or any particular use. I do think that we are looking at this as retail.

Board Member Cook stated Shawn.

Chairman Rogan stated Charlie.

Board Member Cook stated if an applicant comes in, asking for a special permit, that would not stop them from coming back in and asking for a second or a third.

Chairman Rogan stated of course not, that is correct.

Ms Hilpert stated but we could not.

Mr. Suozzi stated we could only have one use.

Ms. Hilpert stated because we are only allowed.

Anthony Molé stated you are not seeking a special use permit. They would need a special use permit if they were going for more than one retail, personal services use. They are going for one which is permitted in the zone it is just not designated on the site. Their site plan is designated, your site plan is limited to office use, that is why you are here. That is why you are here but if they did want to go for additional they would have to get a special use permit and (unable to hear).

Ms. Hilpert stated I think the point that we were trying to make was that for us to qualify for a special use permit we would need five thousand square feet or lots and we don't have anywhere near that.

Rich Williams stated you would need five acres on the lot.

Ms. Hilpert stated we don't have anything close to that.

Rich Williams stated you would need an area variance in addition to the special use permit.

Ms. Hilpert stated which would be near impossible.

Chairman Rogan stated so can I just do a sideline question. At one point you were looking for two of the stores occupied, would that have been something that we couldn't have entertained or is it because it is one business.

Ms. Hilpert stated one tenant.

Mr. Suozzi stated one tenant.

Anthony Molé stated one business.

Rich Williams stated I think that and correct me if I am wrong, but I think that it was Anthony's opinion that you could also limit the site of the square footage of the business. I have a concern about that I don't know that I fully agree with that because either the site works with that type of use or it doesn't. The point I am trying to make is that if you approve a personal service use out there, what is to say that it is only going to be limited to five hundred or the whole building, Anthony I believe was under, I shouldn't talk for Anthony.

Anthony Molé stated the power was off but that's alright. I think what Rich is referring to is that there were two units you were using as one basically you were going to expand one existing unit to one larger unit by going two hundred. I think what Rich's fear was that once you approve it then they knock down a wall and then they knock down another wall, now they have four units. My response to that was if you did approve it for a particular use, for a particular square footage then it would be limited to the square footage of the application and therefore if they did want to expand it they would have to come back.

Mr. Suozzi stated I have existing tenants in there, to be realistic ability to do that it would be hard and the way the building is laid out with an upstairs and a downstairs. Its not like the building was designed to have one retail use in there it doesn't make any sense, if there are dividing walls, a retail use would have an open floor plans.

Rich Williams stated if I could just throw out here that the building was designed and approved by the Board with no store fronts.

Chairman Rogan stated we spoke about that at the last meeting. Unfortunately, the man got a C. of O. for the building the way it exists so not faulting at this point.

Mr. Suozzi stated we didn't change that.

Chairman Rogan stated the plans that were approved by this Board weren't the architectural plans that were built, your store fronts on the lower level weren't, they weren't designed that way. I am not saying that you didn't get a C. of O. for it and I am not saying that the Building Inspector didn't make a mistake.

Mr. Suozzi stated (unable to hear).

Chairman Rogan stated we have the plans that we approved.

Rich Williams stated we have signed plans.

Chairman Rogan stated we have looked at them and they are not what is out there and I am not faulting you for that. We are just stating what we are.

Mr. Suozzi stated in what way.

Board Member DiSalvo stated they were supposed to be somewhat similar to the top ones.

Board Member Montesano stated there was no glass. Just a window, like upstairs.

Chairman Rogan stated a double hung window.

Board Member Pierro stated no glass.

Board Member Montesano stated but when they were built a whole glass front in and it went through that way.

Mr. Suozzi stated no, our plan shows the store fronts.

Ms. Hilpert stated it's okay.

Rich Williams stated Paul, Paul, I think that you are getting confused, what you probably submitted to the Building Department.

Mr. Suozzi stated they showed dividing lights on there.

Rich Williams stated the plans that were submitted to the Building Department had the store fronts but the plans that were submitted to this Board, the architectural, didn't have any store fronts. While this Board approved one set of architectural, the Building Inspector didn't take a look at those and he approved something different and because he did that nobody is raising that as an issue to tell you know that you can't do that.

Mr. Suozzi stated I don't think is true. I respectfully disagree, we did not bait and switch you.

Board Member Pierro stated we are not saying that you did.

Board Member Montesano stated not you, the person that you acquired the building from.

Mr. Suozzi stated oh, that happened before we came on the scene.

Board Member Montesano stated so we are not holding you at fault for that.

Chairman Rogan stated we are at a point that we have been at for a long time with this that we at least have something that we have reviewed now. With respect to the Applicant, I think that this Board needs to come to some conclusion on this. Maria you had asked about if we could approve something for a specified time frame.

Board Member DiSalvo stated like a trial.

Chairman Rogan stated we have done that on other projects, we have done it for like putting up a tent for six months or a use. I think that the difference is, the one difference I am seeing is that we didn't have reports from our professionals saying that it was unsafe to do so. I am concerned that if we approve something conditionally and there is an accident out there, go ahead Anthony.

Anthony Molé stated I think another major problem with that if you approve it temporarily and now he bring in a tenant in after the time period expires and you revoke the approval or the approval expires and then you have a person who has a business running there.

Chairman Rogan stated I am definitely not in favor of temporary approval but I am trying to get this to some kind of.

Rich Williams stated the fundamental difference of what you were talking about is that you were approving a temporary improvement to the property not the use.

Chairman Rogan stated okay, Charlie, anything else to add.

Board Member Cook stated no.

Chairman Rogan stated Dave.

Board Member Pierro stated as this point now but I think that this Board should fish or cut bait, if we don't do it tonight let us make a point of making a decision at the work session meeting coming up.

Board Member Montesano stated if we are going to make a decision, if we want to hold off for another thirty days, is that going to change anything.

Ms. Hilpert stated it would allow us to respond to some of the memos that we just saw tonight.

Chairman Rogan stated we would only put this to a decision if you were saying that this is the plan we have and this is the plan we are going with and I think that. We are a Board that works towards approvals, I have been on the Board five years now and I don't remember denying a project because we work with Applicants towards an approval. Having said that I want to be very, very clear that, as I said earlier, I don't want to string you along, I think that you need to concretely come up with ways to mitigate these concerns and I understand that you are thinking that this is one component and shouldn't have the same impacts that if it was all used and we are not trying that it does but I think that if you are going to continue down this road, the next submission needs to in some way address these comments. As I said last meeting, I said to the attorney that was here from, I think that it was Mr. Marwell.

Ms. Hilpert stated John Marwell.

Chairman Rogan stated the decision is going to be made based on the plans and based on the reports and it is like what Dave said, fish or cut bait, either it works or it doesn't work.

Mr. Suozzi stated I just wanted to suggest one thing and it hasn't been talked about. Would it be in the realm of possibilities if we used the space in front of the dumpster as the loading space, what if we were to cut into the island that is right there and in other words, eliminate it, take out the curb, remove the plantings that are in there and use that as a space to back up, would that help.

Board Member Pierro stated that would help but I think that when we were on our site walk we believed that there was underground wiring there for the lights.

Mr. Suozzi stated no, not in the island.

Board Member Pierro stated not in the island.

Mr. Suozzi stated in the perimeter.

Chairman Rogan stated right here.

Mr. Suozzi stated this island here, in other words if we took out this curb from here to here and then somebody could back and go out, we would just take out the trees and shrubs, take out the curb and blacktop it, there is no wiring in there, the wiring goes around the outside of the perimeter.

Board Member Pierro stated I thought that you were talking about the other curb.

Mr. Suozzi stated I am just saying that if that helps you with the loading space.

Chairman Rogan stated what I would point back to and I think that Rich summarized it fairly nicely, was to make sure that we don't look at this just as the loading spaces, you had surmised, the totality of all the reasons that doesn't seem to fit on this site and I wouldn't want you to walk away and say if we can figure out this loading space, then we are guaranteed and approval. There are a lot of issues and a lot of concerns and I don't know if I am being clear.

Mr. Suozzi stated I am raising that as an option if it helps.

Board Member Pierro stated I don't think it helps that much.

Chairman Rogan stated I am not engineer and I will reserve judgment on that one, I don't know. I actually was going to measure a FedEx truck because there was one in our parking lot and I wanted to walk over and pace it because I don't know the length that they are but I do see them maneuvering in and out of places. Rich has said in his memo, people find a way, that doesn't mean that it is safe and that doesn't mean that we should be approving it that somebody is going to find a way.

Mr. Suozzi stated they are in the neighborhood of twenty-five feet.

Chairman Rogan stated twenty-five.

Ms. Hilpert stated I think that the point were just trying to make is that there is office there, there are already FedEx trucks there, it is really apples to apples.

Mr. Suozzi stated when we were out there taping for this we actually witnessed a Staples truck pull in, which is actually smaller then a FedEx or UPS truck and we measured it to be twenty-one or twenty-two feet and he actually pulled it right here, dropped off his stuff and backed out.

Chairman Rogan stated where was he delivering stuff for.

Mr. Suozzi stated one of the businesses up on top.

Board Member Pierro stated let's go.

Chairman Rogan stated alright, what I will say is that we will make a decision on this, if you push us for one.

Ms. Hilpert stated okay.

Chairman Rogan stated but I don't want to keep having these guys reviewing this.

Ms. Hilpert stated and we appreciate that and we don't want to waste your time.

Gene Richards stated let me just point out something too, what he was just offering before as far as removing at island and paving it and removing that landscaping. Remember that that landscaping was part of your earlier approval or site enhancements, so you would need to clean up that if you went that route.

Mr. Suozzi stated we could put the plants in another spot.

Gene Richards stated and that is something that you would have to work out and the other thing that I wanted to mention was you talked before about snow removal and if your site was fully occupied you would have a front end loader or whatever it took clear out the snow. What I would ask you to do is that you have a handicapped parking space up on top, there is a striped aisle next to that that is required by ADA. That has a pile of snow in it. If someone comes in with a van and is handicapped and needs a ramp and there is snow in that aisle and there is a car parked next to that, they may not be able to get out.

Mr. Suozzi stated they actually can because the space, the actual place where the person parks, is not up against the curb, it is over.

Gene Richards stated it is right there.

Mr. Suozzi stated it is over about four or five feet and that is the striped area.

Gene Richards stated that is what I am saying you have a striped aisle next to the curb, next to that wall and next to that is the handicapped space, they park in the handicapped parking space and they drop a ramp into that striped aisle to get out with a wheel chair and you have it blocked with snow right now, I would recommend that you don't do that.

Mr. Suozzi stated okay, the snow froze overnight.

Ms. Hilpert stated we can take of that.

Gene Richards stated I understand but that irrespective of the full occupation of the building or whatever.

Mr. Suozzi stated we can do a better job.

Gene Richards stated thank you.

Ms. Hilpert stated thank you.

Board Member Pierro stated thank you.

Chairman Rogan stated I will ask the Board to make sure that you hang on to the comments for Greenlands from both Rich and Gene because they are. Is that you guys were just saying.

Board Member Pierro stated use them at the next meeting.

7) **BONIELLO SITE PLAN**

The Applicant was not present.

Board Member Pierro stated okay Mr. Boniello.

Chairman Rogan stated is anyone here for Boniello site plan. I guess they are assuming that location.

8) **RP DEVELOPMENT SUBDIVISION**

Mr. John J. Hogan, the Applicant and Mr. Paul Pelusio from J. Robert Folchetti & Associates.

Chairman Rogan stated RP Development Subdivision.

Mr. Hogan stated good evening, how are we doing tonight.

Chairman Rogan stated good.

Mr. Hogan stated uh oh.

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

Mr. Hogan stated John J. Hogan of Hogan and Rossi in Brewster and Paul Pelusio from Folchetti & Associates in Somers. While Paul is setting up, this project came before the Board, well a project on this site came before the Board almost three years and it was a proposed five lot subdivision. There were numerous issues raised at that time by the Board with respect the length of the road which was more then the necessary distance and the encroachments in the wetland buffer with a number of the improvements. There after this past summer, one of

The partners interested in the property went in a little bit of a different direction and we have reduced the length of the road and we have reduced the lot count from five to two and with a lot line adjustment for the house to make the area which the house is on, bigger. By reducing the lot count and the road length, we were able to move all of the improvements out of the buffer for the property. We have two proposed plans, one of them is a proposed Town road to access this property and the other one is a common private driveway to access these two lots. Under both proposed plans it is our intention to take the existing three bedroom house and it is a raised ranch right now and our plan is to renovate it and turn it into a colonial and make it look nice and then it would have a brand new septic system over the existing system that is there. That is the plan with respect to both driveway proposals. As far as the storm water management, as proposed we would have lot one would be required to maintain the storm water basin, with an easement to the Town of Patterson for access, confirmation of maintenance and enforcement, if needed in that maintenance agreement, it would provide that if the Town ever had to go out there because it was not being property maintained any expense that the Town would incur there would be a lien against the property and what happens in that situation is the person goes to sell his house the title company picks up that there has to be some communication from the Town reflecting that there is no lien and that there is no problem as far as that is concern, a release in other words. It was by your wetlands officer, Ted, that this house although it conforms with Zoning and the Wetlands Regulations as they exist, the Board would prefer to see a thirty foot envelope around it and we believe that we can accommodate that. We are going to pull the house down and jockey it so that there is at least a thirty foot envelope around it, so you've got almost one hundred and thirty feet from the wetland.

Chairman Rogan stated Jay just me jump in there. If you pull that house down thirty feet, obviously that septic has to move an appropriate amount.

Mr. Hogan stated yes, I think he has to move it over here a little, just move the septic down a little bit.

Chairman Rogan stated move the septic down a little bit, we would want to see that well moved out the buffer, the same amount.

Mr. Hogan stated I think that will be moved into the corner here. There was another issue that was raised in the comment letter from Ted Kozlowski in respect for potential disturbance to the wetland and the need for potential wetland permit to go in here. In the event that equipment goes in here while we are digging for storm water. I would indicate that I think that if we went the common driveway plan we would be able to move the basin over more because the Town road would be in the way and we would be further away from the buffer in that set of circumstances and the Planners comments.

Board Member Pierro stated sorry Jay.

Mr. Hogan stated is that me.

Board Member Pierro stated no, its not.

Chairman Rogan stated I hope not.

Mr. Hogan stated as indicated in the Planners comments, this plan would involve a 280-A variance from the Town Board and we recognize that. The reason for bringing two plans up is to have you give us a little direction about which one you will prefer to see and then if it is the less disturbance common driveway plan. We would coordinate between the Planning Board and an application to the Town Board for open development.

Chairman Rogan stated in effect, the difference between the plans is only related to whether we have a road with a cul-de-sac or a common drive. The layout of the lots at this point and the septic, house, well location are basically the same.

Mr. Hogan stated essentially the same, yes.

Board Member Cook stated excuse me, what is that sheet number on the far right.

Mr. Hogan stated two of five, it is the second page.

Ted Kozlowski stated Jay, this is a question for the Board too. The houses are going to have garages underneath or (unable to hear).

Mr. Hogan stated typical with a Reilly Colonial, the house, the garages are underneath the house.

Chairman Rogan stated a Reilly Colonial.

Mr. Hogan stated you know what I'm talking, Joe Reilly, I call them Reilly Colonials.

Board Member Pierro stated that is the house with no back yard on Cornwall Hill Road.

Chairman Rogan stated I just thought that was great, Reilly Colonial.

Mr. Hogan stated typically, they don't do separate garages, it is almost always under the house, or next to the house, part of the house.

Ted Kozlowski stated with regard to this application, make it clear so that we don't go through the problems we have had with previous applicants.

Mr. Hogan stated okay.

Chairman Rogan stated now, the roadway length issue that came up the last time, it that because the feeder road to this a dead end road so we are taking it from the next road out from Hazel Drive.

Rich Williams stated yes.

Chairman Rogan stated so we are looking at fifteen hundred feet because I was just looking, the road isn't very long.

Mr. Hogan stated no, that is why we did it, we had to cut it back.

Board Member Pierro stated well with the common driveway proposal.

Rich Williams stated it is not an issue but may be I am incorrect but I did take a look at that with this application, I thought that this one met.

Mr. Hogan stated it will still be under fifteen hundred feet.

Rich Williams stated this one meets it, the former proposal had a much longer cul-de-sac.

Board Member Pierro stated would there be any problems with a common driveway and still having access to these ponds to do maintenance work by the Town.

Rich Williams stated not if we had an easement, no.

Mr. Hogan stated the plan would be to give the Town an access easement and again for the purposes of confirming that the property is being maintained, that the basins are being maintained and for enforcement purposes. In the event that the Town is not happy with the way they are being maintained by the homeowner, then there would be enforcement provisions and the lien provision in the easement that if the Town had to go out, someone would have to pay for it, it would be the owner of lot three.

Chairman Rogan stated with all due respect, what is the benefit to the subdivision and to you, to have that storm water practice as part of that lot. I don't know the lot number and I can not see it from here.

Mr. Hogan stated it is lot number three and is there an advantage.

Board Member Pierro stated it is not marked.

Mr. Hogan stated I didn't think that the Town would want to bother with a basin that would maintain a couple of lots and have to come in and do it as a district, is that what you would be, a drainage district,

Rich Williams stated that would be the other mechanism for providing maintenance out there.

Chairman Rogan stated and secondly what would the average homeowner even have a clue about with maintenance on a storm water basin that is what I am getting at.

Mr. Hogan stated it is funny that you ask this question because in the past. Let me just say that in the Town of Southeast, what they are doing now, it is a little different. They do something called a map plan and report and you have to submit to the Town your plan for maintaining it and what you purchaser would then receive a copy of this map plan and report and it outlines what they have to do to maintain it. In Southeast it is part of your submission before you submit for final, you have to submit you map plan and report to reflect what the plan would be and what has to be done, that sort of thing.

Chairman Rogan stated and the person that ends up buying lot number three will bear the burden of storm water basin that benefits two lots in essence.

Mr. Hogan stated yes, we can make it that or we can make it along with the common driveway easement and make this easement agreement under this scenario.

Chairman Rogan stated that is a little cleaner then, you have the maintenance agreement set up and you have the mechanism.

Mr. Hogan stated and you can have them share the expense. I think that it is going to get a lot less activity on this, I think that this basin gets a whole lot less activity on this plan then it does on this one.

Board Member Pierro stated you are referring to the plan with the common driveway.

Mr. Hogan stated correct.

Chairman Rogan stated has there been any thought to, you are already leveling the existing three bedroom dwelling.

Mr. Hogan stated no we are not leveling it, we are going to use the foundation and the first floor and then raise it up. Right now it is a raised ranch, raise it up make it look like a colonial, make it look like a pretty colonial in the front, probably a four bedroom colonial.

Chairman Rogan stated then I will amend that. Any thought to leveling it and moving it up on the property a little bit so you gain some more usable property for these people because you have about twenty.

Mr. Hogan stated they own this here, they are going to own that.

Chairman Rogan stated and the front of the house is facing Hazel Drive.

Mr. Hogan stated yes, the front of the house faces Hazel Drive.

Chairman Rogan stated so when its done will it still face, so then the back yard is the rest of the lot.

Mr. Hogan stated yes because we would be using the existing foundation. From a practical perspective, it saves the developer fifty thousand dollars.

Board Member Pierro stated easily.

Mr. Hogan stated fifty or sixty thousand dollars.

Board Member Pierro stated you are going to dead end the existing septic.

Mr. Hogan stated yes, dead end the existing septic and then they will have a brand new septic system.

Chairman Rogan stated I was just going to ask, where is the existing septic.

Board Member Pierro stated out here.

Mr. Hogan stated it is right here. It is right where the road comes in.

Chairman Rogan stated no, that is a house, existing dwelling.

Board Member Pierro stated oh, that is a house.

Chairman Rogan stated so it is right up front.

Rich Williams stated it is under the road.

Mr. Hogan stated it is under the road, where the road would be going is where the septic system is.

Chairman Rogan stated so that is part of that lot, I didn't see that.

Board Member Pierro stated that is the other house on Hazel Drive.

Chairman Rogan stated I can tell you that Maria has never been on this site, at least not as part of the Planning Board, Charlie has not and I think I was under the first proposal, I am sure that I was but I don't remember. We are certainly going to want to site walk it.

Mr. Hogan stated sure.

Board Member DiSalvo stated in the first plan did they go with knocking the house down, the house that was existing.

Chairman Rogan stated I don't remember.

Board Member DiSalvo stated I have heard dribs and drabs about it.

Board Member Pierro stated it was a five lot subdivision at that time and it was too much.

Mr. Hogan stated close you eyes when you go back there, it needs work and we recognize that.

Chairman Rogan stated understood.

Mr. Hogan stated like I said that if we take it down and bulldoze over and move it back, its another sixty or seventy thousand dollars we would have to spend. If that is what you guys decide has to be done but you know.

Chairman Rogan stated give some thought to storm water being on its own lot and getting it over to the Town. Now the storm water only benefits the two back lots.

Mr. Hogan stated correct.

Chairman Rogan stated so if you did a district they wouldn't be assessing the house in the beginning of the subdivision or would they assess the subdivision as a whole.

Mr. Hogan stated that house is not part of the subdivision actually.

Chairman Rogan stated it wouldn't even be fair to tax those people for up keep on a storm water basin that doesn't benefit them.

Rich Williams stated I don't know if I necessarily agree with that Jay, if you are going to move the septic system on the back parcel and attach land to that then they become a party of the subdivision. As far as the district goes, it depends on how you define the boundary of the district.

Mr. Hogan stated a lot line adjustment where you are putting a septic system in, your improvement is the septic system.

Rich Williams stated where is the road going, where is the common driveway going.

Mr. Hogan stated it is going through that property, you are right.

Rich Williams stated that lot is part of the subdivision.

Chairman Rogan stated part of the subdivision.

Mr. Hogan stated I think the fees I paid to the Town were based on a three lot subdivision, so I guess you can say that it is a three lot subdivision. So what you would like us to do, is put the basin on a separate lot by itself.

Chairman Rogan stated well just change your lot line, you can leave the basin right where it is obviously.

Mr. Hogan stated but make this, something along these lines, its own lot.

Rich Williams stated its own lot but it does not have to conform to zoning, it is a utility lot and we provide an exemption.

Chairman Rogan stated cut it out.

Mr. Hogan stated okay.

Rich Williams stated the reason we do that just so that you know is that people tend not to go in and disturb the basins if they don't own it.

Board Member Pierro stated who is going to be responsible for maintaining it if the current homeowners don't own it.

Chairman Rogan stated it will part of the.

Mr. Hogan stated are you saying that you want district for these two lots, these three lots.

Rich Williams stated I would not prefer a district for two lots.

Mr. Hogan state then you are talking about a common driveway with a maintenance and easement agreement but you want it as a separate.

Rich Williams stated I didn't say common driveway either, I just said no district.

Mr. Hogan stated you know what I mean.

Rich Williams stated I didn't say road either.

Mr. Hogan stated a common drainage easement, so you want a common drainage easement between the two parties but you want that is a separate lot to begin with.

Rich Williams stated it is my recommendation that we put the storm water practices on its own lot if it possible to do, simply because it.

Board Member Pierro stated if we were to put that lot, that storm water basin on its own lot, would we the bulk area requirement for this.

Chairman Rogan stated lot number three.

Rich Williams stated we have the area, I don't know about the set backs, how it effects set backs. I don't imagine that the set backs are going to be an issue either.

Board Member Pierro stated if we are going to carve this off, why don't we give the whole thing to the Town, this way it is all.

Chairman Rogan stated you are awful cavalier with the man's property.

Board Member Pierro stated why not.

Mr. Hogan stated we can accomplish, I think what the Town wants with a common drainage easement agreement and an easement to the Town to confirm that it is being done without separating it.

Rich Williams stated it is not an issue of maintenance, again I go back to, if property owners don't own the land, they have a tendency not to disturb it. I know in the Town of Southeast somebody had a pond on their property, they didn't like it, so they went and filled it in. In the Town of Patterson somebody had a pond and viewed it as fill, they excavated it out, they took the pond away, the berm. After that we started looking at putting them on their own lot, so people don't think that they own that property and that they can do what they want with it.

Mr. Hogan stated how about if the lot is land locked and you have easement to it, so if the lot looked something like this and it didn't have frontage and it was land locked, I don't think that it effects, we have enough area here, I think this is two acre zone, we have eighteen acres on this side.

Rich Williams stated I don't see why you couldn't just break it off from the road and put a driveway.

Mr. Hogan stated just to have a driveway coming to it and have it wind up being. Have a driveway coming into this.

Rich Williams stated you are going to have to have a maintenance access road into it.

Mr. Hogan stated we don't lose anything along here, we just (unable to hear).

Rich Williams stated that you are doing a 280-a, frontage isn't an issue.

Mr. Hogan stated okay, is that okay with you guys.

Board Member Pierro stated let us read through Rich's report for the next two weeks,

Rich Williams stated there are pluses and minuses both ways.

Board Member Pierro stated there sure are.

Chairman Rogan stated definitely. So we ask that you get this staked. We were talking about, where is Ted, wetland delineations on this, where do we stand with that.

Ted Kozlowski stated it has been a long time, are the flags still up Jay.

Chairman Rogan stated probably not.

Board Member Pierro stated probably not.

Mr. Hogan stated I will have to check, I will find out.

Ted Kozlowski stated what are you basing the wetland on.

Mr. Hogan stated I think the guy who did this, I think it might have been two or three years ago, I think it might have been Mike Newicki, from Newtown. It is not shown here on the map and I came into this two and half years after.

Ted Kozlowski stated we are going to have to take a look just to verify.

Mr. Hogan stated okay.

Board Member Pierro stated we are a month away from snow melt anyway, so we have time to get this flagged.

Rich Williams stated or at least twenty-four hours.

Chairman Rogan stated at least twenty-four hours. But Jay, if you can get some staking done for centerline of the road, centerline of the driveways, house locations, with the idea that we are pulling that house. Figure out where you can pull it too first, so you are giving us best case scenario and then I think that it would be beneficial for those lots to have one hundred foot wetland buffer line delineated somehow so that we can clearly see.

Mr. Hogan stated okay, do you guys have a preference, because I think when we stake out the centerline, I don't know if we are going to stake out the centerline of this or that one, do you guys have a preference of whether you want, of what you want to look at.

Chairman Rogan stated they don't overlay where the location is the same. I don't think that whether the centerline is shown on this plan and it is twenty feet over, I don't think that is going to have, you said the house locations are the same.

Mr. Hogan stated right, we are going to change this one up here we are going to move this one around.

Chairman Rogan stated okay.

Ted Kozlowski stated Jay, does somebody live in the existing house.

Mr. Hogan stated yes, I think that it is rented right now, the last time I knew it was rented, I stopped getting bills for paying the mortgage on it.

Chairman Rogan stated that is a good sign.

Ted Kozlowski stated will somebody let that owner know that the Board will be out.

Mr. Hogan stated believe it or not, this property here is separate from this but we will let the tenant know.

Chairman Rogan stated once you let us know its staked, we will let you know when we plan to do it, so you can notify.

Mr. Hogan stated okay.

Chairman Rogan stated well we appreciate this alternative compared to what we had a couple of years ago, we can work with it.

Board Member Pierro stated absolutely.

Mr. Hogan stated thank you so much for your time, I appreciate it.

Chairman Rogan stated thank you.

Mr. Hogan stated have a great night.

9) PAPIITTO SITE PLAN

Mr. Robert Cameron from Putnam Engineering, Mr. Jeff Papitto and Mr. Vince Papitto, the Applicants were present.

Chairman Rogan stated Papitto site plan. Good evening Rob, could you just please when you get settled, please state your name for the record. This is the.

Mr. Cameron stated Robert Cameron from Putnam Engineering representing Vincent Papitto, Papitto Construction. This is an existing site that is located on Fair Street, it is the old Von Essen property, it is adjacent to Putnam County Highway Garage and across from the Highways and Facilities Building. It is about a 2.61 acre parcel, there is an existing residence on the property as you can see outlined by the building and the pool behind it. What we are proposing to do is to change this residential building, which is in the I zone, to a contractors office and storage yard located in the rear. We are proposing a sixty by one hundred building in the rear and a equipment storage yard, we are going to be renovating the existing building, we are not proposing to do any changes to the exterior, it is actually quite a nice building and I have already been out there and we can accommodate everything we need that we need to do for the contractors office within the building without doing any changes. The only change that we would be doing to the residential building is adding a handicapped ramp for accessibility, which we would bring around towards the back of the building. We are proposing to place parking to handle the needs of the office and of the warehouse. Rich did note that I had a little error on there in the area of the building, I actually did compute the area of the building, it is fourteen hundred square feet for the first floor and somebody made a mistake on there, I actually have fourteen spaces, which I had previous had calculated, which would handle the square footage of the building, one space per two hundred plus whatever the Board determines that we need for the warehouse in that back. Which really we are not going to need a whole lot for the storage back there, they are going to be keeping some of their equipment indoors. What we would like to do is have a gravel yard in the back. Rich had made comment that the Board may have some concerns with having contractors equipment back there in a gravel yard area, now I have done this before and what we have done is that we have indicated there are not going to be any oil changes, the equipment shall be maintained, if you want us to put in an oil/water separator, we could look at that, I will rely on the Board's direction for that. The advantage of obviously a gravel yard back there for us is for storm water, then we create impervious surface, the more run off we are going to have. We are proposing to widen the existing driveway slightly, right now it is quite narrow and to get equipment up there, if he is bringing a large piece of equipment

We would like to have a slightly wider driveway and also being used for the office, so if two vehicles need to pass each other going down the driveway, we would like to widen that out a little bit.

Chairman Rogan stated I think that everybody has been dying to ask you what the plans are for the pool. Is that for after the contracting work is done at the end day.

Mr. Cameron stated during the summer when they come back from a difficult job, it is going to be a way to relax.

Chairman Rogan stated a job well done, guys there is beer by the pool, go ahead.

Mr. Jeff Papitto stated it's the oil separator.

Chairman Rogan stated it will probably work real well.

Board Member Montesano stated I thought it was in case the guy got annoyed, they would pump the pool out and he could dive in.

Chairman Rogan stated filling in the.

Board Member Pierro stated Rob, my only concern is that sometimes the dangerous part of having contractors yards is that all of a sudden we have a tremendous amount of outside storage that we weren't banking upon. Head ended equipment that is broken, somebody else needs a spot to put equipment so that they don't have to tow it to Larchmont or something like that and they wind up storing equipment outside. Now granted, you don't have the cleanest neighbors in the world there with the Highway Garage and the bus garage next door but I would be concerned about restricting outside storage on this lot because the house as you said is a really nice looking house.

Mr. Cameron stated actually if you have been to this lot, because of the grading and the topography, this is really pretty private back here, and you really can't see anything back there and it is certainly not their intention to keep broken down equipment back there. They are going to have to store some equipment inside and it is your intention to store some equipment outside not a whole lot of equipment. If you want we can indicate an area, little boxes or something like that if you want an area for equipment but in reality you really are not going to be able to see a whole heck of a lot back there and you have to keep in consideration who the neighbors are and if you ever looked behind the Putnam County Building.

Board Member Montesano stated now, now, come on.

Chairman Rogan stated I think that when we actually get up there and see, we have all seen it from the road, getting up and seeing the back of the lot, that will tell us a lot.

Mr. Cameron stated you can look right down into their yard and see what they are doing, they can't see up.

Board Member Pierro stated just because we can't see it, doesn't mean that we want to create a junk yard or a one yard.

Mr. Cameron stated I understand.

Chairman Rogan stated now the contractors yard, the storage building, that brings to mind a lot of different uses and so I guess what we are looking for is a little more clarification as to the actual use of the building, is it a storage building, is it a maintenance building, a maintenance facility, I would imagine, certainly the oil changes, the maintenance on the heavy equipment, is that what the building is proposed for.

Mr. Jeff Papitto stated primarily the equipment companies' do all the maintenance on them.

Chairman Rogan stated he is going to have to repeat that unless you want to come up and use the microphone.

Board Member Pierro stated please come up sir.

Mr. Jeff Papitto stated good evening I am Jeff Papitto, most of our equipment is maintained by the equipment company, so they are dropped off at Pine Bush Equipment, which is the next exit up and they take care of that. It would be primarily to store our service trucks inside that are loaded up with all the tools.

Chairman Rogan stated the same thing with the service trucks, mechanic work for those trucks isn't done on site.

Mr. Jeff Papitto stated all of our trucks are new and they are maintained by Park Ford.

Chairman Rogan stated wow.

Board Member Pierro stated what kind of construction business are you in sir.

Mr. Jeff Papitto stated we do environmental construction.

Board Member Pierro stated site plans and things like that.

Mr. Jeff Papitto stated no we do underground fuel storage, we are general contractors but we do a lot of tank work.

Chairman Rogan stated you do remediation.

Mr. Jeff Papitto stated yes sir.

Chairman Rogan stated that brings up, I am glad that you asked that question because certainly this company knows the regulations on removing oil tanks and such. It just brings to life the need to address what is going to be stored on site because as Dave had said we end up with a fuel tank sitting on the back of a trailer that is in transition that is hold up on site. We just want to make sure that we don't end up with a problem.

Board Member Pierro stated no trucks loaded with contaminated soil, we would prefer them not to sit on site. I know that you have different burn plants to.

Mr. Jeff Papitto stated well that is against the law, you can't keep in your truck over night, that is contracted out and goes directly off site, so that would never be an issue. The tanks are also, they are brand new and they get delivered to site so that never comes into our facility.

Board Member Pierro stated I don't really so much have a problem with new tanks being stored there as long as we limit the number.

Chairman Rogan stated but I think what you mentioned though about knowing what the future site would be used for, delineated a little bit, if you know that you are going to have five tanks on site maybe, this is where we propose to keep them, we can at least plan things a little bit, not that we are nailing you down to it at this time but getting a better sense of what you are using the site for will help.

Mr. Cameron stated I can prepare a further description, if there is any outdoor storage, we will just indicate it on the plat.

Board Member Montesano stated an emergency situation and have it in one area, if that ever occurs, I will give you benefit of the doubt that it may for some strange reason, they could get called by the County or the Town to do that.

Chairman Rogan stated are you going to have fuel storage for filling your trucks on site, are you going to have like a five hundred gallon fuel tanks or something for fueling.

Mr. Vince Papitto stated I am Vince Papitto, I am the owner of the property. Normally any contractors yard would have at least a five hundred gallon of storage. There are no oil tanks on the property as of yet, getting back to the storage of oil tanks and what not, they do not come back to the yard, they go right to be recycled, we do not even store new tanks.

Chairman Rogan stated oh you don't, I thought.

Mr. Jeff Papitto stated no they go straight to the site.

Mr. Vince Papitto stated tank deliveries are five and six weeks out so anytime we have tank on order we are always waiting for it to go right straight to the job. We would want to be able to store some diesel fuel.

Chairman Rogan stated we would just want to make that it is appropriate storage, that we are ensuring.

Mr. Vince Papitto stated that is the nature of our business.

Board Member Pierro stated that is their business.

Chairman Rogan stated but it is not shown on the plan.

Mr. Vince Papitto stated we are very anxious to move into the building as well into the yard, we need the office space desperately and we are hoping that this doesn't drag out so that we can at least use our office while some of this work is being approved.

Chairman Rogan stated we will make you a deal, if you do your work, we will do ours.

Mr. Vince Papitto stated absolutely.

Board Member Pierro stated have you presently taken title to this property.

Mr. Vince Papitto stated absolutely.

Board Member Pierro stated oh you have.

Mr. Vince Papitto stated yes.

Board Member Cook stated you received a copy of Rich's letter from the twenty second of February.

Mr. Cameron stated yes, I can address most of those, if it was owned by individual, the box will be check individual, Mr. Papitto owns the site.

Board Member Cook stated the updates to the drawings and where he outlines the site requirements.

Mr. Cameron stated yes.

(TAPE ENDED)

Board Member Pierro stated (spoke before the tape began)

Rich Williams stated no.

Board Member Pierro stated no.

Rich Williams stated they are both principals.

Board Member Pierro stated excuse me.

Rich Williams stated they are both principals.

Board Member Pierro stated they are both principals, okay.

Chairman Rogan stated the question I had asked at the work session was that when we changed the residence to a commercial office space with a contractors yard, my understanding was that it can not be reverted back to residence at some point the future would it require special permits or just they have lost that use once it is gone.

Rich Williams stated once you a convert a non-conforming use to a conforming use you can not go back.

Mr. Cameron stated you can not reconvert it.

Chairman Rogan stated oh okay. It is a very nice house, I was in the house about nine years ago, a gorgeous house.

Board Member DiSalvo stated when Von Essen was still there.

Chairman Rogan stated when they were having the concern about the MTB contamination of the ground water out there in that area because of fuel. Yeah.

Mr. Cameron stated on of the other issues, Rich brought up the issue of this being a principal structure so this is, the twenty feet, this building would have to be shifted off so that it meets the set back which would be thirty feet which is easily accommodated, we just move it ten feet further out.

Chairman Rogan stated okay.

Board Member Pierro stated fine.

Mr. Cameron stated the screening was another comment that he brought up in the memo. I guess when you go out to the site you can look at it but I am considering maybe asking for a waiver of the screening if you will consider that or some direction as to what kind of screening you might want at the site.

Board Member Montesano stated we don't want you looking at the County Garage.

Chairman Rogan stated how tall is the building going to be.

Mr. Cameron stated this building.

Chairman Rogan stated yes.

Mr. Cameron stated probably about twenty-five feet, at least something like that.

Chairman Rogan stated Rich was the screening intended for screening the building from Fair Street.

Mr. Cameron stated or the yard.

Rich Williams stated it is actually a requirement of the Code, so Anthony, you might want to jump in here, I don't know if this Board can waive.

Mr. Cameron stated so you can't waive that, because it says screening.

Chairman Rogan stated but where the screening is being placed and what the intent of the screening is to block from the entire site, certainly we are not going to ask for them to screen the house that exists.

Rich Williams stated that is your discretion.

Chairman Rogan stated oh okay, maybe Rob we might after we see the site, we might determine that it is appropriate to place some natural screening from the corner of the house toward the property line closest to Route 311, just to add some visual screening from Fair Street to the building, we'll see.

Board Member Montesano stated we don't want the guys from the County garage looking at all of these vehicles.

Chairman Rogan stated right so I think that we really need to take a look at the site. Can you give us corners of the building, maybe the delineation of the proposed yard and the centerline of the extension of driveway.

Mr. Cameron stated yes, it is actually once, you get up there it is pretty obvious.

Chairman Rogan stated anything else you want out there, pretty self evident.

Mr. Cameron stated especially with the stone wall.

Chairman Rogan stated the property lines are obvious.

Mr. Cameron stated yes.

Chairman Rogan stated okay.

Mr. Cameron stated the thing that I would also like to ask the Board is that the owner is very anxious to get his office located on this property, he would like open his contractors office, would it appropriate to phase this application in any way.

Chairman Rogan stated to allow the existing structure without any improvements, the way it is.

Mr. Cameron stated yes, to be utilized.

Chairman Rogan stated can you think of any reason why, Rich, can you think of any reason why.

Mr. Cameron stated I don't know how that would work, I need a little bit of direction on how that might precede because it is a site plan application.

Board Member Montesano stated with the existing building being there.

Chairman Rogan stated ask Anthony.

Board Member Montesano stated as long as they are not going to do any work to do and they are going to utilize it as it other then interior, we shouldn't have a problem. It is there, its not like they are putting something up.

Chairman Rogan stated yes.

Rich Williams stated there are two issues here that I am wrestling with, one is that there is a provision in our Code with a change of use that if there are no exterior improvements that I can sign off and let them go in, I would probably be hard pressed to say that there is adequate parking out there for the size of the building.

Mr. Cameron stated unless we put a stipulation in there just for the purpose of him getting into the building that we use the existing parking that is out there and no further parking.

Rich Williams stated I hear what you are saying and conceptually I don't have a problem with it at all, other then just wrestling with procedures and the other issue has to do with SEQR.

Chairman Rogan stated and certainly we could do a negative determination based on there not being any changes to the site, it isn't creating any impacts.

Rich Williams stated but I am thinking more about segmenting the review of the overall proposal.

Mr. Cameron stated that is if we don't do, if he just moves directly into it, that shouldn't devote a SEQR at all, should it.

Board Member Pierro stated changing the residential use to an office use.

Mr. Cameron stated is it technically a change of use, I mean it is permitted in this zone already.

Board Member Pierro stated and it has been used in the past as an office to Von Essen.

Mr. Cameron stated as Von Essen's office.

Board Member Montesano stated I have no problem with it.

Chairman Rogan stated I don't either.

Board Member Montesano stated the building is there.

Rich Williams stated if everyone is comfortable with it, I can issue a letter but if I issue a letter, it is going to qualify what they are proposing to do and limit the number of employees there.

Chairman Rogan stated to be clear.

Rich Williams stated now having said that, that is a zoning issue, there maybe building issues that I am not aware of.

Dave Raines stated What.

Chairman Rogan stated you are up.

Dave Raines stated thankfully I was awake when I addressed this. Awhile ago I got a call from a prospective buyer to see what and we had discussed this briefly just in the scope of can we make this an office. We had talked about parking and signage being the two outstanding issues and we would address that when it came to permission, not taking into consideration of the other site improvements that warrant discussion. I think that we are still facing those two issues, signage and what improvements we need for parking if any.

Rich Williams stated so you aren't going to require any improvements for them to occupy the building.

Dave Raines stated they haven't requested. We are going to go and do a fire inspection to make sure that you meet commercial code, exit signage might not be existing and alarms and things like that.

Mr. Cameron stated we have to do that right.

Dave Raines stated unless you are making capital improvements or structural improvements that would go through a building permit but otherwise occupancy will require a fire inspection to make sure that we meet fire code, that is really the critical piece for occupancy, unless you have concerns over parking at this point. I just, while I have the microphone so I can do an assessment, a plan review. I need the complete scope of what is proposed because I looked at it as a contractors yard, not taking into consideration potential containment issues and permeability and if we are going to be bringing it. This is a remediation type.

Mr. Jeff Papitto stated absolutely not.

Dave Raines stated what are we going to be doing here.

Mr. Vince Papitto stated this is an all family business, a three person office, we do general construction and we remediation. Remediation is done on the site.

Chairman Rogan stated not on this site, is what you are saying.

Mr. Vince Papitto stated not this site.

Dave Raines stated are we bringing oil tanks to the site.

Board Member Pierro stated no.

Dave Raines stated okay, I just want to understand the scope.

Chairman Rogan stated we just went through that you must have been.

Dave Raines stated sorry, my bad.

Chairman Rogan stated its okay.

Board Member Pierro stated that was our concern as well.

Rich Williams stated Rob what I would ask is that the Applicant submit a detailed letter describing what they are proposing to do just with the residence out there occupying it as an office.

Dave Raines stated how many offices, I'm sorry Rich, how many offices, first floor, second floor, just so that we have layout just so that we have a handle on that, I can give you back what the requirements are.

Mr. Cameron stated basically, there are two or three bedrooms upstairs.

Mr. Vince Papitto stated there are three bedrooms.

Mr. Cameron stated and those would be as is converted to office space.

Mr. Jeff Papitto stated we have no need for offices in every room.

Mr. Cameron stated I am just saying that there are no structural changes, essentially no.

Dave Raines stated just a scope of this office that way I can provide you with the requirements will be as far as alarms, egress, lighting, so that you can manage that without a lot of back and forth.

Mr. Cameron stated okay.

Rich Williams stated and I need something very similar so I can send a letter back saying change of use is acceptable.

Chairman Rogan stated okay.

Board Member Montesano stated do we need anything from this Board at the present time to allow you to do that.

Rich Williams stated no.

Board Member Montesano stated okay.

Board Member Pierro stated okay.

Chairman Rogan stated just let us know when we can take a look.

Mr. Cameron stated very good, thank you.

Board Member Pierro stated very good.

Board Member DiSalvo stated (unable to hear) fire inspections.

Dave Raines stated I will get that done, that is not a problem.

Board Member Pierro stated you are on your gentlemen, thank you for your time.

Chairman Rogan stated welcome to Town.

10) BURDICK FARMS SUBDIVISION

Mr. Vincent Conditto, the Applicant, was present.

Chairman Rogan stated Burdick Farms.

Board Member Pierro stated that looks familiar.

Chairman Rogan stated (unable to hear).

Board Member Pierro stated I just wanted to look at the ones with the, is this the map. I am going to need to get up there to see it close, I can't see it from up here.

Chairman Rogan stated Vinny, can you just state your name for the record.

Mr. Conditto stated Vinny Conditto and I just came to listen, not to say anything.

Chairman Rogan stated Vinny all we are going to do tonight is that we have technical issues that of course you know that your engineers still need to address. As we had told you so long as there is nothing glaring that is popping up on this we are comfortable with a resolution. And having said that there are one or two little issues that we want to talk to you about before we move forward. There are things that we spoke specifically to you and John Kellard about and they relate to usable area of a yard with concern to the drainage easements. We asked Rich to put the plans up because there are a couple of lots that we and Rich and probably hopefully Gene agree that with modified storm water practices we can eliminate some of these easements and I think really create a simpler storm water plan.

Mr. Conditto stated okay.

Chairman Rogan stated I think I am going to need to look up there also.

Board Member Pierro stated we are back to our concern of folks having to come back later on to put a deck on, or a pool on and then they find out that they are right on top of a management practice, so we are trying to search for other ways.

Chairman Rogan stated yellow would be the drainage easements and Rich and Gene please jump in if I wrong on this. It seems that the storm water practices that are set up in these easements are designed to.

Board Member Montesano stated we can't see here, thank you.

Chairman Rogan stated I actually thought that I was loud enough that that would pick up.

Rich Williams stated all of a sudden everybody congregated around you.

Chairman Rogan stated Theresa can you hear me. The drainage easement that is proposed, I believe is just to handle the runoff from these roofs of these houses and I know that Rich believes that we can use other practices to eliminate some of this interconnected piping which basically creates the need for this easement whether we can put in some type of dry well or something that will address those, will take out much of these easements. Now correct me if I am wrong Rich, if we can eliminate that, we can then resolve a lot of these issues with people using their backyards. Specifically on lot 27 and lots 28, 24, 25, 27, and 28 are some of the more glaring ones where the drainage easements go within feet of the back of these houses and then on the other side of the easement they have a septic system. While I know we were comfortable with notifying people that there are limits on some of these lots, we still said that that was a very strong concern of the Board. What we are proposing, if you are amendable to this is put a contingency on the resolution that these be looked at and modified to eliminate the need for some of these easements which I think will benefit everybody.

Mr. Conditto stated I just want to make it clear Rich that I thought there was a discussion about the rain gardens. Is that we are talking about here and my understanding from Christina is that they felt pretty negative about those.

Rich Williams stated they did feel, they didn't submit anything back to me explaining why, certainly I know that they looked at 13, 14, 15, or 16, up in that area.

Mr. Conditto stated these three for sure.

Rich Williams stated right, in that area there are other things. There are things like infiltrators or dry wells that could pick that up and get rid of it. Some of the other areas, you know down 29 through 35, somewhere in there, all those lots, the grades are more amendable perhaps they can get something off to the side. Again there are other practices that they can look at, I just. Those drainage easements and the piping going through there really is going to limit what those homeowners are going to have, be able to do with decks and pools and that is going to impact the value of those lots and it is going to impact the property owners. Honestly Vinny, I am looking to solve my headache because they are going to be coming back into me and saying why.

Mr. Conditto stated I know you guys want to do that and we have been talking about and I am happy with any changes that will improve that area. I would be happy to put it as part of the resolution and my suggestion is that Gene has already suggested that you guys have a meeting with Kellard and include a discussion at that point. I think that they felt very strongly that it was a limited use based on the water tables at the site, that is my understanding, again I am not the expert on that.

Rich Williams stated I think that is more slope then it was rain gardens but again I said show me what you have and it didn't come so I don't know. I am not disputing that they are correct with that practice but there has to be other practices.

Mr. Conditto stated I am not the expert so.

Chairman Rogan stated nor are we but that is definitely something that I think anything we can improve on that is going to help those homeowners drastically.

Board Member Pierro stated at minimum if we do nothing and leave those easements in place, they have to be marked so that a new homeowner coming knows that they are there.

Mr. Conditto stated sure, they should be part of the plat. They are part of the plat.

Chairman Rogan stated they are part of the plat but.

Board Member Pierro stated but physically marked would be.

Mr. Conditto stated oh I see.

Board Member Pierro stated so that a person who shows up there.

Mr. Conditto stated knows where the pipe is.

Board Member Pierro stated knows where they can't put a pool in.

Chairman Rogan stated can you imagine the guy that, even to just put in a concrete patio or something to that effect, you get where we are going with this.

Mr. Conditto stated yes, I don't have a problem.

Chairman Rogan stated we talked about dry wells, possibly using them, putting the water to the surface, I mean from the roof, we can not discharge clean water from the roof to just to the surface with a diffuser.

Gene Richards stated it is not clean water.

Chairman Rogan stated from the roof.

Rich Williams stated it is not considered clean water.

Chairman Rogan stated okay but it is certainly not sewage.

Rich Williams stated no but it is water that is required by regulation to be treated.

Chairman Rogan stated okay but so I think that certainly will help us out.

Mr. Conditto stated no problem I am happy work for it.

Chairman Rogan stated I believe that and I may have missed some Rich, so any condition that we put on the resolution would be subject to you missing any lots but I saw 23 through 28, 23, 24, 25, 27, and 28, I am sorry with the exception of 26, 26 did not have an easement running through it and then 14 and 15. I saw seven lots and I might have missed some so you just need to look. Basically what I think it would be is any lot that has a drainage easement between the house and the septic and that pretty much covers it. Doesn't it.

Rich Williams stated how about anything with a drainage easement within thirty feet of the house.

Chairman Rogan stated okay, yes. Drainage easement within thirty feet.

Mr. Conditto stated do you want to come with a number for that for Kellard or (unable to here).

Chairman Rogan stated within thirty feet of the house.

Mr. Conditto stated he will describe what is within thirty feet and decide which ones you are interested in.

Rich Williams stated it will become very obvious, I know that there are some drainage swales and other practices on the rear property line, we are not talking about that but I would like too.

Board Member Pierro stated Rich made an error.

Board Member DiSalvo stated he made an error.

Board Member Pierro stated oh man, leave the guy alone but we will roast him after the meeting.

Rich Williams stated what is the error.

Board Member Pierro stated it was my mistake, I misread something, I am sorry. Charlie found it. He has great eyes. Public Hearing final pending, okay we got you.

Chairman Rogan stated does anyone on the Board have anything else that they would like to discuss on this project.

Board Member Montesano stated yes, goodbye.

Chairman Rogan stated entertain a.

Board Member Pierro stated a public, no not a public hearing.

Chairman Rogan stated it is not a public hearing, a resolution for final subdivision first.

Board Member Pierro stated in the matter of Burdick Farms, I make a motion that the Town of Patterson grant a final subdivision approval with the, sorry I didn't take my notes well, the eleven general conditions and seven special conditions listed in the memo dated March 1, 2007 to include.

Board Member DiSalvo stated no.

Board Member Pierro stated no, to include.

Chairman Rogan stated you said the date.

Board Member Pierro stated March 1, 2007.

Chairman Rogan stated that is correct.

Board Member Pierro stated to include revisiting the drainage easements that are within thirty feet of any residence to include but not limited to lots 14, and 15, lots 23, 24, 25, 27, and 28.

Chairman Rogan stated that is correct.

Board Member Montesano seconded the motion.

Chairman Rogan asks for all in favor:

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

Motion carries 4 to 0, one abstain.

Chairman Rogan stated any opposed, any abstained.

Board Member Cook stated I abstain, for the same reason as previous.

Chairman Rogan stated can you please state it for the record. Please Charlie, state your reason for the record.

Board Member Cook stated I abstain from voting on this project due to the fact that the project has been in existence for several years and I am just new to the Board and was not part of any site visits and other discussions that went on over the at least previous three years.

Chairman Rogan stated thank you.

Board Member Cook stated you're welcome.

Board Member Pierro stated in the matter of the final site plan approval, in the matter of Burdick Farms Subdivision, I make a motion that the Town of Patterson Planning Board grants final subdivision approval with the six general.

Chairman Rogan stated wait.

Board Member Pierro stated final site plan approval, sorry, site plan approval with the six general conditions and the eight special conditions outlined in the memo dated March 1, 2007 to include contingencies to mitigate storm water practices on any property within, what was that note.

Chairman Rogan stated any easement.

Board Member Pierro stated any easement within thirty feet of any property to include lots 14, 15, lots 23, 24, 25, 27, and 28.

Chairman Rogan stated can I have a second.

Board Member Montesano seconded the motion.

Chairman Rogan asks for all in favor:

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

Motion carries 4 to 0, one abstains.

Chairman Rogan stated any opposed, abstain.

Board Member Cook stated abstained for previous reasons.

Chairman Rogan stated thank you very much.

Mr. Conditto stated thank you. Any chance that I could have these.

Rich Williams stated no.

Chairman Rogan stated it is contained in the resolutions.

11) OTHER BUSINESS

a. Camp RE Lot Line Adjustment

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

Chairman Rogan stated what are we down to, Theresa.

Board Member DiSalvo stated Theresa.

Chairman Rogan stated Camp RE Lot Line Adjustment, thank you. We are here to discuss that well aren't we.

Ms. Ryan stated yes, we are.

Board Member DiSalvo stated what if somebody falls in there.

Ms. Ryan stated it says in the resolution that well should be abandoned, Camp RE knows that it will cost anywhere from five to fifteen thousand dollars to drill a well if they need one.

Chairman Rogan stated oh drill one.

Ms. Ryan stated they didn't see the need to abandon a well that has that type of value. Just like if they had a structure on there that they ended up with that was in good condition, they wouldn't see the need to destroy that either. In lieu of that what they would like to do is weld the cap on in accordance with Health Department regulations which is accepted by the Health Department, in lieu of filling it concrete.

Chairman Rogan stated and really the only objection to that, that I heard discussed anyway that if they are not proposing something for that well in the very near future that we would be concerned about what would happen with that well twenty years from now if it degrades, the well casing itself you would still have an open conduit to aquifer, especially since we saw the condition of the well as it exists, wide open, so that was a concern. I don't have any objection to welding it on but I would probably want it to be obvious that that well it out there, I almost want to tell them to paint it fluorescent orange except that, it is not visible from anywhere but we want people to know that it is there but then are you creating an attractive nuisance by know that it is there, I don't know but it needs to be safely.

Ms. Ryan stated we were going to suggest to make sure that nobody knows it is there, mound something over it.

Board Member Montesano stated let's say that a piece of equipment drives through there and takes that whole pipe out because it is not there.

Chairman Rogan stated especially if it is mounded around.

Board Member Montesano stated and now that opening goes straight back down to the aquifer and any garbage that comes by will go right now the tube.

Rich Williams stated I have a solution for that.

Chairman Rogan stated abandon it.

Ms. Ryan stated well that could happen at any property. Somebody could drop something into a well, you can't predict that type of thing.

Chairman Rogan stated that is true.

Board Member Montesano stated but if there is something there, there is the possibility it was either painted a bright orange or a pole or something.

Ms. Ryan stated and there shouldn't be traffic in there anyway, it is vacant land, there shouldn't be trespassing.

Board Member Montesano stated General Custer said don't worry about the Indians because he had it under control.

Chairman Rogan stated okay I guess really the point of order is that if it is something, we have asked for it to be abandoned and if there is something that is allowed by a governing agency charged with protecting ground water and they find that suitable, then I don't really have a problem with that.

Board Member Montesano stated I am not arguing that but I am arguing the fact that there should be some way of knowing that it is there.

Chairman Rogan stated yes, I agree, so what kind of suitable other than mounding over it.

Board Member Pierro stated I am happy with having the cover welded shut and having it denotated on all of the plans. I sure that it already is but.

Chairman Rogan stated what kind of demarcation would you like Mike.

Board Member Montesano stated I would like to see something.

Board Member DiSalvo stated like what they have around power boxes or.

Board Member Montesano stated something that should be there and if they anticipate using this thing in the future then it is some value, they are telling us, then protect your value by putting something around it painting the thing, so that someone driving through there can see. Now we walked down there and it may be closed property but I have seen people drive down there turn around because they look at that nice puddle out there, what do they call that, some kind of lake.

Board Member Pierro stated we have a lot of these wells all over Town on pieces of property like this and.

Board Member Montesano stated but I don't see them in front of this Board, that is.

Chairman Rogan stated I painted mine green with two dollars worth of spray paint and that worked great, so maybe we should paint it a fluorescent orange.

Board Member Montesano stated but how many hunters cross your property with cars.

Chairman Rogan stated no I am not disagreeing with you, I am saying that I don't think it is a cost factor to demarcate it, I just think that we need to decide what we want.

Board Member Montesano stated well I'll tell you, some kind of protection around the pipe itself and some kind of color, whether it be a small sign that signs says Well do not hit, because somebody would shoot it anyway. What I am saying is that it is there and they are just telling us how valuable it is, yet they don't want to protect, they are going to put a cover on it.

Ms. Ryan stated they didn't say that they didn't want to protect it, they want to weld the cap on so that it is permanently sealed.

Chairman Rogan stated we understand.

Board Member Montesano stated that is fine but I want some kind of delineation as to what aside from the welding of the cap, which is fine.

Ms. Ryan stated they can paint it, that is no problem.

Board Member Pierro stated okay, great fine.

Chairman Rogan stated motion.

Ms. Ryan stated any color in particular, that you all would like.

Board Member Pierro stated orange is fine, day glow orange.

Chairman Rogan stated Dan you are burning with a question, in fairness this isn't a public hearing but we will give you this one chance.

Board Member Pierro stated because we haven't see you in awhile Dan.

Dan Kuchta stated painting seems like such a temporary solution. How long do you expect this to not be used, I mean.

Chairman Rogan stated well that is a very good question.

Board Member Pierro stated we are biting at the bit to find out what is going to go on back there.

Chairman Rogan stated I think that we expect something to be utilized for this property.

Ms. Ryan stated well it is not a camp right now, it was used as a camp but it will probably be used as camp in the future.

Dan Kuchta stated if that time period extends beyond however long the paint lasts, this isn't really a solution. If you are saying paint it every year.

Board Member Pierro stated well it is wide open now, it's open to the aquifer now, we are going to seal the top of it.

Chairman Rogan stated Dan, you are clear that this in the middle of the woods, this was a well that might have been a test well that was discovered, it is in a very wooded area and when we found it, it was without a cap.

Dan Kuchta stated that is an improvement but if you are going to go this effort, can they weld something to it like a flag pole, a statue, a fake deer, or something that is a little bit more permanent then orange paint.

Chairman Rogan stated well I will tell you what when they weld the cap on, it currently exists, it is probably what, a foot out of the ground, tell them to weld an extension on it and make it like a minimum three feet out of the ground.

Board Member Montesano stated you have fire hydrants that when covered by snow, they have those nice steel rods.

Dan Kuchta stated can you weld a sign to it that says this a well.

Board Member Pierro stated people know it is, people know it is a well, just the well that it is your back yard and my back yard.

Chairman Rogan stated only if the Board thinks that is something appropriate, I don't want to go through welding.

Board Member Cook stated Theresa, are you familiar with the fire hydrant type flags.

Dan Kuchta stated just to mark it so (unable to hear, too many speaking).

Board Member Cook stated similar.

Ms. Ryan stated fire hydrant flags.

Board Member DiSalvo stated put a fire hydrant there.

Chairman Rogan stated no.

Board Member DiSalvo stated on top of the cap.

Board Member Pierro stated then somebody is going to think it is a fire hydrant.

Board Member DiSalvo stated like in front of my house.

Board Member Montesano stated then some dog will come walking by and hit it, I mean.

Chairman Rogan stated I heard the height of a fire hydrant sounds like a good idea though.

Board Member DiSalvo stated I have one in front of my house.

Chairman Rogan stated final height of this well to be a minimum 36 inches off existing grade.

Ms. Ryan stated okay.

Chairman Rogan stated for the time being paint it orange, we are going to have something where we are going to be looking at this, I'm sure within the next few years and I am sure that that paint will last, Rustoleum, flat chartreuse, something or another.

Board Member DiSalvo stated like the Highways.

Chairman Rogan stated that will be fine.

Board Member Montesano stated big orange polka dots.

Board Member DiSalvo stated did we ever find where the pump was.

Chairman Rogan stated make that amendment in the form of a motion. Can I have a second on that.

Board Member Pierro stated we need that.

Chairman Rogan stated yes, we need a motion to change what was a condition of our approval.

Board Member Montesano stated (unable to hear, too many talking).

Board Member DiSalvo seconded.

Chairman Rogan asks for all in favor:

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

Motion carried on a vote of 5 to 0.

Ms. Ryan stated thank you very much.

2) RUFFLER-COLARUSSO W/W PERMIT APPLICATION

Chairman Rogan stated Ted we didn't get anyone here tonight from Ruffler-Colarusso Wetland/watercourse permit.

Rich Williams stated set the public hearing.

Chairman Rogan stated I was just going to say do you want to set the public hearing and let them know what they need to do or somebody let them know, since it is such a straight forward application.

Ted Kozlowski stated I gave them a copy of the memo that I gave you guys.

Chairman Rogan stated they may not have realized that they were supposed to come here tonight.

Board Member Pierro stated in the matter of Ruffler-Colarusso, unless you are not finished Ted.

Ted Kozlowski stated no, go ahead.

Board Member Pierro stated I make a motion that we set the public hearing for the April 5, 2007 meeting.

Board Member DiSalvo seconded the motion.

Chairman Rogan asks for all in favor:

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

Motion carried on a vote of 5 to 0.

Chairman Rogan stated we also ask that Ted or the Secretary reach other to these people and them know about the notification requirements.

Board Member Pierro stated the notification requirements.

Ted Kozlowski stated do you want me to do that for you.

Board Member Pierro stated Rich what happened, before adjourn, what happened with Barjac in front of the Town Board last night.

Chairman Rogan stated oh yeah.

Board Member Pierro stated yeah, you are both confused.

Chairman Rogan stated the.

Board Member Pierro stated the horse.

Board Member DiSalvo stated Peckham.

Anthony Molé stated the Board basically took a look at the same letter that I am sure you have and I told the Board that I had some case law that I think goes against the case law that they submitted so I am going to pull that. We can either advise the Board or draft a letter back to them but whatever you would like us to do.

Board Member Pierro stated okay fine, then they are moving on it.

12) MINUTES

Chairman Rogan stated can we get a motion on the minutes.

Board Member Montesano stated I make a motion for the minutes of January 25 and February 1, 2007 to be accepted.

Board Member Pierro seconded the motion.

Chairman Rogan asks for all in favor:

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

Motion carried on a vote of 5 to 0.

Chairman Rogan stated motion to adjourn.

Board Member DiSalvo seconded the motion.

Chairman Rogan asks for all in favor:

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

Motion carried on a vote of 5 to 0.

Chairman Rogan stated thank you, thanks everyone for their time.

Meeting adjourned at 9:55 p.m..