

TOWN OF PATTERSON
PLANNING BOARD MEETING
March 3, 2011

AGENDA & MINUTES

- | | Page # | |
|--|-------------------|---|
| 1) Spruce Ridge Craftsman –
Wetlands/Watercourse Permit Application | 1 – 2,
41 – 42 | Application deemed incomplete at 2.24.11
Work Session.
Septic Approval to be renewed. |
| 2) Thai Elephant 2 – Sign Application | 2 – 8 | Negative Determination of SEQRA granted.
2 Free Standing and 1 Building Mounted sign
approved. |
| 3) Patterson Park – Sign Application | 8 – 15 | Negative Determination of SEQRA granted.
Free Standing Sign approved. |
| 4) Patterson Park – Request for Site Plan
Waiver | 15 – 17 | Waiver of Public Hearing granted.
Waiver of Site Plan granted. |
| 5) Thunder Ridge Ski Area – Continued
Discussion | 17 – 25 | Discussion of WWTP location alternatives.
Site Walk to be scheduled. |
| 6) 450 Haviland Drive Subdivision – Continued
Discussion | 25 – 31 | Discussion of accessory structures and
wetlands.
Site Walk to be scheduled. |
| 7) Nolletti Site Plan – Change of Use | 31 – 35 | Discussion of use, site improvements.
Applicant is to bring in plans. |
| 8) Other Business | | |
| a. Genovese Flex Building –
Performance Bond | 35 – 39 | Performance Bond, Inspection Fees, and
Erosion Control Bond Amounts
recommendation to the Town Board. |
| b. Eurostyle Marble and Tile | 39 – 41 | Discussion of As-Built Plans; to be reviewed. |
| c. Pre-Notification Letters | 42 – 47 | Discussion of notifying property owners before
public hearings. |
| d. Site Plan Application Fees | 47 – 54 | Discussion of lowering fees, tax abatements,
and concerns. |
| | 54 | January 27 th and February 3 rd Approved. |
| 9) Minutes | | |

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**TOWN OF PATTERSON
PLANNING & ZONING OFFICE**

ZONING BOARD OF APPEALS

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PLANNING BOARD

Shawn Rogan, Chairman
Charles Cook, Vice Chairman
Michael Montesano
Thomas E. McNulty
Ron Taylor

APPROVED

**Planning Board
March 3, 2011 Meeting Minutes**

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

Present were: Chairman Rogan, Board Member Cook, Board Member Montesano, Board Member McNulty, Board Member Taylor, Rich Williams, Town Planner, Ted Kozlowski, Town of Patterson Environmental Conservation Inspection, Andrew Fetherston of the Town Engineer's office Maser Consulting, Councilman Joseph Capasso, Councilwoman Ginny Nacerino, and Mr. Timothy Curtiss and Miss Melissa Klepack of the Town Attorney.

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

The meeting was called to order at 6:57 p.m.

There were approximately 9 members of the audience.

Michelle Russo was the Secretary and transcribed the following minutes.

Chairman Rogan stated if everybody could please stay standing for one moment, I just wanted to take this opportunity to acknowledge the passing of a prior or former Planning Board Member, Secretary to the Planning Board, someone who we would consider a member of our family, who served in the capacity of Secretary up to a couple of years ago, who lost a battle with cancer and left us, I think much, much too soon. If everybody would just please join me in a moment of silence.

Moment of Silence ensues.

Chairman Rogan stated and I neglected to say that person is Melissa Brichta who served as Secretary to the Planning Board. Thank you very much I appreciate that.

1) SPRUCE RIDGE CRAFTSMAN – Wetlands/Watercourse Permit Application

Applicant was not present at time of discussion.

Chairman Rogan stated okay, first item on the agenda is Spruce Ridge Craftsman; it is a wetlands/watercourse permit application. Is anyone here for that application? I understand from my colleagues that that application was deemed incomplete at the last meeting and we've sent correspondence to them, you want to. Who's got the microphone?

Ted Kozlowski stated I think you received further information from New York City DEP, regarding their review on this plan and according to them they don't have their, their septic permit expired, they need to renew that and they had some additional comments which kind of mirrored my comments and in addition they were a little concerned about the well location and its drilling potential, so I am just adding that to the information in your packets...

Board Member Cook stated thank you.

Ted Kozlowski stated and I have not heard from them, any of my correspondence to Mr. Reilly has not been acknowledged.

Chairman Rogan stated okay thank you.

2) **THAI ELEPHANT 2 – Sign Application**

Mr. James J. Troetti and the restaurant operators were present.

Chairman Rogan stated alright, second item on the agenda is a sign application for Thai Elephant 2, this is for a new restaurant going in the location formerly known as the Country House...

Mr. Troetti stated it's the Steakhouse.

Chairman Rogan stated the sign and the name are always different, so Steakhouse 22 on Route 22 in Patterson. I understand that this discussed at the work session, there was some conversation about the colors of the sign and some changes, and it looks like we have some pictures here with some color swatches. So is it the intent that the color that I have here, is this a representation of what the new proposed sign would be, is that correct.

Mr. Troetti stated yes, brown.

Chairman Rogan stated yes.

Mr. Troetti stated the background and the small one would be the color of the letters.

Chairman Rogan stated okay, so basically a red background sign, white lettering as depicted.

Mr. Troetti stated right.

Chairman Rogan stated okay and I know that one is for the free standing location, it has been reduced in size from what is existing and a building mounted sign and I also understand that this still is somewhat larger than what our Code would prefer but we are bringing this property more into conform, closer to conformity and in speaking with the, my fellow Planning Board Members it sounds like what we are looking to do here is that, the next time a sign application, should your business change hands, I think I am

speaking more to you Jim as you're still property owner, if we have a change over then we are really going to look to bring this, moving forward we are into compliance.

Mr. Troetti stated what would it be in compliance, I mean we're down to 24 square feet as opposed to...

Chairman Rogan stated cumulatively or 24 [square feet], just for the free standing.

Mr. Troetti stated for the free standing.

Chairman Rogan stated the Code is within 25 [square feet] so that sign is compliant, Rich what would they allowed be for...

Rich Williams stated a single free standing sign not to exceed 25 square feet.

Board Member Cook stated one sign.

Chairman Rogan stated so the building mounted sign, so you're just looking at just a free standing sign...

Rich Williams stated correct, the building mounted sign is based on building linear footage, one square foot per, its one and a half, I mean its one and a quarter square feet per one linear foot of building, so really the issue is the free standing signs.

Board Member Taylor stated what they are proposing are two of these, so there are three signs involved...

Chairman Rogan stated oh I'm sorry, I thought there was just two.

Board Member Taylor stated so we are talking about two of these and then the reduction would take it down to just one of these.

Chairman Rogan stated okay, that reduction would then bring them within compliance.

Rich Williams stated a single sign not to exceed 25 square feet would bring them into compliance...

Chairman Rogan stated and a single sign double-sided still counts as one sign...

Rich Williams stated one sign, yes.

Chairman Rogan stated so then was I incorrect, is this proposal as its brought forward tonight, would bring it within compliance.

Rich Williams stated no.

Board Member McNulty stated its closer.

Board Member Cook stated its closer; they are proposing 2 signs that exist today.

Chairman Rogan stated okay, I apologize I'm not following this.

Board Member Taylor stated they are reducing the size that they have now of the two signs down to what would be allowable for one sign but we are still allowing them to have two signs at this size.

Chairman Rogan stated okay, the sign depicted which is replacing the free standing, Steakhouse 22 that is one sign.

Board Member Taylor stated there are two free standing signs.

Chairman Rogan stated oh, there's...

Board Member McNulty stated there's one on each end of the parking lot.

Chairman Rogan stated one on each end, so in other words we would be looking at reducing it to the building mounted sign is fine because of the lineal size of the building, okay, I had forgotten there was two different, so you pick which one of the two areas would be better for visibility.

Board Member Cook stated no, we're going to allow him to keep the two signs.

Chairman Rogan stated I mean for the future, I'm talking here forward.

Board Member Cook stated okay.

Chairman Rogan stated because that's what Jim's question was.

Mr. Troetti stated my understanding is at this point the structure itself that hold sign are grandfathered but the signs were not, that's what we discussed last week, now will they be grandfathered again next time, assuming there is a next time down the road, who knows or we will be have to be totally in compliance and only be allowed 25 square feet for the entire restaurant. I have 600 feet of frontage, 25 square feet, my personal view is not worth putting up because at 60 miles per hour they're not going to see it, it doesn't exist, they are just going to blow by, so if its still grandfathered in and if in fact we do make another application down the road, my request is can we stay with this compliance that we have. In other words can I still maintain the two free standing signs because they are grandfathered in as opposed to the signs, they are not complying with the square footage...

Board Member McNulty stated I think what we talked about at the work session is there was a major renovation to the building or significant change I think we talked about bringing it into conformity and because its so recent that Jim was in front of us, am I right Rich...

Rich Williams stated well if I could just jump in here, I mean that's really a matter for a future Planning Board to discuss and really this Board can't make that determination now or bind that future Planning Board on how they view the application.

Chairman Rogan stated I love it when you take the words right out of my mouth because I was just thinking we can certainly put on the record the intent today but it certainly, I was going to say the next time you come in it will be open for discussion but there will be some reference to this meeting and what the intent was to bring it more into conformity.

Mr. Troetti stated why I'm bringing it up is I want to be able to make reference to it down that road, again we have to (inaudible)...

Chairman Rogan stated so it sounds like there are no guarantees on either of our parts, how's that.

Mr. Troetti stated no...

Chairman Rogan stated so let's work on today and we'll hope for a brighter future and hope that this business does very well and is here for the next hundred years.

Mr. Troetti stated we certainly hope so.

Chairman Rogan stated that'd be great. Anything else on these signs, we have existing lighting that looks like its in the bushes, I see, is that shielded enough Rich.

Rich Williams stated I had made a recommendation that they throw in one more plant in the center which would then break up the view...

Chairman Rogan stated in the appropriate time of year, yeah.

Rich Williams stated (inaudible – too far from microphone).

Chairman Rogan stated okay, anything from anyone else on the Board. Can I have a motion on this sign application?

Board Member Cook stated do we have to do SEQRA. I'll make a motion that with regard to the Thai Elephant 2 Restaurant sign application it be considered a Type II action...

Rich Williams stated no, it's an unlisted action, you want to grant a negative SEQRA Determination.

Board Member Cook stated sorry, an unlisted action requiring a negative declaration.

Board Member Montesano seconded the motion.

Chairman Rogan asks for all in favor:

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

The motion carried by a vote of 5 to 0.

Chairman Rogan stated and a motion on the sign.

Board Member Cook stated and I make a motion to approve the sign application for the Thai Elephant 2 Restaurant, as presented to us along with the discussions previous to this motion.

Rich Williams stated Mr. Chairman.

Chairman Rogan sated yes sir.

Rich Williams stated you've modified the application, you should recognize that in the motion, the original application, if you remember was two full size signs, he has now shrunk the signs down on either of the free standing signs.

Board Member Montesano stated and we've changed the color.

Rich Williams stated 2 by 3.

Mr. Troetti stated they were 4 by 8, now they are 3 by 8.

Chairman Rogan stated 3 by 8, okay, let's modify that motion to include those previously stated changes in size to bring them more into compliance...

Board Member Montesano stated and the color change.

Chairman Rogan stated and the color change to the maroon color that is more consistent with the, some of the Hamlet colors...

Board Member Montesano seconded the motion.

Chairman Rogan asks for all in favor:

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

The motion carried by a vote of 5 to 0.

Chairman Rogan stated okay.

Mr. Troetti stated so is the maroon color like the color that Board has picked.

Chairman Rogan stated yup. Is that, that sounds like, I thought that's what we were looking for.

Mr. Troetti stated I thought we brought in a couple of different colors.

Chairman Rogan stated all I see is yellow and maroon.

Rich Williams stated turn the maroon over.

Board Member Taylor stated yellow and green.

Mr. Harianto stated brown.

Chairman Rogan stated that's like a brown.

Board Member Taylor stated pick the maroon.

Board Member Cook stated (inaudible).

Board Member McNulty stated I didn't either.

Board Member Taylor stated that maroon is what we...

Board Member McNulty stated does anybody have an objection to either color.

Board Member Taylor stated I would prefer the maroon.

Chairman Rogan stated is that okay.

Mr. Harianto stated how about the brown.

Chairman Rogan stated how about the maroon.

Mr. Troetti stated say it again, say it again, how about the brown.

Chairman Rogan stated who as a quarter.

Board Member Montesano stated as long as its maroon its wonderful.

Board Member Cook stated I don't have anything against the brown.

Chairman Rogan stated I don't, it just seems like...

Board Member McNulty stated either one, brown is like a park color, a park sign.

Chairman Rogan stated you want the brown one more, is that what you're saying.

Mr. Harianto stated if you approve it, I'll do the brown.

Chairman Rogan stated you want the brown one, alright, if you put the sign up brown and it looks awful, come back to us and we'll give you the maroon. Okay let's modify the motion to this color swatch with the brown with white lettering, so moved.

Board Member Montesano seconded the motion.

Chairman Rogan asks for all in favor:

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

The motion carried by a vote of 5 to 0.

Chairman Rogan stated okay sir, good luck in your business.

Mr. Troetti stated thank you very much.

Chairman Rogan stated do you want the colors back, Rich you want them...

Mr. Harianto stated yes.

Rich Williams stated I would like to keep them for the file.

Chairman Rogan stated we are going to keep this one at least, these we can get rid of.

Board Member McNulty stated cross out the yellow one.

Chairman Rogan stated okay, thank you very much.

Mr. Troetti stated we don't need the colors, its okay.

Chairman Rogan stated good night.

Mr. Troetti stated we appreciate it.

Chairman Rogan stated thank you.

3) PATTERSON PARK – Sign Application

Mr. Bob Kuszpa of Laurentano Sign Group and Mr. Ben Wilde, the property owner were present.

Chairman Rogan stated okay, do we have anyone here for Patterson Park for another sign.

Board Member Cook stated as long as somebody's here.

Chairman Rogan stated good evening.

Mr. Kuszpa stated good evening, my name is Bob Kuszpa, I am a project manager for Laurentano Sign Group, I am representing Patterson Park, and I also have Ben Wilde you know, owner of the property. First as far as the monument goes, there were a couple of quick last minute changes made to it, I wanted to give you the latest drawing.

Board Member McNulty stated have you seen these yet Rich.

Rich Williams stated excuse me.

Board Member McNulty stated have you seen these.

Rich Williams stated no, I have not.

Board Member McNulty stated okay.

Mr. Kuszpa stated the copy has been cleaned up just a little bit and the height of the monument has grown by one inch, it makes it .3 square feet larger than what we originally submitted to you, also on the original drawings, it showed that the top band there, the Patterson Park and the address would be solid aluminum with vinyl copy on it, which would mean it wouldn't illuminate at all and the intent was to always have the address and the name of the property to be illuminated so that is going to be translucent, so we made those changes on these drawings.

Board Member Cook stated is this now just for the sign at the entry way.

Mr. Kuszpa stated correct, I figure we'll handle the entry sign first and then go on to the site plan waiver. Now the sign face is going to be digitally printed graphics applied to a lexan face so this is the same digital graphics that would get applied to the face, it's the same material, the same color, and it's a little bit sharper on this.

Board Member Taylor stated you're illuminating it from the inside, is that what you're doing.

Mr. Kuszpa stated correct and this would one of the actual characters.

Chairman Rogan stated so that's actual size is what you're saying.

Mr. Kuszpa stated actual size. Now the other change, I didn't realize how unusual that property is being set back off [Route] 22 because its on Old Route 22, originally I told Rich that we would place it pretty close to where the existing decrepit sign is, we would like to push it right to the property line which is within Code, the street, I believe it says it can't over hang the street line.

Board Member Taylor stated can you indicate the property line on your drawing.

Mr. Kuszpa stated I have a site plan also, to go along with it. Here are a couple of photos, we couldn't get anyone to go down and take actual photographs for us, I had to get this off of Google but it gives you an idea of how the property comes up on you and what you can see as your approaching. If the table wasn't in the way I could walk around and hand them out.

Board Member Cook stated is the main thing on the sign you've, the sample you gave us tonight, is taking off the doctors' names also.

Mr. Wilde stated that's the principal change, the Mount Kisco Medical Group requested that only their brand which is unfortunately illegible and against our better judge but they insist on having just their logo there.

Board Member McNulty stated you said just the top portion is backlit, correct.

Mr. Kuszpa stated no, the whole sign is going to be back lit, the top portion only the lettering is going to illuminate and the bottom portion, the face would illuminate and the letters would be dark.

Board Member McNulty stated you'll fluorescent lighting inside.

Mr. Kuszpa stated yes. So those photographs that I passed out on the ones that are right, we superimposed about where the sign would go if we put it at the property line and you see still, once you get a hundred feet down the road, it still gets blocked by the bushes but you know again, that's the best we're going to be able to do.

Mr. Wilde stated we would like to maximize the visibility by bringing it out to the road as far as possible because one of the doctors in particular has a lot of elderly patients, so it does help for them to kind of see it when they are zooming by on [Route] 22.

Board Member Cook stated you also have to bear in mind the line of site coming out...

Mr. Wilde stated yeah...

Board Member Montesano stated you can't see through the sign.

Board Member Taylor stated and these other two signs that are here, what are they.

Mr. Wilde stated yeah, that's a good point.

Mr. Kuszpa stated the other two signs have been there since the previous owner.

Mr. Wilde stated yeah.

Board Member Taylor stated they are part for your property though.

Mr. Kuszpa stated yes they are.

Board Member McNulty stated those signs are going to remain.

Mr. Kuszpa stated up to you guys.

Board Member Taylor stated are they past the property line.

Mr. Kuszpa stated they are past the property line.

Chairman Rogan stated that's what it looks like, that is what I was wondering because this...

Board Member Taylor stated probably should go then, shouldn't they?

Board Member Montesano stated yeah, they should.

Chairman Rogan stated so those existing signs, the two they are just asking about, advertise what.

Mr. Kuszpa stated the daycare and the...

Mr. Wilde stated one is for the daycare and the other one and that went up about three years ago, maybe four years ago, prior to our ownership and the other one just says Patterson Park offices, which I assume was kind of a later solution because people just weren't seeing property at all, so they kind of just added to this line that was there already.

Chairman Rogan stated I mean it would seem like, it sounds like what you're just about to say is that we would want to consolidate to one, uniform sign for the facility, right pull everything together.

Mr. Wilde stated I agree, I think that would probably look best.

Board Member McNulty stated the daycare is the same daycare that's on the new sign, Just 4 Kids.

Mr. Wilde stated yeah, yeah, I'm just also trying to be respectful of their businesses; they are trying to use that as advertising as well.

Chairman Rogan stated sure.

Board Member Montesano stated did we approve that sign...

Chairman Rogan stated I don't remember.

Board Member Montesano stated I don't think so.

Chairman Rogan stated Just 4 Kids, do you remember them coming in...

Board Member Cook stated this is where you're suggesting the sign go.

Mr. Kuszpa stated right...

Rich Williams stated they came in for site plan...

Chairman Rogan stated site plan, was the sign...

Rich Williams stated I don't recall the sign but you'll run a foal with Zoning if you leave them all.

Chairman Rogan stated yeah, when we were first presented with the picture I actually thought the signs that were shown were going to be removed which didn't make sense because you said you wanted to come closer to the road and obviously that would show that you were going further away from the road...

Mr. Kuszpa stated yeah, that small Patterson Park sign down appear on the site plan too, so...

Board Member Montesano stated is this on your property.

Mr. Kuszpa stated no, that is about the end of the property line right where the bushes start.

Board Member Montesano stated maybe the neighbors wouldn't mind if they get trimmed slightly.

(Inaudible – too many speaking at one time).

Mr. Wilde stated it's a pretty thick wooded area right there, I believe that's on the MalDunn buildings property.

Board Member Montesano stated well...

Chairman Rogan stated Rich, have any of the changes in the Code that we recently talked about allowed more than 25 square foot for this type of corporate park.

Rich Williams stated no.

Chairman Rogan stated okay.

Board Member Montesano stated now the sign on the property line, do we have to do anything with that or is that supposed to go to the other guys.

Rich Williams stated the sign on the property.

Board Member Montesano stated the sign is up there, this...

Board Member McNulty stated do you have this picture Rich.

Rich Williams stated yes I do. Rich now you've got two signs up there plus...

Board Member Montesano stated no, no, is this is the property line, correct, and the sign is here, is that any violation for putting it close to the property line.

Rich Williams stated as long as they stay on their property.

Board Member Montesano stated that's what I wanted to clarify.

Chairman Rogan stated because that property line takes into account the right of way, the Route 22 right of way, so the assumption is as long as they are on their own property they would not be impeding the Route 22 right of way, correct.

Board Member Montesano stated okay, hopefully.

Chairman Rogan stated sounds good.

Mr. Wilde stated is there any way to come over that property line at all, if it...

Chairman Rogan stated you mean into the DOT right of way.

Mr. Wilde stated yeah.

Chairman Rogan stated that wouldn't be something we could approve, yeah...

Mr. Wilde stated okay.

Chairman Rogan stated and I doubt whether it would be something that they would want to approve because of sight line issues.

Board Member Montesano stated and they want some place where if somebody has a problem they can pull over.

Chairman Rogan stated Tim, any input on that or does that sound...

Board Member Montesano stated they might take your sign out...

Tim Curtiss stated that would be correct, you wouldn't be able to approve anything off the property.

Chairman Rogan stated okay. Alright so we are looking at the free standing sign as depicted and changed, modified today, any issue with the internal illumination per our Code Rich.

Rich Williams stated what is the wattage you're proposing.

Mr. Kuszpa stated I really don't know.

Rich Williams stated 100, 400...

Mr. Kuszpa stated they are going to be your standard (inaudible) white.

Chairman Rogan stated sounds like you're going to go under 400 [watts].

Board Member McNulty stated yeah, 40 watt bulbs, yeah.

Mr. Kuszpa stated yeah...

Rich Williams stated yeah, well its incandescent.

Board Member McNulty stated fluorescent.

Rich Williams stated its I mean, fluorescent.

Mr. Kuszpa stated and with the gray faces...

Chairman Rogan stated it cuts down on the...

Mr. Kuszpa stated it cuts it down a lot too, its not going to be white faces so...

Board Member McNulty stated I have no objection to the sign itself, I would like to see it consolidated to be one uniform sign though, instead of three signs.

Chairman Rogan stated sure, I agree.

Board Member Cook stated I agree with that also.

Board Member Montesano stated I have no problem with it, I don't think the other two signs were ever authorized...

Board Member Taylor stated their illegal.

Board Member Montesano stated to begin with.

Board Member McNulty stated well this site plan, this was a copy from the approved site plan or is this just something you drew up.

Mr. Kuszpa stated yes, no I took that off the approved.

Board Member McNulty stated so that sign is on the, one sign was on the original site plan according to this.

Board Member Montesano stated well that's their sign that they are putting up.

Board Member McNulty stated no, there is an existing one on here.

Board Member Taylor stated one farther up the road.

Board Member Montesano stated oh...

Board Member McNulty stated across the property.

Board Member Montesano stated the one further back, this one here.

Mr. Kuszpa stated way down, way down.

Board Member McNulty stated it's off the property.

Board Member Montesano stated oh.

Board Member Taylor stated this one that's off the property.

Board Member Montesano stated well that's not ours to approve.

Chairman Rogan stated okay, I'm going to pull this together real quick. I make a motion in the matter of Patterson Park sign application that the Planning Board grants a negative determination of significance of SEQRA and approves the free standing sign as submitted this evening and modified from the original submission, not to exceed 25 and a third square feet, you did say it was point 3...

Mr. Kuszpa stated well it was 18.4, now its only 18.7...

Chairman Rogan stated oh I'm sorry, I thought you said it was a third of a square foot over...

Board Member McNulty stated larger than the original submission.

Mr. Kuszpa stated over what, larger than what we originally submitted.

Chairman Rogan stated thank you very much, not to exceed 25 square feet and to be located on the property that is the subject of this application and depicted on the site plan sketch shown. So moved.

Board Member Montesano seconded the motion.

Chairman Rogan asks for all in favor:

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

The motion carried by a vote of 5 to 0.

4) **PATTERSON PARK – Request for Site Plan Waiver**

Mr. Bob Kuszpa of Laurentano Sign Group and Mr. Ben Wilde, the property owner were present.

Chairman Rogan stated and let's move on to the site plan issue which, the site plan waiver. You know it seems like on the Mount Kisco Medical Group, if they just separated the letters by a little bit of white space, it would probably show up better.

Mr. Wilde stated I gave them four different options, we're a graphic design company so...

Chairman Rogan stated so you know.

Mr. Wilde stated we, its funny now, we're not a building management company to be honest, now looking at other signs, I see the typical way to do it is just to pick one font and put everyone's name in that one font as opposed to you know we would like to respect the logo of the different entities and that is why we have a NASCAR looking sign you know, with all different logos on it, so.

Chairman Rogan stated understood, okay you want to take us through you site plan application waiver.

Mr. Kuszpa stated I didn't bring a full, oh I do have a full size plan.

Chairman Rogan stated okay, well in essence we are putting up signs that are going to help people navigate this somewhat difficult site, I've been in there many times myself and I know if you don't quite know where you're going in there you can get a little turned around.

Mr. Wilde stated yeah, for example, the most typical complaint, is that the elderly patients don't know where the handicap parking is, we have to direct them around the back of the building.

Chairman Rogan stated sure.

Mr. Kuszpa stated you would normally think they would be the first parking spaces you see and to have them be the last parking spaces in the lot is kind of unusual.

Chairman Rogan stated Rich, for my own edification, the reason these are not consider a sign application is because they are safety in nature, they are not advertising a particular business, they are helping people safely maneuver the site.

Rich Williams stated they are directional signs on the site...

Mr. Kuszpa stated directional.

Chairman Rogan stated okay, alright, any concerns with any of the locations or sign that is shown, any issues from anyone on the Board.

Board Member McNulty stated nope.

Board Member Cook no.

Chairman Rogan stated okay, given that this is a minor change and that it is in the name safety and will improve safe maneuverability and location of offices in this facility, I will move to waive the requirement for a site plan modification, we are going to do a waiver on this for the application as it is presented.

Board Member Cook seconded the motion.

Chairman Rogan asks for all in favor:

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

The motion carried by a vote of 5 to 0.

Chairman Rogan stated anything I left out on that.

Rich Williams stated nope.

Chairman Rogan stated I know it was kind of vague but, all in favor everybody said. Thank you very much.

Mr. Kuszpa stated thank you.

Mr. Wilde stated thank you very much.

Chairman Rogan stated thank you, good luck to you.

Mr. Wilde stated thank you.

Chairman Rogan stated okay, yeah.

Board Member Taylor stated (inaudible).

Chairman Rogan stated I'm going to go read some stuff.

Board Member Taylor stated you need some time to catch up.

Chairman Rogan stated its been a horrible week.

Board Member Taylor should we skip it.

Chairman Rogan stated no, no, they're here...

5) THUNDER RIDGE SKI AREA – Continued Discussion

Mr. John Watson of Insite Engineering and Mr. Robert Ravallo of the New York City DEP were present.

Chairman Rogan stated do we have anyone here for, we have gentlemen here for Thunder Ridge Ski Area, okay next up, let the record show that I will recuse myself on this application...

Board Member McNulty stated uh oh, Charlie's getting ready.

Chairman Rogan stated Charlie's taking off his...

Tim Curtiss stated Charlie is stripping down (inaudible)...

Board Member Montesano stated here we go.

Chairman Rogan stated good time to leave.

Tim Curtiss stated getting ready.

Board Member Montesano stated (inaudible).

Vice Chairman Cook stated good evening, okay.

Mr. Watson stated good evening I'm John Watson from Insite Engineering...

Board Member McNulty stated hi John.

Mr. Watson stated here with Bob Ravallo from the New York City DEP. We were here last week for the work session, had some discussion, discussed some of the submissions we made and one of the requests you had was to look at the alternative sites a little more so we have prepared this map which I have two extra copies of that I would like to give you guys that shows the two alternatives sites that we are considering, along with some of the zoning constraints.

Board Member McNulty stated hi John, how are you doing.

Mr. Watson stated good thanks.

Board Member McNulty stated great, thanks.

Mr. Watson stated I think we generally agree that the only two sites that can physically support the development we're looking at is the 6.8 acre site over here and the 2.8 acre site over here. So what we've done here is tried to show constraints on the lot and what it would look like having the building and the

development area on each of those parcels and the impact it would have on that property. The lines that are shown here, there is a principal building set back, accessory building set back and we've kept the orange shaded box is the actual building and then the line around is the development area. As you can see from the 2.8 acre parcel, by the time you have the building and the ancillary improvements it does take up quite a bit of the property, wherever you move that on that site it takes up a lot of that property and would significantly impact any future development there. Looking at the 6.8 acre site, even though it is a bigger site, with the steep slopes in the back whichever side you put, whatever corner you put this on, its still going to have a significant impact on that lot, there is and I know we talked about the driveway, like you mentioned how the driveway is going to get to there, it probably doesn't matter where the site is, you're still going to have a driveway to it, there is already a driveway entrance off Old [Route] 22, so whether you put in front, back, whatever side, its still going to have some impact and the owner just thinks that there is a sewer treatment plant on a piece of property it will be very hard to market that to anybody to do any type of business, resale value would be devastated.

Vice Chairman Cook stated okay, thank you for this, so basically you're not changing the application to the site as originally proposed.

Mr. Watson stated we are still, our current application is for this, is for what we've been submitted, we are just trying to provide more information to show why we didn't choose these alternative sites.

Vice Chairman Cook stated thank you, Rich in your e-mail today I think it was, you spoke about principal uses auxiliary uses, accessory...

Rich Williams stated the difference between principal uses and accessory uses and the ability to site accessory uses on a piece of property where there is no actual principal use of the property.

Vice Chairman Cook stated okay.

Board Member McNulty stated I think that was in relation to Ron's question about [Route] 311, a septic that's on a separate parcel, is that what...

Rich Williams stated it was in relation to siting accessory improvements on a vacant piece of land.

Vice Chairman Cook stated so with the application before us where the lodge is on one piece property and the proposed treatment plant is on another parcel and the driveway, bridge, bridge, driveway is on another one...

Rich Williams stated well it crosses through and again the e-mail that I sent around essentially said that there are some zoning issues related to that but it is also prudent planning to try to always keep your site improvements supporting a particular use or a particular building on the same property as that, that building or use and not put it on somebody else's property or property that in the future some day could be somebody else's property, you end up encumbering some future user of the property in a way that you can't always anticipate which is why on this project also, I always advocated that we do something to look at keeping the sewage treatment plant on the same property as the lodge that its serving and my understanding is that the applicant has agreed to do a lot line adjustment and merge that smaller parcel so that we would accomplish that goal.

Board Member McNulty stated well that wouldn't accomplish it though, isn't the lodge on its own separate lot.

Rich Williams stated true but you would adjust the property boundary so that the lodge and a strip of land going up, running along Birch Hill Road would all be on the lodge property.

Board Member McNulty stated so you change the lodge lot line and go right up along the stream.

Rich Williams stated yes.

Board Member McNulty stated no I understand now, I wasn't following.

Board Member Taylor stated on this, if the plant were to go across the road, can you merge the two properties across the road, if it were to go into the parking area, would you merge that area with the lodge then...

Rich Williams stated couldn't do it, you've got a...

Board Member Taylor stated because of the road.

Rich Williams stated road in the way, which is what I said I believe at the last meeting, is except for that one issue, the area across the road might be you know, a viable alternative if the applicant was willing to consider doing that and certainly the applicant needs to consider doing that...

Board Member McNulty stated they are currently the same owner.

Rich Williams stated right but simply because you've got the road in the way, that precludes those parcels that were being merged.

Board Member Taylor stated would they, they would be linked in some way though because...

Rich Williams stated you could link them through an easement but that's not the best way to do it.

Board Member Taylor stated but that's the only way to do.

Rich Williams stated if the plant were going there and there were not any alternate locations for the plant.

Board Member Taylor stated right, yes we understand, these are hypothetical...

Rich Williams stated right.

Board Member Taylor stated we are just trying to sort it out.

Board Member Montesano stated the same point that we are discussing since the roadway is in the way, the Thunder Ridge Ski Area, uses that particular parcel for parking...

Rich Williams stated yes.

Board Member Montesano stated did they give each person a letter authorizing them to park on this piece of property.

Rich Williams stated well there are a couple of parcels that they are using at the present time, one of them is that parcel that they also own, that is also owned by the bank that's been historically used for parking before I was born, I don't know how that came to be and I don't know what agreement is there but its been that way for years and year and nobody is...

Board Member Montesano stated but on the same hand, if we are using for the ski area to park, why can't we use it for the ski area to put the building on.

Rich Williams stated I did not say you couldn't, I said it would not be an optimum situation, would not be an ideal situation and not one that I would recommend. For the same reason that if they were coming now and proposing to do parking there, I wouldn't be in favor of that as well.

Board Member Montesano stated but there's no violation if they are using the facility for parking right now, as they have...

Rich Williams stated again, the use of that parking for the ski area pre-dates pretty much any zoning that we had here Mike.

Board Member Montesano stated okay so that means the use of the stream is pre-dated by the fish, if they were available to speak but what I'm asking you is...

Rich Williams stated I'm not following the relevance of that.

Board Member Montesano stated well the relevance is that you're telling us right now that we can't combine the two because the roadway is in the way and you need an easement but its being utilized by the same people that are skiing to park their cars.

Tim Curtiss stated they have two different uses though, you're talking about, I'm sorry, building with a sewer treatment plant being located as opposed to a parking use which is much more mobile, its not a permanent use on that parcel. Hypothetically they could sell and then they wouldn't have any more parking but it really wouldn't affect the ski lodge itself, I think that is the point Rich is making.

Rich Williams stated the technical aspects of it, right now they have a pre-existing, non-conforming parking, by putting the plant there you're increasing the non-conforming use of that property that's prohibited by zoning, you really want to go there.

Board Member Montesano stated yeah I'd like to go there because I'd like to see the stream survive and not be used for purposes...

Rich Williams stated well I understand and I've sat here patiently watching the Board go through this long, exhaustive fiscal analysis of all available property but really the issue before the Board is the potential impacts to the stream, thermal impacts, pollutant going into the stream, now when you look at every other parcel on this property except for that six and a half acre parcel, everything else is going to deposit the same pollutants into the stream, with the exception of the stream crossing...

Board Member Montesano stated and the fact that it would be if it was at a lower level, that pristine part of the stream from the top of the hill towards the bottom will not really be effected by it, would it.

Rich Williams stated there would be a segment that would not be affected but overall the stream would be, regardless of where you put it.

Board Member McNulty stated it will also limit the truck traffic up and down Birch Hill Road, closer to the...

Rich Williams stated that it would.

Vice Chairman Cook stated okay, so here we are the applicant, I think that the applicant has responded many times to requests and has done an adequate job in doing that, we can always have questions and you know 50 years from now somebody will have a question but I think that's it. I think tonight it shows the impact if they were to propose it going on these two sites, I think that the applicant doesn't want to use it, it's the applicant's property, that's it. I think that the applicant has agreed to lot line adjustments relative to what is before us to get it, the lodge, the treatment on one parcel of land. I want to ask Ron a quick question, did you get off to Tim Curtiss the questions that you wanted (inaudible).

Board Member Taylor stated (inaudible).

Vice Chairman Cook stated Tim, you responded, not tonight but if you get a chance hopefully by next meeting if you could, either verbally or in writing...

Tim Curtiss stated I'll give you a memo.

Vice Chairman Cook stated to Ron's questions and I think that you received an e-mail from Ron today on analysis, let's just call it that, I for one think that those are questions, very good questions that should have been at least thought of and answered by DEP, it seemed like you know doing their calculations since it's their money that goes into that, so I would, Ron if you would bear with me, I would ask Mr. Ravallo to look through that and know that's the thoughts that we have and my other point that I wanted to make, two, did we hear back from any other agencies yet...

Board Member McNulty stated it hasn't been submitted yet.

Rich Williams stated no, it's just gone out; they have 30 days respond...

Vice Chairman Cook stated I thought it went out like a month ago no...

Rich Williams stated I just got the packages four, five days ago, maybe a week.

Mr. Watson stated yeah.

Vice Chairman Cook stated oh, excuse me, we do want to do a site visit to the other facility in Kent...

Mr. Watson stated to the other plant, yup.

Vice Chairman Cook stated you would arrange that.

Board Member Taylor stated is it seasonal.

Mr. Watson stated it's seasonal.

Board Member Taylor stated is it operational now or is it summer seasonal.

Mr. Watson stated its summer seasonal but I don't know, it used to be summer seasonal, is Clear Pool year round now....

Mr. Ravallo stated you know legally it's not seasonal.

Mr. Watson stated legally it's a year round plant.

Mr. Ravallo stated and I believe they have some use all year round, I won't swear to it...

Mr. Watson stated you're right.

Mr. Ravallo stated I know we're paying the O&M on a quarterly basis and if it were seasonal we would probably just cut two checks and ignore the other two quarters.

Board Member Taylor stated so is it operational...

Mr. Watson stated it's operational.

Rich Williams stated can I just suggest, let John check...

Mr. Watson stated I can find out.

Rich Williams stated to see what is operational and what's not and then we can circulate by e-mail and get him something.

Mr. Watson stated there are other plants that are aesthetically nicer looking, this was put in the back of the property, it was a, just a metal building, this is a bare bones utilitarian, if you want to see a prettier one, I can take you further away to show you a prettier one but if it doesn't matter to you...

Vice Chairman Cook stated one that is going to comparable to...

Mr. Watson stated it's the same guts inside but just the outside is not...

Board Member Taylor stated we're concerned about the odor, not the aesthetics.

Mr. Watson stated yeah, it doesn't matter.

Board Member McNulty stated (inaudible).

Board Member Taylor stated aesthetics is aesthetics.

Mr. Watson stated I'm just letting you know, if you want to be wowed by pretty, I can do that too, this one is closest.

Board Member Montesano stated as long as the car goes, we're not going to worry about it.

Vice Chairman Cook stated we'll go to Kent.

Mr. Watson stated I'll set that up.

Vice Chairman Cook stated give us a few alternate dates, you know, let ask my colleagues, you want to try to do this on an afternoon as opposed to a Saturday morning.

Board Member Montesano stated I have no problem with.

Rich Williams stated remember two weeks, two weeks, two weeks time changes.

Vice Chairman Cook stated two weeks the time changes.

Rich Williams stated not even two weeks.

Board Member Taylor stated what about Tom.

Board Member McNulty stated you guys figure it out and I'll find out.

Vice Chairman Cook stated let's initially go for later afternoon, after the time change.

Mr. Watson stated what time.

Vice Chairman Cook stated between four and five o'clock, 4, 4:30, somewhere in there.

Mr. Watson stated I'll set a date and tell Rich.

Vice Chairman Cook stated call Rich and then he'll, give us a couple of dates.

Mr. Watson stated okay.

Vice Chairman Cook stated because us retired guys are very busy Mike.

Board Member Montesano stated it's very difficult, I have to be at my schedule at least 3 weeks in advance.

Vice Chairman Cook stated okay for tonight, I think, alright, I'm sorry.

Board Member McNulty stated I just, I just want to throw a wrench in this and an option out there, there is a lot, the lot sort of the right of the restaurant, no, not owned by the applicant...

Rich Williams stated in the middle.

Board Member McNulty stated is there an option for the DEP, if we were to put that in the bottom of the parking lot to make an offer on that parcel if it was available to offset the encumbrance, any encumbrance to the ski lodge.

Mr. Watson stated Dean Ryder has mentioned to me a couple of times that right now the restaurant doesn't have enough parking for the restaurant itself, this in here, in the middle owned by the Ryder's and the restaurant parks all over this piece, so I know Dean's been trying to buy that for years and the restaurant

owners have not because if they give this up, they essentially their, right now they have an agreement where the restaurant lets Thunder Ridge use this and Thunder Ridge lets the restaurant use this, if they give up this, they lose their leverage and it goes away, so he has been unsuccessful and tried several times and looked into buying because that property, the restaurant is also on the market, I don't know if you knew its for sale, that's been for sale and he's looked into the purchasing it but they have not been able to make a...

Board Member Taylor stated I think we are at the end of this process in terms of this consideration, I know its been heated at times but I think we have the data with a few exceptions, some comments, where we can sit down and we weigh this and among, for each of us decide how we want to proceed with this. Once we have input from the other agencies, we will be ready to make a decision I think.

Mr. Watson stated okay.

Mr. Ravallo stated I would like to mention one thing, it essentially segues into what you just said, approval or input from the other agencies, one of the things I believe I mentioned it in correspondence that I sent you, in order to cross the stream, we would have to get DEC approval, from an environmental point of view, even put aside what DEP's input might be you have another independent agency which will evaluate that ability to cross that stream, now last week, what happens if they wouldn't give that approval, I said that is highly unlikely but I was pressured to what if, not very precisely I said we'd sue that's not exactly accurate, first I would consult with my upper management and probably top side to top side they would talk, New York State is a signatory of the MOA so they have certain obligations but I also would consult with out legal folks and I'm positive that we wouldn't have to take legal action. I'm also positive based on previous experience with streams, they would approve it what they would require to do that, that's another story, we think we know what they would require but that's besides the point, what they would require we are going to do it and we would have an obligation to pay for that but from your role to protect you know the interest of the Town, the environment and now DEP has a mission to protect the environment but you'll have a totally independent agency, the DEC that would specifically give you the type of guidance on the stream crossing before, okay, we have to get approval on the site before we could have a final plan but also before we could have a final plan we would have to have the DEC approve permit for that stream crossing and we would need it not only because we need the permit but in order to implement those conditions that they'll impose but that's a further safeguard on you know, what your concerned about, you have one of the better agencies in the world protecting the environment, I leave that thought with you.

Vice Chairman Cook stated thank you, Mike, anything else for tonight.

Board Member Montesano stated no, I'm done.

Vice Chairman Cook stated Ron you're okay.

Board Member Taylor stated yeah, I'm done.

Vice Chairman Cook stated okay.

Board Member McNulty stated okay.

Vice Cook stated okay, thanks...

Mr. Watson stated thanks for the time.

Vice Chairman Cook stated please take a look at Ron's comments on your...

Mr. Ravallo stated I was out of my office and wasn't able to, I haven't seen them yet but I'll regress.

Vice Chairman Cook stated thank you.

Board Member Taylor stated those aren't all for you to respond to, I sent you the list of ones...

Mr. Watson stated this more of...

Board Member Taylor stated background, don't respond to those, just respond to the other ones, I just wanted you to have background.

Vice Chairman Cook stated okay.

Board Member Taylor stated shall we get Shawn back in here or is he off on...

The Secretary stated I just went to go get him, he'll be back in a minute.

Board Member McNulty stated Michelle do I have copy...

Board Member Taylor stated is the game over.

Vice Chairman Cook stated why don't you shut the machine for two minutes. Let the record show that Shawn has rejoined this illustrious body.

Chairman Rogan stated thank you Charles, is it true the rumor I heard that you got all the way to the end of the agenda and I'm just going to approve minutes.

Board Member Cook stated true.

6) 450 HAVILAND DRIVE SUBDIVISION – Continued Discussion

Mr. Harry Nichols was present to represent the application.

Chairman Rogan stated okay, we are up to 450 Haviland Drive Subdivision, is Mr. Nichols here.

Mr. Nichols stated good evening.

Chairman Rogan stated good evening Harry.

Board Member Cook stated hey Harry.

Board Member Montesano stated (inaudible – too much noise, not using microphone).

Board Member Taylor stated (inaudible).

Rich Williams stated what are you doing.

The Secretary stated Harry is not as tall as John Watson, no offense.

Chairman Rogan stated how are you this evening Harry.

Mr. Nichols stated fine, thank you.

Chairman Rogan stated good, so we are in concept plan review at this point, I know we had some discussion at the last meeting, Rich had sent a memo, it looks you responded to some items...

Mr. Nichols stated yes.

Chairman Rogan stated we are jockeying things around at this point, to see how we can make things fit the best before we move to far forward.

Mr. Nichols stated right and I even did some more jockeying once I saw what was on the memo, I was looking at the wrong section where it said set backs for accessory uses, I used the 10 and 5 foot thing and that was it but it was very simple to rectify that, I've outlined the pool and the deck around it to show, we are meeting all the set backs, 30 for the rear yard and 20 from the side line, that's required by the Code, we were able to do that, in fact the layout we had worked out.

Board Member Cook stated are you also showing decks Harry.

Mr. Nichols stated yes, the decks are on the house.

Board Member Cook stated okay.

Mr. Nichols stated there is a deck here, you can see them on the individual houses and a little shed, that's this little green thing, that's about 12 by 12.

Board Member McNulty stated I don't know what lot it is but that one pool looks pretty far from the house.

Mr. Nichols stated which one is that...

Board Member McNulty stated up on the top, the very upper one.

Mr. Nichols stated this one.

Board Member McNulty stated yeah.

Chairman Rogan stated opposite side of the septic area.

Mr. Nichols stated you know, that's where I would want it, you wouldn't want it right next to the house.

Board Member Taylor stated privacy.

Board Member Montesano stated right.

Mr. Nichols stated no, the kids make too much noise in the pool.

Board Member Montesano stated right and you wouldn't want to hear them if they had an emergency anyway.

Mr. Nichols stated that's right. We have a lifeguard on duty...

Board Member Montesano stated okay.

Board Member Taylor stated in the beginning, refresh my memory here, do we know how much of this lot, parcel is wetlands.

Mr. Nichols stated yes, we submitted initially a constraints plan that outlined the wetlands, the wetland buffer...

Board Member Taylor stated acreages...

Mr. Nichols stated it had all the acreages on it, I did not bring that with me tonight...

Board Member Taylor stated that's fine, I'll look back at it.

Mr. Nichols stated yeah, basically we came up with potential for 12 lots but we are only going for 11, the layout just doesn't fit 12.

Chairman Rogan stated right, I think we are just trying to start the ball rolling, I appreciate what you've shown because that's at least a response to...

Mr. Nichols stated we were also able to satisfy the 150 average lot width, it meant we couldn't hold some of the stone walls that we were trying to hold as property lines, we had to make some changes, its funny, by adding, by taking away the land we would make some of the lots non-conforming, one in particular would be lot number 3, if we took away, there is a little section in here of the buffer, 100 foot buffer for the local wetlands, we if we took that out, the lot would not conform...

Chairman Rogan stated it would be a heck of reason...

Mr. Nichols stated but it would be over sized but it wouldn't conform.

The Secretary sated hold on.

Chairman Rogan stated sorry.

(Side 1 Ended – 7:53 p.m.)

The Secretary stated okay.

Mr. Nichols stated okay, alright, our suggestion would be that we do something to protect it as a local wetland, maybe a split rail fence or put plaques in...

Rich Williams stated I think the Board and myself and the engineer need to get out there and take a look at the site, certainly may have some more comments.

Mr. Nichols stated sure, yeah.

Councilwoman Nacerino stated can I just ask one question.

Mr. Nichols stated you sure can.

Councilwoman Nacerino stated how big are the proposed decks.

Mr. Nichols stated the decks are about 12 by 20.

Councilwoman Nacerino stated that's a nice size.

Mr. Nichols stated yes.

Board Member McNulty stated Rich.

Councilwoman Nacerino stated I know we ran into problems with Wyndham Homes where the decks were built and they weren't even big enough to have patio furniture put on...

Mr. Nichols stated I understand.

Councilwoman Nacerino stated so I don't want a repeat some the mistakes that we've had in the past.

Mr. Nichols stated unfortunately that plan was started back in the '80's and the houses of that era...

Chairman Rogan stated people were smaller back then.

Mr. Nichols stated much smaller.

Councilwoman Nacerino stated (inaudible – not using microphone).

Board Member Montesano stated so were the bar-be-ques.

Rich Williams stated the problem we ran into at the time, the Building Department ignored the site plans for the individual sites and allowed very large houses to go up and there wasn't room to put some of the other improvements and forced the Zoning Board into some very difficult situations.

Councilwoman Nacerino stated I recall, I just wanted to make sure we weren't running into the same problem we were, putting a very narrow deck, I know Pescatore's property was the same case, where the decks were so small, just to say there is a deck to suffice...

Chairman Rogan stated completely agree.

Councilwoman Nacerino stated I wanted to make sure there was (inaudible).

Mr. Nichols stated they can be bigger than we're showing.

Councilwoman Nacerino stated good.

Board Member McNulty stated Rich, your comments from today are based on this plan...

Rich Williams stated no.

Mr. Nichols stated he doesn't have the one where I rearranged the pools.

Board Member McNulty stated okay.

Mr. Nichols stated that's why I did it as a markup, so it would stand out.

Board Member Montesano stated you have a pool (inaudible).

Mr. Nichols stated yes. There are a few other items in here which I understand are some items on the responses and the EAF, that we certainly don't have a problem revisiting them and correcting them...

Rich Williams stated there's nothing significant.

Mr. Nichols stated right, I agree, any other ones, specific ones in here that you think...

Rich Williams stated no, its just housekeeping.

Board Member Cook stated no but in point number 3, Rich mentions about under the concept plan that the lot 7 through 11, the pools and two of the sheds do not meet minimum rear yard set back.

Rich Williams stated that was the plan I reviewed...

Board Member Cook stated not this week.

Rich Williams stated he's modified it.

Mr. Nichols stated not just, I marked this up at the last minute.

Rich Williams stated and certainly I recognize that there was sufficient area on the plan that I reviewed to do that.

Chairman Rogan stated right.

Board Member McNulty stated now what size homes do you depict on this plan.

Mr. Nichols stated these are about 40 by 60.

Chairman Rogan stated does that include garage.

Mr. Nichols stated and that includes the garage, that's just the coverage, we are figuring four bedrooms...

Rich Williams stated compared to what they were building 4 years ago, 5 years ago, that's a very small footprint however the economy and I've talked to a number of real estate agents, Tommy chime in on this, the tendency is to now build more modest houses.

Board Member McNulty stated yup, bring them down, no more McMansions, can't afford to build them or sell them...

Tim Curtiss stated or maintain them once you do own them.

Rich Williams stated so this concept I think what he's showing for a building footprint is reasonable and accurate.

Board Member Cook stated Rich when would suggest that the Planning Board go on a site visit, after yourself and Andrew have a chance to go.

Rich Williams stated typically we all go out together.

Board Member Cook stated how you said it, I didn't know if for some reason you guys had to go, Lewis and Clark or something like that.

Mr. Nichols stated after the next snowfall, the last snowfall.

Board Member Montesano stated good, you're going to provide the snowshoes and the snowmobiles or the dog teams, right...

Mr. Nichols stated you got it.

Board Member McNulty stated the wetlands are already flagged out there or we have to wait until spring.

Mr. Nichols stated they are flagged, they're still flagged, local and state they've been survey located, that is shown on our drawings...

Board Member McNulty stated the center of the road is located already...

Mr. Nichols stated the center, well no, we haven't done any staking out there yet because the snow is about gone, we are waiting to get a break to get out there and get it staked.

Board Member McNulty stated its going to rain...

Chairman Rogan stated winter's not over.

Mr. Nichols stated I hope we can do that in the next couple weeks.

Chairman Rogan stated yeah, that would be great, yeah, that's really I think where we're at, our next step is to you know, this is some great work in anticipation of spring, start to nail down some of these ideas but unless anybody else has any other opinion, we are kind of at the point of waiting to get out there when the weather breaks, you know, when the daffodils start coming up.

Mr. Nichols stated it probably will happen all at once.

Chairman Rogan stated it probably will, anything from anyone else for Harry this evening.

Board Member Cook stated no, I agree with you.

Chairman Rogan stated no, okay, alright.

Mr. Nichols stated we'll let Rich now...

Chairman Rogan stated coordinate with Rich...

Mr. Nichols stated you want center line of roads, the houses, the septic, and the wells...

Board Member Montesano stated pools.

Rich Williams stated not the wells.

Mr. Nichols stated not the wells, okay.

Rich Williams stated centerline of the road, driveways along the road, and four corners generally of the house, center of the septic, correct.

Mr. Nichols stated okay.

Rich Williams stated is that what the Board wants.

Chairman Rogan stated sounds great, yeah.

Board Member McNulty stated yeah.

Board Member Montesano stated what no pools; we had to go through all this trouble.

Board Member McNulty stated you'll have to generalize.

Mr. Nichols stated you go early enough the pools will be there.

Chairman Rogan stated you better hope not. Thank you Harry, we appreciate your time.

7) NOLLETTI SITE PLAN – Change of Use

Pastor Nestor Gomez, Mrs. Rosa Gomez and Mrs. Cheerie Nolletti were present.

Chairman Rogan stated okay, next up we have the folks for the Nolletti Site Plan and the Called to Serve Fellowship.

Pastor Gomez stated good evening my name is Nestor Gomez, this is my wife Rosa Gomez...

Mrs. Gomez stated hi, pleasure.

Chairman Rogan stated good evening.

Pastor Gomez stated I am the pastor from the church.

Chairman Rogan stated how are you folks.

Pastor Gomez stated we're doing great.

Chairman Rogan stated great, we are pretty familiar with this site, it's obviously a site, a building that's been around Patterson for a long time and we've gone through a number of changes to this site over the years from a bakery to a HVAC facility and it was proposed as a daycare correct.

Rich Williams stated correct.

Chairman Rogan stated and we had done a preliminary site plan approval for that daycare correct.

Rich Williams stated you did a conditional site plan approval for the daycare.

Chairman Rogan stated thank you and you folks are looking to turn this into a church...

Pastor Gomez stated that's correct, yes.

Chairman Rogan stated facility, I was actually thinking I didn't think the building was that big.

Mrs. Gomez stated yeah.

Chairman Rogan stated small congregation.

Pastor Gomez stated it's a small congregation but it fits our needs.

Chairman Rogan stated and do you have plans, ideas of how you're looking to change the inside of the facility.

Pastor Gomez stated yes.

Mrs. Gomez stated it is a lot of cosmetic work, not taking down any walls or anything but a lot of cosmetic work that is going to take place, yeah.

Chairman Rogan stated okay and I did read through the memo while I was out, while you gentlemen were discussing Thunder Ridge, I know that there are some issues that you'll have to go before the Zoning Board for, special use permit and for the second floor, the issue with the second floor...

Rich Williams stated no, the issue with the second floor has to do with pre-existing, non-conforming and losing those rights, they will need to go to the ZBA primarily for the special use permit for the uses, religious operation of a church.

Chairman Rogan stated okay.

Mrs. Gomez stated okay.

Chairman Rogan stated and I see you have a copy of the memo that Rich prepared with some of his initial findings...

Mrs. Gomez stated yes.

Chairman Rogan stated do you have any questions or comments on that.

Mrs. Gomez stated no, well there are a few things here, would we just have to answer it now or would we have to come back...

Chairman Rogan stated well answer as part of a if...

Rich Williams stated typically at this point the applicant is going to take those back, they are going to review them and they are going to then proceed to the ZBA and the Planning Board with full applications for a special use permit and a site plan and with that process they are going to address those comments. I think one of the issues they may have at this point is the need to have a site plan and what that is going to encompass, the difficulty we have here is we had a conditionally approved site plan if those improvements had been completed on the site, you probably could issue a site plan waiver, there wouldn't really be a lot of exterior improvements needed based on their current application, however those improvements were never completed, the site plan was never formalized so that leaves us with this gap. My recommendation...

Chairman Rogan stated but it does give us some good ideas.

Rich Williams stated yes it does.

Chairman Rogan stated the work has to be done.

Rich Williams stated my recommendation would be to contact the original architect...

Mr. Gomez stated okay.

Rich Williams stated you know, get that site plan, that's probably cheapest and easiest way to do it, get that site plan updated, resubmit that with your site plan application and along with your special use permit and then we can move this process forward for you.

Mrs. Gomez stated okay.

Pastor Gomez stated okay.

Mrs. Gomez stated all right.

Chairman Rogan stated because the site has already been developed, you're not looking to change the building, we're just looking at adequate parking, safe maneuverability, you know a few site plan issues to make sure we have safe site for what you intend to do that you'll enjoy the site for many years to come.

Mrs. Gomez stated okay, great.

Board Member McNulty stated Shawn, we talked about at the work session how the tax map would work on this property with the road to the tower, now it becomes a church, did we find anything out about that.

Rich Williams stated I have not had an opportunity to talk with Chris about that no.

Board Member McNulty stated okay.

Mrs. Nolletti stated I don't understand.

Rich Williams stated it wasn't so much to do with the tax map, it was to do with how the property would be assessed.

Board Member McNulty stated be assessed for taxes because you still have the tower on the property.

Chairman Rogan stated it makes sense.

Rich Williams stated a dual use.

Chairman Rogan stated right, so that the property doesn't come off the tax rolls in full.

Mrs. Nolletti stated no, they are only renting.

Rich Williams stated yeah.

Mrs. Nolletti stated so we'll still pay tax.

Board Member McNulty stated well we have to ask the question though because we don't know how...

Rich Williams stated well actually its not, it's a, its an interest of the Board but it is not a valid concern, I mean there are federal statutes that preempt you from looking at that.

Board Member McNulty stated I know, we just don't know what they are.

Rich Williams stated but we will certainly get an answer for you.

Board Member Taylor stated do you have plans for the second floor.

Pastor Gomez stated we are going to use that as part of the church.

Mrs. Gomez stated yeah, probably for offices, that is what we are considering at this point.

Chairman Rogan stated okay.

Board Member Cook stated not for a type of residence...

Mrs. Gomez stated no.

Pastor Gomez stated really no, we just need the space for the church, as much we can use.

Board Member McNulty stated does your church have, do you have another church anywhere in your congregation.

Pastor Gomez stated right now we meet in a Episcopalian church in Mount Kisco, on the border line of Bedford and Mount Kisco but the majority of the people that goes to our congregation is from this side, that is the reason we're looking for.

Chairman Rogan stated that's great, very nice. Okay, sounds like your next step is to have someone who can prepare your plans, showing the improvements and that, a lot of that work has already been done and I think that's why Rich suggested you reach out to the prior architect who is Mr. Nixon, correct.

Rich Williams stated Jim Nixon from the Village of Brewster.

Pastor Gomez stated and then come back here for...

Chairman Rogan stated have Mr. Nixon work on the plans to make sure that, he'll know to address the issues to make sure this process goes really smooth and fast for you.

Mrs. Gomez stated okay.

Chairman Rogan stated so you spend as much as we'd like to see, you spend a little time here has you have to as you have to and we get you in there quickly.

Mrs. Gomez stated thank you, we appreciate that.

Pastor Gomez stated thank you.

Mrs. Gomez stated okay, alrighty, thank you very much.

Chairman Rogan stated okay and any questions certainly feel free to have either Mr. Nixon or yourself contact Mr. Williams.

Pastor Gomez stated okay, thank you.

Chairman Rogan stated thank you so much, I appreciate your patience this evening.

8) OTHER BUSINESS

a. Genovese Flex Building Performance Bond

Chairman Rogan stated okay Genovese Flex Building Performance Bond, Andrew it looks like you've been playing around with the numbers for the Genovese site plan.

Andrew Fetherston stated yes.

Chairman Rogan stated and, I have two different documents, one dated the 14th and one dated the 2nd. Ultimately what were your findings.

Andrew Fetherston stated after talking with Rich I made some revisions to the document so the one from the 14th is dated now, that's not valid so the one from, I think the 2nd is the corrected...

Chairman Rogan stated okay, so you're saying that the...

Andrew Fetherston stated yes there were some very minor, my second page of my March 2nd, I found one discrepancy that was it, guiderail...

Chairman Rogan stated guiderail length.

Andrew Fetherston stated and all of the improvement on that site, it was a very accurate estimate.

Chairman Rogan stated and so what is the total amount of the recommendation for the bond.

Rich Williams stated here so we're clear on procedure, you will need to establish two amounts, one is for the actual site, cost for the site improvements to estimate out the 5% inspection fees, the other is for the performance bond which is essentially an erosion control bond just to make sure that there is sufficient funding available should we ever need to go back on the site and stabilize it to prevent stormwater issues.

Andrew Fetherston stated (inaudible).

Chairman Rogan stated and so...

Andrew Fetherston stated what we have is the total bond estimate for all the construction improvements on the site, \$1,836,000.

Chairman Rogan stated right, so that would be the site plan improvement bond amount with the inspections fees...

Andrew Fetherston stated that's right.

Chairman Rogan stated \$87,500 dollars.

Andrew Fetherston stated that is correct.

Chairman Rogan stated and the erosion control, this supplies a lot of numbers on here.

Andrew Fetherston stated yeah, yeah.

Board Member Montesano stated (inaudible – mumbling).

Chairman Rogan stated those are big numbers, I don't remember seeing a bond this large in a long time.

Rich Williams stated it's a lot of improvements to the site, it's a big site.

Chairman Rogan stated yeah.

Andrew Fetherston stated there's a, on this estimate it took off everything before basically the landscaping plantings, all the seeding is there for erosion control, lighting and site improvements, striping of pavement, that type of thing, pavement we removed and we said if the site was abandoned, rather than pave, the Town

would go in and just seed it, stabilize it, so trying to get that down as low as possible, that was, round numbers \$1,130,000.

Board Member McNulty stated just for that erosion...

Andrew Fetherston stated for the erosion, the performance bond for the erosion control, right.

Chairman Rogan stated okay, so would I be correct in stating that the Planning Board in reference to Genovese Site Plan recommends that the Town Board set a site plan performance bond of \$1,836,310.60 with the associated \$87,443.36 inspection fees and the erosion control bond for \$1,130,000, wow those numbers are huge.

Tim Curtiss stated that's a big erosion control bond.

Board Member Montesano seconded the motion.

Chairman Rogan asks for all in favor:

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

The motion carried by a vote of 5 to 0.

Chairman Rogan stated I don't, its amazing how those numbers add up.

Rich Williams stated yeah, the issues really were that Andrew felt it was appropriate based on the improvements that were going to be made to the site...

Chairman Rogan stated yeah.

Rich Williams stated that certain things normally not considered within the erosion control bond be added in simply because if they were not if you caught the project in the middle and they were not installed it would be necessary to go in and install them.

Andrew Fetherston stated one of the major items was the retaining walls...

Chairman Rogan stated the retaining walls, yeah.

Andrew Fetherston stated you don't know when, if the project stopped at some time, what would be remaining there, the total on the retaining walls for all of the walls is \$378,000 dollars, some of those walls prevent grading encumbering other properties in case of (inaudible).

Chairman Rogan stated wow.

Board Member McNulty stated we walked that lot, it looks like a pretty decent lot.

Chairman Rogan stated it is, once you get up there, nice and flat.

Board Member Cook stated and the cut and fill...

Rich Williams stated it was the way they set the grading plan up.

Andrew Fetherston stated yeah.

Board Member Cook stated the cut and fill was like \$400,000 dollars.

Andrew Fetherston stated right, that's right.

Board Member McNulty stated but its not that far off from their original estimate, they were at 1.6 [million].

Andrew Fetherston stated yeah.

Chairman Rogan stated yeah, like I said other than...

Board Member McNulty stated are they in agreement with your assessment.

Andrew Fetherston stated we haven't spoken, I submitted this to Richie.

Rich Williams stated yeah I did speak to them and they were...

Chairman Rogan stated well the change is minor.

Rich Williams stated in agreement.

Chairman Rogan stated I mean that's just the different of how you measured for the guiderail.

Andrew Fetherston stated it was concrete structures, they were low and to install them and we had bumped some of those, I had actually bold faced the numbers just for their convenience, the Board's convenience, I bold faced those numbers that I had increased and a lot of that was the price for the piping for the drainage, the structures for the storm drainage, silt fence we bumped it way up, the New York State standard for silt fence has welded wire fabric on it, it makes it pricey, it makes it a more pricey item than they had, something that Rich and I have been adding is restoration of the sediment ponds, during construction you use the ponds to capture the sediment lost off the site, after construction that has to be taken out and removed and disposed of properly, that's a \$10,000 dollar item right there, trucking, take it out, remove it, we added, those are numbers we added, that was what brought it up.

Board Member McNulty stated its done now.

Chairman Rogan stated can you say it all over it, I missed that.

Andrew Fetherston stated it was on mute.

Board Member Montesano stated can you repeat please.

Board Member McNulty stated welcome to the world of construction and its cost.

Chairman Rogan stated okay.

Board Member McNulty stated I see it every day.

Board Member Cook stated you made a motion, you have a second.

Chairman Rogan stated yeah we do.

Chairman Rogan asks for all in favor:

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

The motion carried by a vote of 5 to 0.

b. Eurostyle Marble and Tile

Mr. Martin Monaghan was present.

Chairman Rogan stated okay and we have a gentleman, the owner here of Eurostyle Marble and Tile.

Mr. Monaghan stated how are you doing.

Chairman Rogan stated good evening, how are you.

Mr. Monaghan stated good thanks.

Chairman Rogan stated it's been awhile since we've really, we talked about this app, this site...

Mr. Monaghan stated yeah.

Chairman Rogan stated but last time we actually met with you on site was seems like a year and a half, was it about a year and a half ago...

Rich Williams stated maybe two years ago.

The Secretary stated Martin, can you please use the microphone.

Chairman Rogan stated sorry about that Michelle. Could you state your name for the record please.

Mr. Moaghan stated Martin Monaghan.

Chairman Rogan stated and when we met with you to try to get you to your C of O and release of some of your bond...

Mr. Monaghan stated yeah.

Chairman Rogan stated we found some discrepancies and things that were problems and we agreed on some ways of changing those and we are I guess just waiting for things to just be completed.

Mr. Monaghan stated we had the as built and I gave it to Putnam Engineering and for some reason I have it since 08 when we got the C.O.

Chairman Rogan stated you have the as built since 2008.

Mr. Monaghan stated I have the copies here, I have copies I can show, with the topographic, everything you asked for on there, so...

Chairman Rogan stated you don't need to show it to me now because I, to review it now to know whether it was done but...

Mr. Monaghan stated yeah, I show to Rich.

Chairman Rogan stated you did show it to Rich.

Mr. Monaghan stated no, I can.

Rich Williams stated we're going to need copies of it.

Mr. Monaghan stated I have 4 copies for you here.

Chairman Rogan stated okay great.

Rich Williams stated alright, I can take a look at it between now and the next meeting.

Chairman Rogan stated okay.

Mr. Monaghan stated okay.

Rich Williams stated go through it, do a punch list about if there is anything outstanding.

Chairman Rogan stated sure and if everything was done that we talked about, then we've just missed two years of going trying to get you back in when we didn't need to because we didn't have the information.

Mr. Monaghan stated I thought they had this because Putnam Engineering had it, they are the ones that filed everything.

Chairman Rogan stated understood, yeah, so it's a matter of these two gentlemen taking a look at the past correspondence as to what we were going to complete and you know we were happy to help you two years ago, we are just looking to wrap things, complete it.

Mr. Monaghan stated that's me too.

Chairman Rogan stated so hopefully everything's all set, if not we'll get a punch list together and we'll figure out what we need to do, sound good...

Mr. Monaghan stated sounds good.

Chairman Rogan stated anything from anyone.

Board Member McNulty stated nope.

Board Member Montesano stated no.

Chairman Rogan stated gentlemen...

Rich Williams stated no sir.

Chairman Rogan stated okay, thank you.

Mr. Monaghan stated okay, thanks.

Chairman Rogan stated I appreciate your patience this evening sorry you had to wait so long. All right, Harry what's up...

Spruce Ridge Craftsman Discussion

Mr. Nichols stated I wasn't here for Spruce Ridge.

Chairman Rogan stated yeah we approved it, we said whatever Harry wants to do.

Mr. Nichols stated anything.

Chairman Rogan stated no, its an incomplete application, right so we are looking at getting things back submitted and, yeah...

Mr. Nichols stated and the weather is hopefully getting better and we'll get Ted out there and get it flagged.

Ted Kozlowski stated Harry is it flagged.

Board Member McNulty stated Ted noted that the...

Mr. Nichols stated it was flagged but I may have to have them survey replaced to make sure they're all there.

Ted Kozlowski stated okay.

Board Member McNulty stated Shawn, Ted noted the septic permit was expired.

Chairman Rogan stated the septic permit expired on it, they just have to do a renewal.

Board Member McNulty stated I don't know if Harry knew that.

Chairman Rogan stated okay, Harry they said they noted that the septic approval on that was expired, did you know that.

Mr. Nichols stated we were, we issued an approval by DEP and this was just around the time the State was expanding (inaudible)...

Chairman Rogan stated poor Michelle; she doesn't throw stuff at us.

Mr. Nichols stated we had received an approval from DEP and...

Chairman Rogan stated yeah.

Mr. Nichols stated and it was just around the time the State was doing these linear wetlands extensions of the, what was then the current State wetlands and they expanded them which did include a portion of our site, so prior to that there was not a State interest in the wetlands, that was done about three or four years ago, it now has been adopted, its now on the wetland maps, we have had the State out there to do the flagging of the wetland first, which we usually do and then have Ted come out and look at that flagging to see if it needs any modification as far as local wetland goes, so that it our next step to take.

Chairman Rogan stated okay, very good, thank you.

Mr. Nichols stated okay, thank you.

Chairman Rogan stated go get home at a reasonable hour.

Mr. Nichols stated my wife will think I lied to her, not having a late meeting.

Chairman Rogan stated Harry, is she doing okay.

Mr. Nichols stated she's good.

Chairman Rogan stated good.

c. Pre-notification of Applications

Chairman Rogan stated okay, we have pre-notification of applications, what is that all about.

Board Member Montesano stated we do the flex building.

Board Member Cook stated that's what we discussed relative to applications coming in and sending a notice out to the surrounding neighborhoods...

Chairman Rogan stated yes, you're right.

Board Member Cook stated where you could use Mr. Harry's 450 Haviland Drive Subdivision as an example notifying the neighbors that this is before us that they should watch, check with the website when it comes on our agenda and you know, if they want to come in, they can come in, but this is sort of an advance notice before a public hearing.

Chairman Rogan stated right.

Board Member McNulty stated I think with Ice Pond [Estates Subdivision] it was brought up that a lot of people didn't come out until the public hearing and the Board had been through, before I came on the Board a lot process with that.

Chairman Rogan stated yeah, there's a certain undeniable feel that people have when we've been reviewing a project for three years, they come out to a public hearing and we're at a point, the idea is that we would like to get a project to a point where we feel comfortable with it before but there is always the idea of do you want people to be well informed. Tim, have you in your experience seen anything that would, that we could copy of work from that would be a nice notice that we could send out to a neighbor, regular mail that would say the Planning Board is currently reviewing a subdivision application in your area...

Tim Curtiss stated right.

Chairman Rogan stated you will have you opportunity to speak at some point in the future when a public notice but you know, something to that effect.

Tim Curtiss stated yeah, what you would want to do is let them, make them aware that there is an application in that they will have an opportunity in the future to comment publicly, their thoughts, their concerns about the application but if they want to see what is being proposed at its initial stage you have every right to come to meeting and see what the applicant is proposing as well as what the Board is talking about and the issues they are really discussing.

Chairman Rogan stated so procedurally, other than having a form letter that we can use to then fill in some of the blanks you know the initial information, we would require doing a, leaning on our Planning staff to do a, some kind of a mailing, regular mail...

Rich Williams stated typically what we are going to do is we are going to do a notice just like we would do for the public hearing notice to the property owners within 500 feet, sorry, to the property owners within 500 feet of the perimeter of the property, just placing them on notice with a letter saying we've received an initial application that is currently being reviewed...

Chairman Rogan stated okay.

Rich Williams stated as you've outlined.

Board Member McNulty stated isn't, when an application comes in a sign has to be posted on a property.

Rich Williams stated no, before the public hearing the sign has to get posted.

Tim Curtiss stated (inaudible).

Chairman Rogan stated yeah that's...

Board Member McNulty stated maybe the wording from that sign is the wording we can use to send out, I don't know what's worded on that sign.

Rich Williams stated well I think what we can do is we can generate some sort of language for you to take a look at.

Chairman Rogan stated okay and the impacts to the Town to the taxpayers, I'm thinking it would be, once the initial document is kind of crafted, it's really the time spent doing the public notification which we do anyway at some point don't we, to cross reference when we do a public hearing.

Rich Williams stated we do a public, yeah we do, do a notice but this would be something separate, it would be different, the cost would be the staff time, and you know the cost of the paper and the mailing.

Chairman Rogan stated and the mailing would be regular mail, we don't have to go certified, I think that everybody agreed that that would not be necessary; I think that is a cost we shouldn't bear.

Rich Williams stated sure.

Chairman Rogan stated but would, is this something we should put the idea over to the Town Board since it is an additional...

Tim Curtiss stated I would say so yes, I would say at least put them on notice that you may want to amend the local law, you may not, (inaudible) informally but at least let them know what you're thinking about, I think it is a good idea...

Board Member Montesano stated the signs that we have put up just before the public hearings, is there any prohibition I think is the word I'm looking at but anyway, when an application comes in couldn't we ask as part of our application to have a sign saying this property is before the Planning Board for whatever.

Rich Williams stated you could, right now the requirement to place a sign is a statutory one, its in our Code, so we would have to amend the Code. My concern with doing that would be the number of applications we've seen over the years, not so much recently but over the years where they come in, they start going through the process they'll maybe go three, four meetings and then for whatever reason they decide not to come back, now we have a sign up that we have to go get down.

Board Member Montesano stated well the object is this, the sign going up let's the neighbors aware of what's going on, if they come in even after the first time, we've given them more of a notification to come in, now it's a little inconvenient to go back out and take the sign down but I'm sure if we go on a field trip or something like that, we could just chuck them into one of the vehicles we're driving, if it came to that, you don't want an 4 by 8 sign up...

Board Member McNulty stated its private property.

Rich Williams stated I understand, its private property and you can't go on private property to take the sign down.

Chairman Rogan stated I would prefer to start with a mailer because I hate all the damn signs around the Town.

Board Member McNulty stated I agree.

Board Member Cook stated well that too, when's the last time you've actual read one of those sign.

Chairman Rogan stated they are hard to read, you're right.

Board Member Montesano stated well when they start putting them up, people pay attention to them, especially if you're next door or right down the street, now even if you put it up for a thirty day period and have the person remove it, it would get the idea across that something's happening.

Chairman Rogan stated ma'am you need to, oh you have the microphone.

Rich Williams stated is that why you took the mic.

Tim Curtiss stated yeah.

Board Member Cook stated please identify yourself for the record.

Councilwoman Nacerino stated I just want to make one comment, Ginny Nacerino, I think what precipitated this was probably one of the meetings I was at with the Ice Pond Development and one of the people there...

Chairman Rogan stated most recently, yes.

Councilwoman Nacerino stated commented that they were not aware that this project was before the Planning Board until it was a public hearing stage, so although I think a sign is a good idea and would probably negate the cost of a mailing, I think the objective here that is before this Planning Board tonight is basically to be a good neighbor, so I think the best way to be a good neighbor and to inform people that there is a project being proposed before the Board is to send out the letters. I know the Zoning Board does that traditionally too, so I don't think overall cost is too cost prohibitive.

Chairman Rogan stated and I think Ginny what we were contemplating was classifying when we would do this, subdivision, commercial projects on vacant property, the church that came in tonight, I don't think that would be one that would necessarily, it is an existing building, its maybe a change of use...

Board Member McNulty stated well I don't think we should, I think any site plan application should have the mailing...

Chairman Rogan stated yeah.

Board Member McNulty stated people should know what's going happen in their neighborhood.

Councilwoman Nacerino stated that would be something for you as a Board to decipher but I think the objective for this discussion and the point of fact is that you want to be a good neighbor, you want people to be apprised of what's going on before its late in the process...

Chairman Rogan stated exactly.

Councilwoman Nacerino stated so I think is the best way to achieve that goal.

Board Member Cook stated could you two, either two, have this on your agendas.

Councilwoman Nacerino stated I could put it on for Wednesday...

Tim Curtiss stated next Wednesday they are going to meet, so we can put it on the agenda for Wednesday, sure.

Board Member Cook stated cover it that way and then we can push it out for the 11 lot subdivision.

Councilwoman Nacerino stated basically to encourage (inaudible – not using microphone) is that what it is.

Rich Williams stated we would have to bring it into our budget some place.

Councilwoman Nacerino stated (inaudible) Wednesday's meeting...

Rich Williams stated no, no, I think its easy enough to do, I think its clearly something the Planning Board can do, they can do on their own, its good as Tim said to you know make sure the Town Board is accepting of the practice before they go ahead and do it. We certainly can prepare a memo with the Planning Board's recommendation over to the Town Board about the procedures...

Councilwoman Nacerino stated okay.

Rich Williams stated that'd be followed so you have something for your agenda.

Councilwoman Nacerino stated okay.

Tim Curtiss stated and Rich or I, can just, we'll work on just a generic letter that you can look at your next work session and see if its okay.

Rich Williams stated well that being said though, the question is, 450 Haviland Drive, how soon do you want to get that out.

Chairman Rogan stated well I think, don't rush the process, we want the process to be right, the letter to be right...

Rich Williams stated okay.

Chairman Rogan stated the fact is we're in the beginning of a subdivision so anything we do in the next two months is going to be better than what we would have done. We're not going to be setting out public hearing for...

Rich Williams stated so you're okay waiting.

Chairman Rogan stated oh I think so, I mean that's, its not as important to just rush something out, I don't think, this is a change in the way we've historically done things.

Board Member Montesano stated if we have normal notification, let's say we send out letters, are we going to do this periodically because if we're going through a process that takes a year, two years, three years, people that move in and out...

Tim Curtiss stated I think if you tell them in the letter to check the website for when its on the agenda, you've given them notices to a point where they can go, an access point that they can continue to check on their own as to when it comes on and you can put that in the letter that this is at the initial stage and it will continue to be reviewed by the Planning Board, check the website and you will know when its coming on, at that point and if you have any interest come in on that night to see.

Chairman Rogan stated we're certainly never going to make everyone happy, someone will say I just moved into the neighborhood six months, I didn't get my letter. This is something that in addition and not based on regulation, so I think anything we do is certainly commendable to the Town...

Tim Curtiss stated is going to be a plus.

Chairman Rogan stated and we'll, let's start and see where it goes.

Board Member Montesano stated we can't satisfy everybody.

Chairman Rogan stated we can only try, we can only try.

Board Member McNulty stated CYA procedure to say we let everybody out.

Chairman Rogan stated okay, great input from everyone.

d. Site Plan Application Fees

Chairman Rogan stated Site Plan application fees, I know that this has come up over the last month or so. Rich, you want to jump in on this, we have a couple of different memos, I know it came up with M&S.

Board Member Cook stated (inaudible).

Rich Williams stated with one particular application, it started with the office and it has expanded to concerns expressed by the Town Board about the site plan application fees that are being charged and considering the economic times that we are in, whether they may be exorbitant to a lot of people trying to you know build in this Town and the Town's philosophy about trying to encourage commercial development to come in here. Talking with Mr. Capasso and Mr. Griffin and some of the other Town Board Members, there were some suggestions made at the last Town Board meeting as to a possible reduction of the fees and I have been asked to work up a schedule based on that which I've provided to the Town Board and the Planning Board as well, certainly well, at the last work session Mr. Capasso was here and I don't want to talk for him, if you want to chime in at any point...

Councilman Capasso stated no, go ahead.

Rich Williams stated you know he had expressed an interest in hearing the opinion of the Planning Board, people with the Town Board took any formal action but I know they are looking to move on this quickly because we do have at least one and there may be other applications coming in which this would affect.

Board Member McNulty stated Rich, your memo dated from yesterday compared to the one from 22nd.

Rich Williams stated right, when I printed the one out on the 22nd, and this is my fault, I was playing with

the excel spreadsheet and I forgot to change it back to what it was supposed so the fees were higher, the memo...

Board Member McNulty stated its not accurate...

Rich Williams stated had the correct fees but if you went to the excel spreadsheet, there were discrepancies, they were much, much higher, so I correct the excel spreadsheet and reissued that memo.

Chairman Rogan stated okay, I appreciate that the Town Board wants our input on this, much what Tommy was saying earlier about assessment, we don't really deal too much with fees and how they are collected but none the less, we've had many discussions about making sure that the Town isn't unduly burdened by the work that we do, in terms of sometimes being asked to support a waiver of fees on wetlands applications, so it is a balance between the Town not absorbing costs for a private application and you know protecting the interest of the taxpayers and also promoting, we do want people to come in with projects so...

Board Member McNulty stated keep in mind the taxes that a property owner already pays on a property too and the increase taxes that a development would bring in, so I think we have to consider those costs to offset fees.

Chairman Rogan stated absolutely.

Tim Curtiss stated true and you're looking at the overall plan, you know if you get the commercial development in, you're going to get the tax revenue for ten, fifteen, twenty years as opposed to being fully compensated for just the application at that point in time and I think that was one of the Town Board's concerns that they get commercial development, you're helping your ratables, you're helping the growth of the Town all the way around and even if you have some flexibility in that statute you know if you, that was the other issue that they were talking about doing.

Board Member Cook stated even at a 70% reduction in fees.

Tim Curtiss stated well then again that, you can do either a sliding scale or a flex schedule at that point depending upon the type of project and what you think you're really going to need, I think the emphasis was to try to encourage commercial development as much as possible without taking a full hit for all the costs.

Councilwoman Nacerino stated I just want to comment to, I'm supportive of this reduction in application fees, I think we have to cognizant of the fact that in these economic times, ultimately the burden is going to be on the backs of the homeowners and the taxpayers, we have no other real source of revenue coming in so if we don't attract some smart and economic development, if the costs are too cost prohibitive for them to want to come to Patterson it will ultimately fall back on the taxpayers and what Tim said was true, a twenty year tax revenue commercial development certainly out weights the short term costs for application fees, so my vote is yes when this comes before the Town Board.

Chairman Rogan stated well the good thing is that you as the Town Board have the ability to look at this year to year and say okay, we did it for two years and you know what we didn't found out we attracted anyone else...

Councilwoman Nacerino stated absolutely, absolutely.

Chairman Rogan stated and we are going to go back to way we did things or whatever. I think my main concern would be that we have the ability to continue to collect fees for money that the Town spends in an appropriate manner so that we are not just collecting fees but we are also protecting the interest in the taxpayers who don't care whether somebody has a commercial development or not and doesn't want to pay through their taxes, so I mean, obviously that doesn't fall on us, that falls on the Town Board but I think we can collectively come up with a system that we try and we see how it goes.

Councilwoman Nacerino stated nothing is set in stone.

Councilman Capasso stated exactly what I told Richie that we look at this next year and the year after, if we have to bring up again we bring it up...

Chairman Rogan stated it should be continually be considered.

Councilman Capasso stated but right now we did a pretty good study of other towns and county, which I think I gave you, you should have all of that, we didn't eliminate our fees, we just brought them down more comparable to other towns, we were one of the highest outside of Southeast, I think and Carmel, where Kent and Phillipstown we're cheaper and I told Richie let's try and go in between that and that's where we came up with that fee and Richie did a great job on the scale, I thanked him today, he and I talked about it, so like I said I wanted your input on this just to...

Chairman Rogan stated yes, we appreciate that.

Board Member McNulty stated this sheet is actual or is it the proposed.

Councilman Capasso stated which one.

Rich Williams stated that is the one...

Councilman Capasso stated the one I gave you...

Board Member McNulty stated listen but on the Patterson at the end, that is the actual cost.

Councilman Capasso stated no, that was before we did something.

Board Member McNulty stated this is not the reduced rate.

Rich Williams stated right.

Councilman Capasso stated that's what it would be if we didn't do anything about it, so.

Board Member McNulty stated if you see the last sheet on there...

Chairman Rogan stated so this application fee comparison takes into account a particular application and applies that application to each other towns and says what each application fee would be.

Councilman Capasso stated exactly, right, what would have been if that applicant went to that Town and that was done by an engineer, not by me.

Chairman Rogan stated right, exactly yeah and the one thing that I want to try to avoid in the Town's interest is where we have an applicant where through the process and then all of a sudden they owe the Town a lot money which has happened in some instances...

Councilman Capasso stated I know...

Chairman Rogan stated now we're playing catch up, we want to obviously make sure those fees being charged are accurate and appropriate but once we get into this system, everybody has to be on the same page so that we don't fall where somebody, now we have payment plans and its just a...

Councilman Capasso stated the fee they have to pay it up front, that is for the Planning Board, then we went into the pro plan, the engineer fee, we set that at a scale of \$5,000 dollars up front and then once that is exhausted, is spend...

Chairman Rogan stated expended.

Councilman Capasso stated its going to have to give Richie's office a little more work, we understand that and then go after the applicant for more, to put more money back into that account. I talked to Andrew about it and he thinks it's a pretty good idea what we're doing.

Chairman Rogan stated okay, like you said, you know...

Board Member Cook stated and this would be as we go forward, this is retroactive, anybody owes us anything, they owe us.

Councilman Capasso stated no this is as of next Wednesday night when we adopt this...

Tim Curtiss stated oh no, they owe.

Councilman Capasso stated yes, sorry for people that have already been here but we have to...

Chairman Rogan stated yeah, in trying to do something good, you can't always worry about things you've done in the past.

Councilman Capasso stated we go forward, we have to go forward.

Chairman Rogan stated great, well we appreciate you including us in the discussion if nothing else, just to get everybody on the same page that makes a big difference.

Board Member Taylor stated I've got some comments, I think there is another way of looking at this, what we see is the problem, what Shawn was saying the cost to the Town, immediate cost to the Town which translate as cost to the taxpayer, the present taxpayer not some future possible project, I think we need to look at what the costs really are, which is what Rich is presenting and if the payback for those costs, those actual costs is too high which is what you seem to be saying then there is another, instead of reducing the fees, there is another way of, for the owner to recoup this, which would be to re, give them some kind of property tax abatement which in fact the property has been completed in the future, that way the Town is absorbing costs for these project that don't get completed, you are looking to the future for the revenue for these projects, take these reductions out of that future revenue rather than out of present revenue...

Councilwoman Nacerino stated I think the problem, I'm sorry.

Board Member Taylor stated what you're essentially doing is underwriting development costs for private developers by reducing fees and the taxpayers are going to be, the present property taxpayers are going to be paying for that.

Councilwoman Nacerino stated I think the objective here is to reduce the fees so its not cost prohibitive for someone to come into the Town of Patterson, the tax abatement would be something that would happen in the future so that would still no, we still will not be able to tackle the problem now, the problem now with the economy the way it is, with you know business trying to start up and generating some economic development, we will not be able to do that with a future tax abatement if they can't afford the fees, if the fees are too cost prohibitive up front.

Board Member Taylor stated yes I understand that but what I'm saying is though what you're doing is charging the present taxpayer to cover costs for these developments, now you're doing because you see it as an incentive for bringing in investment in the future but its, that's another way of looking at it, that we are as taxpayers subsidizing these developers to come into Town in the hopes that we will then therefore recover more money in the future.

Councilwoman Nacerino stated well we're not sure if the present fees are really overly charged at this point in time either, the second part is as we just said with the last issue, we move forward and somebody is going to, its going to be an advantage to some people, its going to be a disadvantage to some people but we can't take in that whole scope of thinking to say if we don't do something, if we do something today its effecting the people today, it might not effect the people ten years from now, we need to have a logical approach to what works best now and I think by lowering the fees now, that we'll be able to draw some people and have the incentive to come to the Town of Patterson where now they are holding up their hands saying no way, we're not going there its just too expensive to start up, so where do we draw the line in the sand. I understand what you're saying but we are trying to balance out what would be the best generally speaking for all concerned.

Board Member Taylor stated well then, then what you need to be asking the taxpayer is do you want to subsidize these developments presently in the hopes of a long term gain, that's really what the issue comes down to.

Councilwoman Nacerino stated how many people would that actually, if you look at the whole statistically part of it, how many people from start to finish will that effect that would be paying for it now that might not be here then, its probably a small percentage in comparison to the overall people who are here and will be here five years from now or whenever the project reaches fruition.

Board Member Taylor stated right I understand that but what I was saying is we're paying for it now.

Councilwoman Nacerino stated yes, you are correct.

Board Member Taylor stated that's all I'm saying is that the taxpayers need to realize we're paying for this now and that is part of your budget, that is what you do with your budget, you're putting in a line the budget basically that subsidizes these developments in the hope that in the future.

Councilwoman Nacerino stated well we are questioning whether some of these fees are inflated at this point in time as well.

Board Member Taylor stated well, I understand but if they are, then that is a whole different issue, I said in the beginning its based on actual cost.

Councilwoman Nacerino stated yes well we seem to think so.

Rich Williams stated well let me just jump in on that Ginny, understand what we are trying to do and I appreciate what you're trying to do and it's a policy decision and I think it may be an appropriate policy decision but these fees are not inflated and the fees currently do not cover the cost of operation, so you know, as a policy to reduce these fees to encourage development, I think that is a legitimate policy decision one that should be considering and one that may be very appropriate but they are not inflated and they're not covering (inaudible).

Councilman Capasso stated what is the actual cost, have you done the breakdown on that, like the Planning Board, the site walks, your time, Michelle...

Rich Williams stated an average Planning Board meeting is running the Town about five, five hundred and fifty dollars...

Councilman Capasso stated a session.

Rich Williams stated a session, yes.

Councilman Capasso stated but there are how many applicants on that session.

Rich Williams stated about eight but the problem is the applications they sometimes go months and months.

Councilman Capasso stated I mean I've talked to other developers and I've dealt with other towns, their Planning Board's don't even get paid, they don't get site walks, they don't get anything, they do it voluntarily, I'm not saying I want to take that away from anybody but that is what we have to look at too and the fact of the matter is we need economic development...

Rich Williams stated Joe...

Councilman Capasso stated I'm just talking, I'm not addressing it to you, I'm just generally talking, I think it helps everybody, the person that sells their home is going to sell it easier, the person buying sees the tax base has gone down. My job as Town Board Member here is to keep the taxes stable and reduce them if I can and by doing that I am going to bring in revenue, new money by economic development, bottom line. Whatever you want to think, that is my philosophy...

Andrew Fetherston stated assuming all the fees are fair, they are fair by your study, what Ron was speaking about is just reminiscent of an IDA pilot program, payment in lieu of taxes program where it...

(Tape 1, Side 2 Ended – 8:42 p.m.)

Andrew Fetherston stated which is very affective but there is a penalty to be paid by the Town at a later date in those reduced fees, reduced taxes but that's what it sounded reminiscent of, you don't take that up front hit and you're only giving that benefit to those that are doing the project, its an interesting cradle up there.

Chairman Rogan stated nothing, it doesn't sound like anything that is being proposed would preclude the Town from let's say an application comes, let's just use an example, application comes in today for a subdivision, under the new guidelines we say you have \$5,000 dollar application fee where maybe it was \$12,000 dollar application fee. Six months from now we get to a point where we've expended resources, the Town has expended resources where we're at the where we need to now ask them for additional money for the professional services.

Rich Williams stated yes.

Chairman Rogan stated so we haven't taken that away, it creates a little more work in gathering those fees, do we, when we're waiting for those fees do we stop working on the project, we have to consider that.

Rich Williams stated that is the way the process is laid out now.

Chairman Rogan stated and there are certain things that government does that individual applications won't pay for, it's the greater good of the greater number, its something that you know, many government programs don't pay full subsidize themselves, it just it was it is, what you folks are going to be charged with is deciding is this something that we will be willing to defend as a Town that we feel this is in the best interest of the greatest good of the greatest number and we are willing to eat some of our budget to work on these and that may very well be...

Tim Curtiss stated that is the issue.

Councilwoman Nacerino stated well I think that is foresight, we need to have some foresight and weight what the benefits will be.

Chairman Rogan stated sure.

Board Member McNulty stated I haven't had a chance to look at Rich's notes in depth yet, the new chart and cost but it's a competition, we have to competitive with our neighboring towns, with a neighboring state to draw quality business and that is what we want to be is competitive.

Councilman Capasso stated I've lived in this Town now going on 16 years, the only thing I've seen in 16 years is Brewster Plastic and Tractor Supply, I've seen the industrial park pretty much outside of Eurostyle Marble, there are developable, plots down there that need to be developed and they are sitting vacant, why and this is what I found out, that our fees are too high they don't want to come here, I have friends that in the business and they just don't want to build in Patterson, that's what I was told.

Board Member Taylor stated (inaudible).

Andrew Fetherston stated you brought up a very good point, you're not dealing with other Town's, you're dealing with another state, you're in a unique geographically area, you know.

Chairman Rogan stated okay.

Board Member McNulty stated good luck on that...

Chairman Rogan stated ultimately we serve at the Town Board's leisure, so we are looking to work cooperatively with everyone.

Board Member Taylor stated just one last thing, I think I would like to see this quantified, that there should be a budget line for economic development stimulation and that is where this money should go, rather than just simply subtracting from the Planning Board's budget, I'm sorry not the Planning Board's, the Planning Department's budget which is kind of what you're proposing now.

Rich Williams stated not the budget, the revenue line.

Board Member Taylor stated the revenue line, well it comes out of your budget eventually because they shrink your budget because, I think there needs to be more clarification on these things if you're going in the future weigh your success versus other wise you can't see those figures.

Board Member McNulty stated we'll give you a base line and you can take it from there.

Chairman Rogan stated okay.

Board Member Montesano stated minutes.

9) MINUTES

Chairman Rogan stated we have minutes from January 27th and February 3rd.

Board Member Montesano stated motion to accept the minutes of January 27th and February 3rd.

Board Member McNulty seconded the motion.

Chairman Rogan asks for all in favor:

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

The motion carried by a vote of 5 to 0.

Chairman Rogan stated anything from anyone else. Who is this young lady.

Tim Curtiss stated oh let me introduce you, well I didn't because you guys jumped on the dias here so early tonight.

Chairman Rogan stated oh I apologize...

Tim Curtiss stated you were rearing to go. This is Melissa Kelpack and she is going to help me with the office and try to keep some of your corralled, at this point...

Chairman Rogan stated you can tell this is going to be a tough job.

Tim Curtiss stated you have already given her, I said to her you're seeing this dynamically in action when you see them tonight, you'll see what a tough job you have keeping all these people going in the same direction.

Chairman Rogan stated and its Melissa...

Miss Kelpack stated yes, Kelpack.

Tim Curtiss stated Klepack, yes.

Chairman Rogan stated I'm sorry we don't have our name tags up here. Mike Montesano, Ron Taylor, I'm Shawn Rogan, Charlie Cook and Tommy McNulty and what I'll ask of you when you're here is if you see us going down a road that we shouldn't, politely say oh I and just do whatever you can to interject, anyway you can I won't be offended, I would rather you stop me from making a fool out of myself or the Board and keep us out of lawsuits, anything that you can do to help us out, we would greatly appreciate and welcome to the team.

Miss Klepack stated thank you.

Board Member Cook stated welcome.

Chairman Rogan stated thank you so much.

Board Member McNulty stated well I have a question too, the cell tower, is there an application yet for this letter that came from EBI project.

Rich Williams stated no.

Tim Curtiss stated yeah we haven't seen anything come in.

Chairman Rogan stated the one in Put Lake.

The Secretary stated we don't have another deadline for like two weeks, two and a half weeks, so we won't see anything until then.

Board Member McNulty stated okay, so there is nothing new on that. Anything new on Levine.

Rich Williams stated no.

Chairman Rogan stated I think that is weather related to some extent too, waiting for the snow to melt, the DEC said they were going to come out but they were waiting for, you still can't see anything out there. Motion to adjourn.

Board Member Cook seconded the motion.

Chairman Rogan asks for all in favor:

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

The motion carried by a vote of 5 to 0.

The meeting at adjourned at 8:47 p.m.