

TOWN OF PATTERSON
PLANNING BOARD MEETING
March 5, 2009

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**TOWN OF PATTERSON
PLANNING & ZONING OFFICE**

**ZONING BOARD OF
APPEALS**
Howard Buzzutto, Chairman
Mary Bodor, Vice Chairwoman
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Lars Olenius
Gerald Herbst

PLANNING BOARD
Shawn Rogan, Chairman
David Pierro, Vice Chairman
Michael Montesano
Maria Di Salvo
Charles Cook

**Planning Board
March 5, 2009 Meeting Minutes**

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

Present were: Chairman Rogan, Board Member Pierro, Board Member DiSalvo, Board Member Cook, Rich Williams, Town Planner and Ted Kozlowski, Town of Patterson Environmental Conservation Inspector, Dave Raines, Fire Inspector/Deputy Code Enforcement Officer, Gene Richards from the Town Engineer's office, Stantec Engineering and Tim Curtiss from the Town Attorneys office, Curtiss and Leibell.

The meeting began at 7:30 p.m.

There were approximately 10 members of the audience.

Michelle K. Russo was the Secretary and transcribed the minutes.

Chairman Rogan led the Salute to the Flag.

Chairman Rogan stated thank you please be seated, first up this evening we have Casa Aurora Tack & Home Sign application.

1) CASA AURORA TACK & HOME – Sign Application

Ms. Christina Neuhaus, the applicant was present.

Chairman Rogan stated is anyone here for that. Could you please come forward ma'am. If you could just use the microphone and state your name for record.

Ms. Neuhaus stated Christina Neuhaus.

Chairman Rogan stated Christina, you are the applicant for this.

Ms. Neuhaus stated yes.

Ted Kozlowski stated I got it Rich.

Chairman Rogan stated we have your application for the sign, we have your drawings, now just so we're clear, these are the colors you're going for.

Ms. Neuhaus stated yeah and actually I have a change in the design.

Chairman Rogan stated okay.

Ms. Neuhaus stated we had to change it because we didn't think it represented the fact that there was polo involved.

Chairman Rogan stated yeah, we wondered because you were crossing out the sign on the bottom.

Ms. Neuhaus stated so we get rid of the circle and changed it to that design instead.

Chairman Rogan stated okay but the colors are still the same.

Ms. Neuhaus stated the colors all remain the same.

Chairman Rogan stated okay, nice.

Ms. Neuhaus stated thank you.

Board Member DiSalvo stated the size is still the same.

Chairman Rogan stated the size is still the same.

Ms. Neuhaus stated yes.

Chairman Rogan stated so the only thing that changed is the design, the colors will be what you presented.

Ms. Neuhaus stated correct.

Chairman Rogan stated okay, it's a free standing sign, there is no lighting attached to the sign. Are you going to have any up lighting up on it.

Ms. Neuhaus stated not at this point in time, if we do down the road.

Chairman Rogan stated okay.

Board Member Pierro stated we gave one to Rich.

Chairman Rogan stated just know that if you do, you'd want to run it by Rich, come in with design.

Ms. Neuhaus stated okay.

Chairman Rogan stated in terms of making sure its shielded so it doesn't create a distraction, people driving up and down the road, where they are blinded.

Ms. Neuhaus stated okay.

Chairman Rogan stated any questions on this from anyone on the Board.

Ms. Neuhaus stated okay.

Rich Williams stated (inaudible – not using microphone).

Board Member Pierro stated no.

Board Member Cook stated no.

Board Member Pierro stated SEQRA.

Chairman Rogan stated SEQRA and a approval.

Ms. Neuhaus stated okay.

Board Member Pierro stated you done.

Ms. Neuhaus stated all set.

Chairman Rogan stated all set, we are just going to do an approval.

Board Member Pierro stated no, I was asking if Rich was done.

Ms. Neuhaus stated okay.

Board Member Pierro stated okay, in the matter of Casa Aurora Tack & Home, I make a motion that the Town of Patterson Planning Board declare this is a negative determination of significance of SEQR.

Board Member Cook seconded the motion.

Chairman Rogan asks for all in favor:

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

Motion carries by a vote of 4 to 0.

Chairman Rogan stated sorry about that, I thought you were going to roll it all into one.

Board Member Pierro stated no, that's okay and in the matter of Casa Aurora Tack & Home, I make a motion that we the Town of Patterson grants the sign application as presented in the application dated January 30, 2009.

Chairman Rogan stated and we will just make a note that we have a new drawing that will be attached to the application, colors will remain the same as what was previously submitted. Can I have a second.

Board Member DiSalvo seconded the motion.

Chairman Rogan asks for all in favor:

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

Motion carries by a vote of 4 to 0.

Chairman Rogan stated thank you very much, good luck with your business.

Ms. Neuhaus stated okay thank you, thank you very much.

Chairman Rogan stated thank you. Okay, item number two, McMurray fill permit.

2) MCMURRAY FILL PERMIT

Mr. Phil McMurray was present to represent the application.

Chairman Rogan stated good evening Mr. McMurray.

Mr. McMurray stated good evening, here are new plans.

Chairman Rogan stated how are you, why don't, oh there's four of them.

Board Member DiSalvo stated (inaudible – not using microphone).

Chairman Rogan stated Rich, you have a copy of this.

Rich Williams stated I believe I might but why don't you give one to Michelle for the file.

Chairman Rogan stated there is enough for everyone.

The Secretary stated you can just give all the extras to me.

Board Member Cook stated thank you.

Chairman Rogan stated can you give one to Gene to look at while we're talking and one to Rich to look at while we're talking, thank you. Mr. McMurray, you obviously know that the Board was out, most of the Board was out on Saturday, we have all been out to take a look. We obviously want to help you make sure that this fill gets put in, in a way that we're not going to have an erosion problem, we know that it's clean fill and that it is done in a way that obviously you are going to be protected and make sure we don't have a safety hazard or anything like that. Do you want to run us through your new drawing, what basically you're proposing.

Mr. McMurray stated basically all I did was add the drainage that wasn't on the original drawing and also an update on how the drainage was going to end up into a drainage trench, about ten foot long, two foot wide filled with gravel and filter fabric.

Chairman Rogan stated okay and the out flow, that trench will be located.

Mr. McMurray stated below, at the base of the hill.

Chairman Rogan stated okay.

Mr. McMurray stated also the other thing that was going to be done too, is along the driveway area, we are going to curb it and channel that water, most of the water flows into one spot anyway but we were just going to stop it and get it into one particular path.

Chairman Rogan stated so the curbing will help to channel the water down towards the catch basins.

Mr. McMurray stated bring it down toward the catch basins.

Chairman Rogan stated rather than having it flow down over the fill pad which certainly would erode the fill pad.

Mr. McMurray stated right, I mean, basically, the reason this started was because the original bank was washing out, it was actually undermining the driveway.

Chairman Rogan stated okay.

Mr. McMurray stated and that was the whole purpose of that and plus the original slope on that driveway was terrible.

Chairman Rogan stated steep down, along the right side of the house.

Mr. McMurray stated yes and even at the base where you come down the hill from the top, if you were plowing and you hit a patch of ice, you're in the woods.

Chairman Rogan stated and then for the back yard area, you are looking to just try and level things out a little bit.

Mr. McMurray stated a little bit, nothing extremely crazy, its just it kind of.

Chairman Rogan stated okay, so that is going to have to be cleaner fill, less rock of course.

Mr. McMurray stated right.

Chairman Rogan stated that way you can get grass to grow in it.

Mr. McMurray stated its going to be four inch.

Board Member Pierro stated its not going to be fill from the same location is it.

Mr. McMurray stated its all going to be crushed stone.

Chairman Rogan stated crushed stone, okay.

Mr. McMurray stated crushed stone and fill.

Chairman Rogan stated because the concern that we had of course, and I'm sure Rich has explained this to you is that Patterson has a rule for this fill and this is why we are doing all of this, to make sure that it is clean fill.

Mr. McMurray stated right.

Chairman Rogan stated some municipalities allow C and D material, you know, crushed asphalt and concrete and other things to be in their fill. Patterson does not, correct.

Rich Williams stated correct.

Chairman Rogan stated so we want to make sure that what we saw out there that was not appropriate, just, what's visible gets pulled out, we saw some asphalt, some concrete, some pipe fittings and such.

Mr. McMurray stated most of the asphalt was from my house because the way the driveway just disintegrated.

Chairman Rogan stated it just fell apart as you were doing it, okay, I didn't see much asphalt.

Board Member Pierro stated I have to understand, the fill that is going into the backyard is going to be crushed stone.

Mr. McMurray stated its going to have a base of crushed stone, yes and then try to build it up for security because there is that one lull out back.

Chairman Rogan stated okay.

Board Member DiSalvo stated we talked about a possible fence line over there or tree line.

Board Member Pierro stated there is going to be a curbing.

Chairman Rogan stated well the concern that was brought up on the site walk was that, I can't even imagine what the drop off was prior to you placing the fill but certainly when you are in your driveway, there is a concern with a car backing around the wrong way and going down over the bank. So certainly the curbing that you are proposing is a great step, you know you hit the curb, it lets you know, hey, don't

go any further. Some Board Members expressed interest in knowing whether you were going to place anything at the top of the slope, whether it's a planting or anything that might hold the fill.

Mr. McMurray stated well as far as holding the fill back, that was going to be seeded and grassed, as far as the line, I was either thinking about the trees after we brought that up today or either a wood barrier, almost like a guard rail, guide rail type thing.

Chairman Rogan stated okay. Gene, I realize that you haven't been out to the site so it probably doesn't mean much to you, what you're seeing. The main concerns I think that I have is that we can stabilize the bank so that we can get a two on one slope, currently its probably closer to a one on one, maybe Rich had indicated about a one and a half on one.

Gene Richards stated what is the height of the fill.

Rich Williams stated its probably about twenty feet.

Chairman Rogan stated I think its about twenty feet, yeah its pretty significant.

Gene Richards stated did you compact it as it was being placed.

Mr. McMurray stated yes.

Gene Richards stated with.

Mr. McMurray stated I had a big machine in there when I was doing it.

Gene Richards stated how much did you place and then compact it and (inaudible) that process, how much would put down and then compact it.

Mr. McMurray stated a couple of feet and then I was knocking down with the hoe and then going over it and then driving over it as well.

Gene Richards stated is this just going to be a yard area or are you building anything on this.

Mr. McMurray stated no, no building.

Chairman Rogan stated it looks like it is kind of an extension, extending out the apron from the side of the.

Rich Williams stated potentially he is going to level the grade on the steep embankment and (inaudible).

The Secretary stated can you use the microphone please.

Rich Williams stated sure, when I've got something to say.

The Secretary stated thank you.

Gene Richards stated you that is always a concern is the placement of that, the depth.

Chairman Rogan stated Michelle, is there a microphone over there.

The Secretary stated mmmhmm.

Chairman Rogan stated he's going to use it, thank you Gene.

Rich Williams stated (inaudible).

Chairman Rogan stated no, no, he.

Gene Richards stated sorry Michelle.

The Secretary stated it's okay Gene.

Gene Richards stated one concern is because of the depth of the fill and how it was placed; another concern would be you know for proper compaction and another concern would be what size.

Board Member Pierro stated this is the drainage, this is the slope right here.

Gene Richards stated rocks, boulders if there is any kind of material in there, if there is any kind of material in there, like tree branches or stumps or anything that could disintegrate and leave voids.

Chairman Rogan stated we didn't see any.

Board Member Pierro stated (inaudible).

Chairman Rogan stated we didn't see any wood material sticking out of the fill at all; it just looked like all rough fill.

Gene Richards stated but this has been put in already, so nobody witnessed it.

Chairman Rogan stated yeah, not all of it.

Gene Richards stated okay.

Chairman Rogan stated and my impression is that you had a very steep bank, you backed the trucks up and you dumped over the bank, that type of thing.

Mr. McMurray stated right.

Chairman Rogan stated you know its twenty foot, I think when we are saying twenty foot deep, it's from probably right now toe of slope to top of slope is about a twenty foot difference in elevation and it's pretty significant. Ted you want to grab the mic.

Ted Kozlowski stated Mr. McMurray, once you are finished with the fill and you've got your slope and all, I personally feel that trying to grow grass there might be difficult because of the way the slope is facing. I think you are going to be in a lot of shade during the summer and also because of the slope it is going to present a maintenance issue for you mowing and things like that. I don't know, I tend to think turf grass isn't grass going to do it on that slope, I would advise you to plant some kind of grass cover that you don't have to maintain that will spread quickly and will grow in the shade and you won't have to deal with it. I

can give you a list of things, verope, stuff like that, you plant it, you have to make sure the deer aren't going to eat it but I think turf grass is going to be tough to establish there,

Mr. McMurray stated what I've done in the past on the top part because there is another house on the property, we used this stuff called no mow. It's a field grass that will pretty much grow anywhere and it grows to a length of six inches or so and it actually lays over itself.

Ted Kozlowski stated as long, you know, I don't care what it is, other than my concern would be the erosion and the first year is going to be critical because we get these summer storms and a lot of this can blow out on you so you want to get something down quick but you also want to make sure that it can survive in the shade because I think you are going to be pretty much in shade. The other concern I had when I was on the site walk, as we know we are coming into the mud season now and when I drove up your road, the driveway, it was pretty beat up. These trucks are going to have a lot of weight, you've got a lot more material to come in, are your neighbors going to have an issue or do you plan on re-paving that road. I just think once that frost comes out of the ground and those trucks coming up and down out of that road, you already have issues on the road, I don't know if that is from your machinery or not but this Board is going to be issuing a permit and I don't know if your neighbors are going to appreciate the road being torn up by those heavy trucks. Is there some thought to that.

Mr. McMurray stated we are actually in the process of getting all the estimates for the new driveway as it is, the driveway was falling apart before we started this.

Ted Kozlowski stated so you are going to do that after you finish your fill project.

Mr. McMurray stated yes.

Ted Kozlowski stated good idea.

Mr. McMurray stated Mrs. Schek is the first house in.

Ted Kozlowski stated right.

Mr. McMurray stated she's been on board with it the whole time; the only major concern is redoing the item four in front of her house, not a big deal. The other house on the property actually owns my house and he's been on board with the whole thing as well. Again, knowing that the driveway was not put down right the first time and I mean, obviously you guys could tell just driving up it I'm sure that it was not put down right, the drainage isn't right, the base was never put down correctly. We are going pretty much with a full replacement, I got two major contractors looking at it now that basically do interstates and stuff like that.

Ted Kozlowski stated got you and the only last question is where is your septic on that property.

Mr. McMurray stated it is up behind the deck.

Ted Kozlowski stated and that is not an area that is getting filled in.

Board Member Pierro stated Rich, I have a question.

Ted Kozlowski stated thank you.

Board Member Pierro stated Mr. McMurray is not the owner of this property.

Rich Williams stated mmhhmm.

Board Member Pierro stated do we need something for the file that says the owner is aware that this permit has been applied for and what is going on here, to protect the Town in the future because I wouldn't want the owner coming back saying hey, who are you guys coming in and putting 1,000 yards of fill on my property.

Rich Williams stated well first let me say, my understand is that Mr. McMurray is responsible for the care of the property and so he is within his authority to do something like that. That being said, if you want to make it a condition of the permit that we get a letter from the property owner acknowledging that this is going on, that's fine. My only concern is we have, right now an unstable situation that a stop work order has been issued and we need to take, immediate action to move this forward to get it stable.

Board Member Pierro stated I'm sure one phone call and Mr. McMurray can contact the owner and have him fax over a letter.

Chairman Rogan stated fax a letter.

Rich Williams stated well I'm sure he can, the owner is not available right now, which is why, he's on vacation, he's not around to actually send a letter in. Which is why, we moved on this the way we did, recognizing that time was of the essence, we didn't want to delay it for another month.

Board Member Pierro stated I'm sure e-mail would suffice too, he's not in Antarctica, right.

Mr. McMurray stated no.

Board Member Pierro stated okay, so I'm sure he has access to a computer somewhere, he can e-mail something.

Mr. McMurray stated I tried to get him a message after I spoke with you today, he has not returned my call, so.

Chairman Rogan stated if the house burned down out there, I'm sure we'd be able to get a hold of him.

Mr. McMurray stated that would be a different story, however that again would be of my responsibility.

Chairman Rogan stated that's true, okay, so the concern that I think Board has though in this whole situation, as I've said the type of material but more importantly how we make sure your ideas get followed through to completion in a way so that what Ted said. So the bank is not eroding three months from now when we get summer time rains, so that the drainage is put in appropriately so that we don't have wash out. I think that is a great, I mean that clearly is what needs to happen at the top of that slope.

Board Member Pierro stated and I would feel much more comfortable knowing that there was going to be a post and rail fence or something on the top of slope to protect cars or stop cars to at least.

Chairman Rogan stated do you want to do the wood guiderail that you were talking about, is that.

Mr. McMurray stated it definitely can be done, whichever you guys recommend, I'm willing to go with what you say.

Chairman Rogan stated well we are willing to find out what you prefer to do out there, we mentioned a lip.

Mr. McMurray stated the problem is trees and stuff are going to take a long time to grow, so I need to do something in the interim.

Chairman Rogan stated okay.

Mr. McMurray stated but I think the curb because there is going to be almost, I think its twenty feet from where the curb is going to end to where the end of that bank is going to be, so its not.

Chairman Rogan stated oh.

Mr. McMurray stated so it's not going that far, we are only widening the driveway five feet.

Chairman Rogan stated okay, what, so if you have twenty feet from the curb to top of slope, that is basically an area for stability of the slope, in other words why would need all that twenty feet.

Mr. McMurray stated right, basically why that is so wide is the beginning was to be able to get the trucks into the back area and then from there I'm going to slope it down with the machine and try to get a better pitch because I need to be able to compact it up so that vehicles could get back there for (inaudible) purposes.

Chairman Rogan stated and one last issue that Maria was just kind of asking about, a minute ago, your septic system, the drawings that we have, looks like its up hill from the.

Board Member DiSalvo stated (inaudible).

Chairman Rogan stated up hill from where you are proposing to fill and what I would not want to approve is place this fill in an area that may destroy some of your expansion area for the existing septic or cover up any of the primary area because I think that is something that we are going to have to confirm for the back yard fill, not for the slope so much.

Mr. McMurray stated the backyard, this area.

Chairman Rogan stated that is your septic area.

Mr. McMurray stated right, here.

Chairman Rogan stated yeah and again we are just going based on what you provided us.

Board Member DiSalvo stated this was in the file.

Chairman Rogan stated comparing the two.

Mr. McMurray stated actually this is the main house.

Chairman Rogan stated the main house is up top, oh it's the septic for the main house.

Mr. McMurray stated hold on a second, I didn't realize where we were, this is on the top of where I was proposing.

Chairman Rogan stated so this is your fill area and the septic is up in here.

Mr. McMurray stated yes.

Chairman Rogan stated right, okay, Rich, how do we ensure that we are not giving a fill permit to place backyard fill over the septic area, I mean what's shown on that plan and what's existing.

Rich Williams stated I took what we had in the file, clearly what you've got in front of you is not an as built, what I would have to do is get from the Health Department an as built, assuming there is one. The septic was installed, I believe around 1990, so I think they were requiring as built at that point.

Chairman Rogan stated absolutely.

Rich Williams stated so we will have to get an as built and then scale it out and then fence it off to make sure that he isn't impacting.

Chairman Rogan stated so let's consider that as part of the conditional approval. You have something.

Rich Williams stated nothing for you.

Chairman Rogan stated oh okay, not related to you.

Mr. McMurray stated I was just moving back to the mic.

Chairman Rogan stated I'm sorry.

Mr. McMurray stated I was just moving back to the microphone.

Chairman Rogan stated oh, all right, we recognize what Rich is saying, that this is an existing situation that we want to make better right now, so we understand the time frame on this. Understand that the Board is a little concerned about this getting done so that in the end we don't have a problem, obviously you're there taking care of it, so it falls on your shoulders. What we have to do is make sure that include the proper contingencies in any conditional approval, we mentioned Health Department for the septic system, we mentioned some type of post and rail type fence on top and we mentioned a letter from the owner acknowledging that this is a project that he is okay with. Final grade on the slope has to be, it doesn't have to be part of the approval its just part of our Code, right, that it has to be two on one.

Rich Williams stated its not part of our Code.

Chairman Rogan stated no, what does the Code say.

Rich Williams stated it doesn't.

Chairman Rogan stated it doesn't say what a slope needs to be, really.

Rich Williams stated no.

Chairman Rogan stated what do we use two on one, did we pick that out of the air.

Rich Williams stated no it's a general engineering practice, we actually encourage three on one but the only reason that I'm not saying three on one is because it will extend the toe of the slope out so far.

Chairman Rogan stated okay.

Ted Kozlowski stated it will kill a lot of trees.

Rich Williams stated it will kill a lot trees, it will take a lot of fill, you know.

Chairman Rogan stated I understand.

Rich Williams stated it is possible to stabilize a two on one slope.

Chairman Rogan stated okay, any other, anything that I missed or that anyone wants to bring up at this time, Charlie.

Board Member Cook stated I would just like to go over, we are talking about a new curb line, basically sixty-five feet in length.

Mr. McMurray stated it is actually following the pitch of the driveway because the driveway pitches down toward the run off area and its as long as the curb is going to be and then it pitches the other way and it actually has drainage going the other way.

Board Member Cook stated okay, there will be fencing, some type of fencing/guard rail, fencing. There will also be appropriate plantings, whether it's the grass type you mentioned or something that Ted can help you with.

Board Member Pierro stated to stabilize.

Board Member Cook stated and that there will be a letter from, some kind of communications from the property owner in the file that he is in agreement with this and what do we need, Health Department approval.

Board Member Pierro stated we needs as built.

Chairman Rogan stated just, just confirmation from Rich that the proposed area whether or not we have to stake it out in the field.

Rich Williams stated why don't you just make it a condition that I will confirm that the septic system is not going to be impacted and then I will take whatever means I need to take to figure that out.

Chairman Rogan stated fine.

Rich Williams stated maybe dragging the Health Department out there to take a look at it.

Chairman Rogan stated not impacted, so we've got that the fill be clean, that goes without saying, its part of the permit, does that mean that you have to change where you get the fill from.

Mr. McMurray stated no, no.

Chairman Rogan stated how are you going to ensure.

Rich Williams stated and if you're not comfortable with this, we can follow up a little bit but on the back of the what you received tonight, is a letter form the place he's been getting the fill from.

Chairman Rogan stated okay.

Rich Williams stated so if you want to take a look at that.

Chairman Rogan stated and where.

Mr. McMurray stated contact information is on there as well.

Chairman Rogan stated geographically where is this fill coming from.

Mr. McMurray stated its coming from the recycling center out of the city.

Chairman Rogan stated and that's, they are trucking it from the city up to your place.

Mr. McMurray stated well the trucking outfit is right out of Mahopac.

Chairman Rogan stated I don't know if its for me to bring up but I was just saying to the Board earlier, you drive down Route 6 in Mahopac, and that is where your trucking company is from, right next to Delamere Building, they are giving away all the fill that anybody wants. Right in Mahopac, it says all, free fill, they are hammering out a lot right there, across from D'Agostino.

Mr. McMurray stated I will ask him about that.

Chairman Rogan stated that seems like that would be awesome for you and we know its rock and fill.

Mr. McMurray stated right.

Chairman Rogan stated they are hammering it right out, I see trucks going out of there on a weekly basis, so that might save you a little bit of effort.

Rich Williams stated is it stone or is it fill.

Chairman Rogan stated its rock, they are hammering out into the hill because they have public sewer in there now, this gentleman seems to know what I'm talking about. It's right in front of the Delamere Building, there is an Italian restaurant on the left and they are hammering out rock because it's a steep bank and they are hammering out and going into that bank to build something eventually.

Rich Williams stated our Code doesn't allow large rocks as fill.

Chairman Rogan stated they are breaking it down; anything I've seen in this guys fill, that material is going to be better.

Board Member Pierro stated breaking it down into crushed stone.

Chairman Rogan stated maybe you can (inaudible).

Board Member Pierro stated break it into crushed stone.

Chairman Rogan stated its not going to have concrete, its not going to asphalt.

Rich Williams stated right but crushed stone, you're not going to grow vegetation on it, is my only concern.

Board Member Pierro stated as a base.

Rich Williams stated and if he wants to do that as a base that's fine.

Chairman Rogan stated right, the final material can't be what he's bringing in anyway.

Board Member Pierro stated we are recommending four inches of clean top soil for the back yard area.

Chairman Rogan stated okay.

Board Member Pierro stated we don't want to see, I understand that this man has some equipment there that he uses to maintain that roadway and during his caretaker work. I don't want to see that backyard remain a graveled area and have some commercial operation going on because its looks pretty busy in there right now.

Chairman Rogan stated okay.

Board Member Pierro stated I want to see a backyard with grass, completed.

Chairman Rogan stated on, we have a bunch of different, sorry this sometimes does get a little long winded with all of these conditions on something like this.

Mr. McMurray stated that's okay.

Chairman Rogan stated we don't have to do SEQRA on a fill permit do we, we do, anybody want to pick this one up.

Board Member Pierro stated oh boy.

Chairman Rogan stated want me to do it.

Board Member Pierro stated I'll wing through it. In the matter of McMurray/Kramer fill permit, Big Elm Road, Patterson, I make a motion that Town of Patterson Planning Board grants a negative determination of SEQRA.

Board Member Cook seconded the motion.

Chairman Rogan asks for all in favor:

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

Motion carries by a vote of 4 to 0.

Chairman Rogan okay.

Board Member Pierro stated and that we issue the fill permit requested with the following conditions that any additional fill to be placed in the rear yard area be clean fill, that as built plans be acquired and provided to the Town Planner for approval so we may designate where the septic expansion area is.

Chairman Rogan stated the entire septic system.

Board Member Pierro stated and the entire septic system and that we are notified at the proper time to inspect the drainage that will be installed.

Chairman Rogan stated we have a guard rail.

Board Member Pierro stated and hold on, I can't read my own writing, and we request a letter from the owner be provided acknowledging that this work is being applied for and done.

Chairman Rogan stated okay.

Board Member Pierro stated and we want the appropriate ground cover planting to be done on the slope and that the slope be brought to a two in one pitch.

Chairman Rogan stated okay and a guard rail.

Board Member Pierro stated and a guard rail, or guard rail curbing and a wooden fence on the top of the improved area to let people know that there is a steep slope on the other side of that.

Chairman Rogan stated can I have a second.

Board Member DiSalvo seconded the motion.

Chairman Rogan asks for all in favor:

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

Motion carries by a vote of 4 to 0.

Chairman Rogan stated any opposed, thank you.

Mr. McMurray stated thank you.

Chairman Rogan stated what we do request is that you just continue to work with Rich on this, let him know what's going on, you're going to be working together and making sure that this is smooth sailing from here on out.

Mr. McMurray stated thank you very much.

Chairman Rogan stated we appreciate your time, thank you.

Board Member DiSalvo stated (inaudible).

3) NORTH COUNTY HOMES – Wetlands/Watercourse Permit

Applicant was not present.

Rich Williams stated you have a resolution on North County Homes.

Chairman Rogan stated yes.

Rich Williams stated the Town Attorney has commented on it and revised it and as per his comments, the resolution should have revised it. You want to take a look at that, the battery in the mic is dying, I'm going to go change the battery. Michelle will go change the battery.

Chairman Rogan stated do you, you gave that to us this evening that revised copy, Rich.

Rich Williams stated yeah, I believed I e-mailed it to you.

Chairman Rogan stated got it.

Rich Williams stated yeah you've got that.

Chairman Rogan stated okay and Rich, you said that Mr. Buschynski is on vacation and the property owner is not able to be here, is he aware of the special conditions that we placed.

Rich Williams stated I e-mailed the resolution to Mr. Budzinski.

Chairman Rogan stated okay, you e-mailed it to the Health Department.

Rich Williams stated no.

Chairman Rogan stated Buschynski, the poor guy has been slammed all the time.

Rich Williams stated Buschynski, the principal at Bibbo Associates.

Board Member Pierro stated okay.

Chairman Rogan stated does anybody have a problem with reacting to this without there being representation here from the applicant. I personally do not.

Board Member Pierro stated I do not.

Board Member DiSalvo stated no.

Board Member Cook stated no.

Chairman Rogan stated anyone want to do to the resolution.

Board Member Cook stated I will.

Chairman Rogan stated okay, go right ahead Charles.

Board Member Cook stated whereas a wetlands and watercourse permit application numbered WW0209-1, has been submitted by North County Homes, which proposes activities occurring within a wetland controlled areas as shown on plan entitled Lot number 5, GDC Subdivision, prepared by Bibbo Associates, dated August 8, 2008 and last revised on January 30, 2009. Whereas pursuant to section 154-18, the Planning Board finds that the activities proposed by the application as modified by any applicable conditions contained herein, will not have a substantial effect on the wetlands or surrounding property and therefore waives the requirements that a public hearing be held and now therefore it be it resolved in the application of North County Homes Wetlands/Watercourse permit application, WW0209-1, pursuant to chapter 154 of the Town Code. The Planning Board finds that subject application and plans has modified in accordance with any applicable conditions set forth in this resolution complies with all requires of the Town Law and chapter 154 of the Town Code and hereby grants approval to said Wetlands/Watercourse permit application, subject to the applicants compliance with nine general and twelve special conditions, as outlined here. And further be it resolved that this wetland/watercourse approval shall be deemed null and void if the applicant fails to comply with all conditions stated above and/or construction is not completed within one year of the issuance of this permit and any extension thereto granted by the Planning Board.

Board Member Pierro seconded the motion.

Chairman Rogan stated well said Charles.

Chairman Rogan asks for all in favor:

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

Motion carries by a vote of 4 to 0.

Chairman Rogan stated any opposed, motion carries. GDC has their approval.

4) WATCHTOWER AMENDED SITE PLAN

The Applicant was not present.

Chairman Rogan stated for the audiences edification, Watchtower, we had approved an amended site plan at the work session to allow them to replace some cooling towers from one of their buildings. They actually put them to a new location that was not visible compared to the old location, so that was approved prior.

5) MEADOWBROOK FARMS – Wetlands/Watercourse Permit Application

Ms. Diane Larkin, attorney for JGZ and Mr. Bill Brickelmaier of Insite Engineering were present.

Chairman Rogan stated we have Meadowbrook Farms wetlands/watercourse permit application, is that the attorney out in the hall way.

Ted Kozlowski stated I'll get them.

Rich Williams stated and the engineer.

Chairman Rogan stated good evening.

Ms. Larkin stated good evening.

Mr. Brickelmaier stated good evening.

Chairman Rogan stated if its more comfortable for you, you can remove the microphone.

Mr. Brickelmaier stated I'm Bill Brickelmaier from Insite Engineering and we've been retained to prepared the stormwater pollution prevention plan for this project, I would like to put the map up.

Chairman Rogan stated sure, if you'd like.

Mr. Bickelmaier stated the Board I think is familiar with the project, is along [Route] 292.

Chairman Rogan stated Bill.

Mr. Brickelmaier stated yeah.

Chairman Rogan stated you're a soft speaker, can you use the microphone please.

Mr. Brickelmaier stated sure.

Chairman Rogan stated thank you.

Mr. Brickelmaier stated as the Board is probably aware this project is located along [Route] 292, there is existing cluster development that exists back in this location off of Sonnet Lane. As I understand it was a multi-phase project and this is the phase that we are working on right now and as I started off, we were retained to prepare a stormwater pollution prevention plan for the project. So, we kind of came in on the end, there is an existing stormwater basin in this location that is quite deep and I'm not sure if the Board has seen it and it was intended to use this basin, I believe when the project was originally conceptualized. The stormwater regulations have changed quite a bit since then and what we are proposing to do is utilize and expand the existing basin and add a second infiltration basin down in this location. I understand there is some concern with the location of the basin, I submitted a letter to the Board, I don't know if the Board has a chance to read the letter, it explains the history and I'll go over it now. There are a lot of physical constraints as far as elevation that really only allows us to work down in this area with the stormwater. Early on the DEP, New York City DEP, encouraged us to explore infiltration on the project because the soils out here are quite good, so we looked at trying to do some infiltration on the low side of the road, we did some testing and we found very unsuitable soil, there may have been some spoils left over from the original development, we're not really sure. So that really only left us moving north, away from the existing basin to explore location for infiltration, the soils were suitable in that location and that is why we ended up with that infiltration basin down in this area, adjacent to the existing stream, which is between the basin and [Route] 292, there is an existing stream right in this location here. To get the hydraulics to work, we needed to bring up the bottom elevation of this existing basin, we propose to bring it up four feet, to get this basin to step down into this basin and you know, that is basically why we've ended up with the basin down in this location. I know there is some concern about again, the proximity of the basin to the stream, what we've done it, we proposed the infiltration basin such that when it is graded in, the existing water that comes off this hillside will go into the basin and really the earth work can be accomplished without creating any exposed earth towards the existing stream. We also have the ability to utilize the existing outfall pipe from the existing basin such that we don't have disturb the beds or bank of the existing stream at all and that is pretty much why we got to this location. Now if the Board has any questions.

Chairman Rogan stated Ted, do you have anything on this.

Ted Kozlowski stated well that was my, Bill my biggest concern was you know, we're within 100 feet of the stream, I had concerns that it is a stormwater basin, one of my concerns case in point, this past week in Bedford, there was an oil spill, it went through basins and threatened a water body. As we get closer to a stream like that, if there is such a spill or something like that, it just makes it that much closer, if you are saying that you physically and economically can not push this basin out of the buffer then that is something I have to live with. I am not ever in favor of pushing next to a trout or CTS stream like that but if that is what it is, then that's what it is.

Mr. Brickelmaier stated again we were trying to balance, we work within the existing basin, we didn't want to encroach any closer to the existing residents, you know, is there ability to move this, it can probably be moved slightly but then we are going to be closer to the existing residents, we are going to be, its, we feel that because we can excavate and construct this basin such that there is really not going to be any exposed soil getting into that basin, we don't need to build a new outfall pipe that we are really.

Chairman Rogan stated and Bill, your part of this project is strictly stormwater.

Mr. Brickelmaier stated correct.

Chairman Rogan stated and then Harry is dealing with any of the other design perimeters.

Mr. Brickelmaier stated anything stormwater related on this, I can help you with, other than that.

Chairman Rogan stated understood, so given that, does anyone, Gene, do you have anything that you want to ask Bill while he's here. I don't have anything burning on stormwater, there are a lot of other issues that are certainly more controversial that we have not figured out how to solve yet, more so than stormwater.

Gene Richards stated no, I know the, I guess Ted probably originated the comment was just to have him look at shifting the pond to try and avoid being in the buffer for the stream and that was there only charge to try and look at that and see what it would mean. If they've done that and found that it can't be done for several reasons that is fine, at least he's looked it and done what the Board has asked him.

Chairman Rogan stated so sure, okay, it looks like we are off the hook for tonight. We can switch over to the, sir.

Mr. Cantor stated what is the likelihood that that storm drain will overflow into the stream.

Mr. Brickelmaier stated the, the way this functions is the stormwater is collected in the collection system, its brought into this sediment basin for the two year storm and smaller, the flows will discharge down into this infiltration basin and the stormwater drains down into the ground. Above the two year storm, the flow is slowly released and directed in the existing pipe and into the stream, like it exists now. Right now, the stormwater runoff from Sonnet Lane discharges into this basin and there is an outfall pipe that goes into the stream, so this will improve the stormwater discharge from the property because there will be two ponds in series. Anything up a two year storm will get infiltrated in the ground and above that it gets discharged into the stream, right now everything comes into that basin and then discharges into the stream.

Mr. Cantor stated the Town has no concern that potentially above the two year flood issue, we could end up with a flooded stream that could take out our bridge in and out of the property.

Chairman Rogan stated I think that is exactly the design parameters and town work towards, again I'm certainly not an engineer and can't speak to those issues but that is why we have those people here, to answer those.

Mr. Cantor stated does the Board realize that is the only egress in and out of that property right now. If that bridge is taken out, which happened up the road of [Route] 292, towards Holmes, where a homeowner, the stream came up so high, it took his bridge out and he was literally landlocked and unable to reach [Route] 292 from his property.

Chairman Rogan stated it sounds like the potential of that happening exists regardless of this stormwater basin though.

Mr. Brickelmaier stated correct, really it's the upstream contributing area and the large contributing area to this stream, this is a really insignificant component of the contributing area of the stream, this stream probably has, in this case.

Chairman Rogan stated certainly what you are alluding to is a bridge designed appropriately for certain storm events, in terms of culvert size, you know, that's a question, that's a great question and I don't know the answer to that off hand.

Mr. Cantor stated and I guess the only other issue is, for the Board's edification, we still have received no communication from the developer on taking our deeded property and using it for their purposes.

Chairman Rogan stated because as you had said, this is community property in the area that this is proposed.

Mr. Cantor stated and it is deeded in the name of the HOA.

Chairman Rogan stated okay and again to be honest with you, from my perspective, it doesn't really matter because if they don't have the right to use it, they can show it on paper but that doesn't give them the legal right, certainly understand that, so.

Gene Richards stated Shawn.

Chairman Rogan stated yes.

Gene Richards stated I think when this project was originally designed, that culvert was probably designed for a hundred year storm as a minimum and would have had some amount of freeboard above that water level, now there is. I know when we did a site walk out there, we saw that there is a maintenance issue with sediment collecting in the, there were three barrels to that culvert I believe and there was sediment that collected and of course vegetation got in there over the years and that was growing and that just kind of tracks more sediment to grow. One thing that's important is to keep that thing maintained, keep it clean, to allow those high storm flows to pass through it. I don't know how long you've lived there but have you ever seen a case with that stream, Tropical Storm Floyd was a significant storm, did that top the road at that point.

Mr. Cantor stated one time in twelve years we've had water come over the bridge.

Gene Richards stated so it has happened.

Mr. Cantor stated one time but it was a rather unnerving experience to think that, to be literally not able to exit the property and we subsequently found a homeowner on [Route] 292, up the road towards Holmes which did in fact have his bridge taken out. I think the Town helped, that may be Holmes, it may be the other municipality, they had to put a temporary bridge in and there was (inaudible).

Chairman Rogan stated Rich, who at the build out of the phase, who is responsible for the maintenance of the culverts that Gene was talking about, is that part of a drainage district that.

Rich Williams stated at this point, that is one of the things that we need to talk about, right now the maintenance is assigned to the homeowners association. My suggestion was, that we take a look at, while we are going through this process, doing a drainage district out there, the homeowners would still be incurring the cost which they are going to have to do one way or the other. This would, we would be able to probably do it cheaper than they could do it individually because we are going to have to do this for a number of different areas, plus, they don't have the headache worrying about it anymore.

Chairman Rogan stated it's done.

Rich Williams stated we're out there doing the inspections, we're out there you know, certifying things to the DEC, so there are number of advantages to doing a drainage district and I think everybody.

Mr. Cantor stated and I think we can (inaudible).

Rich Williams stated yeah.

Chairman Rogan stated knowing that's done.

Mr. Cantor stated assuming that (inaudible).

Chairman Rogan stated understood. Like I said Bill, you're probably off the hook on this because we are probably moving off stormwater on to other topics. At the work session, Ms. Larkin we had spoken a number of issues and I know we have a lot of work to do in terms of that. Just so you know, we spoke about again, reaffirming this Board's position on the existing roadways and the future roadways in terms of their ability to be offered for dedication, we went so far as to request that they look at the.

Board Member Pierro stated the common areas.

Chairman Rogan stated the loop, the common area, basically the loops where you have parking and whether or not they can be increased in size to meet the standards, et cetera, you know we've had these, we just kind of reaffirmed that position. Have you had any luck with the Health Department.

Rich Williams stated yes, I have.

Chairman Rogan stated great.

Rich Williams stated I did talk to Mike Budzinski, he is aware of.

Chairman Rogan stated excuse me because this is integral of what you are wanting to hear.

Rich Williams stated he has been made aware of the issues.

Chairman Rogan stated Health Department.

Rich Williams stated with the water supply system, they are certainly going to look at that, as part of any permitting the applicant is going to have to go through for this second phase. He also said that there may be issues with the septic system approvals out there at this point, which the applicant should check into, whether those approvals have expired and need to be renewed and some of the other issues. As I recall, one of the issues that precipitated this was DEC made them come back in and if I can, you'll see the existing septic system here, which is a series of tri-galleys and the new septic system here which is a series of fields. The DEP actually made them do a re-design, I don't know if the Putnam County Health Department has seen this but I believe it through the New York City DEP. So, that was something also that Mr. Budzinski from the Health Department.

Chairman Rogan stated I'm sure Joe Buschynski appreciates that.

Rich Williams stated yes I'm sure, you know he was going to check into it and follow up and certainly anything to do with the water supply system or the septic areas are going to be taken a look at as part of the Health Departments final approval on this phase.

Chairman Rogan stated great, okay, so it sounds like we are waiting for, the ball is kind of back in your court, we are waiting for some information on the roadway engineering and Health Department.

Ms. Larkin stated who are you talking to, me.

Chairman Rogan stated I'm talking to you Ms. Larkin, yes ma'am.

Ms. Larkin stated what do you want from (inaudible).

Chairman Rogan stated Harry Nichols, you're going to.

Ms. Larkin stated he couldn't be here tonight.

Chairman Rogan stated I understand that.

Rich Williams stated let me, let me, we are going to switch gears now.

Chairman Rogan stated go ahead.

Rich Williams stated just for everybody else's edification, prior to the last meeting, I had taken a look at Merle Lane, the new extension road and whether that could be offered for dedication and it appears if the Town is amendable to that, it meets all of our design standards, its within a fifty foot wide right of way, we would need certain things to occur for that to be offered for dedication, including an offer, probably a title report that Tim, has slipped away, and a meets and bounds description that we would need to take a look at. The other issue is that the Planning Board had also indicated that they were very interested in seeing if we could take the loop roads, I did go back and take another look at that and I did meet with Harry Nichols and he is going to take another look at that.

Chairman Rogan stated we appreciate you doing that.

Rich Williams stated at this point I want to sit with Charlie Williams to see what his opinion is also.

Chairman Rogan stated I think that's a great idea.

Rich Williams stated but they are twenty-four foot wide, they are designed to, for construction purposes, town road standards, they are not within a fifty foot wide right of way and can not be place in a fifty wide right of way because one side of all the horse shoes are the property lines for the house, so there is no way to do an additional taking. So that's.

Chairman Rogan stated does the road way, the physical road has to be in the center of the right of way.

Rich Williams stated no, it does not unless there is an adequate snow shelf.

Chairman Rogan stated right.

Rich Williams stated you know, now when we are plowing out there, we are pushing the snow onto private property.

Chairman Rogan stated pushing it on to private property.

Rich Williams stated and we can't do that.

Chairman Rogan stated is there a way to get a sign off from something like that, a blanket waiver. Well, my point is, you're looking at me kind of funny, but my point is that if you want the roads to be maintained, and the only way to do that is for the guy to plow the roads. I would think that people would be more than willing to sign off, that hey, push the snow on to our property, it's better off than, you know.

Rich Williams stated and then we have the other issue about the additional parking width and all those other loop roads and certainly I'm sure the Town is not going to want to get involved in.

Chairman Rogan stated sure.

Rich Williams stated and again, it's going to be very difficult to break those areas out also, not impossible but essentially what we would end up doing is not having a fifty wide right of way but a twenty-four foot wide right of way without you know, snow shelves on either side.

Chairman Rogan stated right.

Mr. Cantor stated so Rich what you're saying is if the horse shoes were dedicated, it would exclude the parking area adjacent to the common area. They would go down the center of the road but the Town wouldn't plow the parking areas.

Chairman Rogan stated correct.

Rich Williams stated correct, I don't know how much use there is in those parking areas, is there a lot of use, if you even want to give those parking areas up.

Board Member Pierro stated are those parking areas dedicated to individual units.

Mr. Cantor stated no, it's common.

Chairman Rogan stated it's common.

Board Member Pierro stated common.

Mr. Cantor stated but they are actively used.

Chairman Rogan stated I bet they are, yeah.

Board Member Pierro stated so I think that's a great trade off, instead of plowing the whole thing, you just have somebody plows those minor areas.

Mr. Cantor stated well we can talk about buying an HOA piece of equipment.

Chairman Rogan stated thank you.

Mr. Cantor stated that is a heck of a lot cheaper than us paying ten thousand dollars, which is what we are paying now to plow the road so.

Chairman Rogan stated thank you for meeting with Harry and getting Charlie Williams involved early on to know because that is the guy the is ultimately, he is the Highway Superintendent.

Rich Williams stated none of this happens without his blessing.

Mr. Cantor stated we just didn't know his name.

Chairman Rogan stated I think that you get a sense that we've heard what you've been saying all these months and we are really trying to figure out to make this work the best for everyone.

Mr. Cantor stated we appreciate that.

Chairman Rogan stated thank you, do we have anything that anyone else wants to bring up for tonight.

Board Member Cook stated what the concerns brought up by the homeowners relative to the water plant capacity.

Chairman Rogan stated that is what Rich was talking Mike Budzinski about.

Board Member Pierro stated the Health Department was dealing.

Board Member Cook stated that is what Rich was referring to.

Rich Williams stated yeah, no, I talked to Mike Budzinski and he was going to pull the plans and take a look at it and he was aware that there were concerns and he indicated that certainly they would be addressed as part of any final permitting that occurred with the Health Department.

Board Member Cook stated and the emergency generator.

Mr. Cantor stated the static water tank, that was raised in the, is that the Fire Department.

Rich Williams stated well no its, not, did he leave.

Chairman Rogan stated he left.

Rich Williams stated Dave Raines, Fire Inspector, he had indicated that he felt that we should be providing a source of water out here and in this general area right here, perhaps we could put a water tank with a dry hydrant that would aid in fire fighting.

Ms. Larkin stated (inaudible).

Chairman Rogan stated you were doing it.

Rich Williams stated I was being kind.

Chairman Rogan stated and I apologize but we always call them fire tanks, you said static water and I'm still thinking Health Department, so you threw me a little bit.

Dave Raines stated you're talking about the fire tank, I thought this was a wetlands applications.

Ms. Larkin stated it is but they are making us do all this stuff.

Dave Raines stated what was the question.

Chairman Rogan stated someone just asked, the gentleman just asked what the status was on the static tank and Ms. Larkin has said you pretty firm that there would be on placed here.

Dave Raines stated firm, yes. We were going to see a fire tank here, Richie and I have not closed on where the best location is but we are going to have a nominally 20,000 gallon fire tank with a dry hydrant in here. I think we have a little bit of work to do to figure out where.

Rich Williams stated I don't know, as I said, we're got the road coming in, we have this little, (inaudible – not using microphone).

Dave Raines stated I thought (inaudible). Would you like me to initiate, Shawn.

Chairman Rogan stated yes.

Dave Raines stated would you like my office to initiate some communication to the applicant to work towards getting that sited.

Chairman Rogan stated it has to happen so, yeah.

Dave Raines stated okay.

Chairman Rogan stated I think the sooner they are working on that, Harry knows about it but.

Dave Raines stated okay.

Chairman Rogan stated we've had discussions with Harry here.

Ms. Larkin stated can I have your card.

Dave Raines stated absolutely.

Chairman Rogan stated okay, anybody else. Ms. Larson, come on up, never mind you don't have.

Ms. Larkin stated Diane Larkin, attorney from Meadowbrook, I just want to be clear, I'm probably doing this all wrong but my understanding is that there are several issues, the water treatment plant capacity, the road dedication, the developers authority to expand the water retention system but are we able now to say that the location is okay, that was one issue as well and I would love to.

Chairman Rogan stated the stormwater.

Ms. Larkin stated yeah.

Chairman Rogan stated I think we've all agreed on that.

Ms. Larkin stated that's great news, thanks.

Chairman Rogan stated okay, thank you very much, we appreciate your time.

Ms. Larkin stated thank you.

6) MARTINS SUBDIVISION – Continued Review

Mr. Steve Miller of Badey & Watson was present to represent the application.

Chairman Rogan stated okay, is anyone here for Martins Subdivision, Steve is here, he's hiding in the back.

Board Member DiSalvo stated Steve here.

Chairman Rogan stated yup. Oh brother, Mr. Miller how are you this evening sir.

Mr. Miller stated very well, thank you.

Chairman Rogan stated good.

Board Member Pierro stated it seems to have succeeded with the Zoning Board.

Mr. Miller stated yes we did.

Board Member Pierro stated very well.

Mr. Miller stated (inaudible).

Chairman Rogan stated I know from the latest submission, we had a loud audience out in the, they'll calm down, that they eliminated the fifty foot right of way that was shown. So basically what we have now is a straightforward, two lot subdivision.

Mr. Miller stated that's correct.

Chairman Rogan stated I don't remember any comments from the Board, against this layout, I think we are at the point, we have no done our intent to be lead agent on this, have we, Michelle, you are always good on this stuff.

The Secretary stated I actually don't know.

Chairman Rogan stated I don't think we have.

Board Member Pierro stated once we do intent.

The Secretary stated let me get Rich.

Chairman Rogan stated we can circulate, we start talking public hearing and move this along. And, have anything on this.

Board Member Pierro stated there are no design standards requested for the driveway.

Chairman Rogan stated Rich, have we ever done intent.

Rich Williams stated no.

Chairman Rogan stated okay, thank you.

Board Member Pierro stated there are no walls required for the driveway where its located now.

Chairman Rogan stated only, Steve, only.

Mr. Miller stated I was waiting for the rest of the Planning Board to get back.

Chairman Rogan stated thank you.

Mr. Miller stated that plan that I sent you which was the plan that we had taken to the Zoning Board, we have modified it slightly, again from some comments by the Zoning Board. Originally, on the plan that you have, we have the driveway enter on to Cornwall Hill Road, right at the property line and Rich had raised some questions about a retaining wall that we had there and then there were some comments at the Zoning Board about possibly pushing the driveway up. So what we have done in the current plan is the driveway comes down and kind of gets kicked over to a little more into the middle of the lot, it eliminates the wall, it gives a little more sight distance.

Chairman Rogan stated okay.

Mr. Miller stated a little more distance to the driveway next door. The, we hadn't submitted this plan in time for the Planning Board to review it.

Chairman Rogan stated understood.

Mr. Miller stated we are putting this package together, together with answering the questions that Rich had from the last submission and that will be in the next submission that we send to you.

Chairman Rogan stated great.

Mr. Miller stated the other thing that I would like to note is again on the plan that you have here, is a slight difference in the way we have the lot line drawn and right before I came to the meeting tonight, I again talked to Mr. & Mrs. Martins again about the lot line configuration and its possible that they make take this lot one and include this area down in here.

Chairman Rogan stated okay.

Mr. Miller stated with the understanding that whichever configuration we come up with, it will meet the Zoning requirements for area and lot width.

Chairman Rogan stated okay.

Mr. Miller stated that seems to be the sticking point with that drawing, exactly how to draw the line to meet the requirements.

Chairman Rogan stated Steve do you have any sense as to what is driving their changes to the lot lines.

Mr. Miller stated they would like to build a new house for themselves here and sell this property. Their idea is to take with them.

Chairman Rogan stated I apologize Steve.

The Secretary stated hold on.

(Side 1 Ended – 8:29 p.m.)

Chairman Rogan stated now you have a full forty-five minute or hour tape so you can go ahead.

The Secretary stated go ahead Steve.

Mr. Miller stated with the new lot, they would like to take as much area as they can and also give themselves as much width around the new house as they can. Unfortunately you can't have one without cramping the lot with the existing house on it and that is the thing that we keep going back and forth with. When I got off the phone with them, it seems like what we are going to have is a geometry that looks similar to this and will come out and include this wetland, so lot one will be this in here and lot two will be this up in here.

Chairman Rogan stated understood.

Board Member Pierro stated there is no other benefit to having that property out on [Route] 311 other than the bulk area requirement.

Mr. Miller stated that is correct.

Board Member Pierro stated okay, that's fine by me.

Chairman Rogan stated Rich, you haven't had a chance to see this, this is the first time you're seeing this new plan tonight.

Mr. Miller stated no, he hasn't.

Chairman Rogan stated so you'll do a review on that.

Rich Williams stated that pretty much, everything else is the same, I talked about the lot line, which really (inaudible – not using microphone).

Mr. Miller stated right.

Chairman Rogan stated just change it a little bit.

Mr. Miller stated as long as we meet the Zoning for the two hundred and fifty width.

Chairman Rogan stated Steve had mentioned a slight change in the driveway location but it takes out the retaining wall.

Mr. Miller stated we pulled the driveway back to eliminate the wall, get a little more.

Rich Williams stated that was something that (inaudible) the Zoning Board.

Chairman Rogan stated right, that is what he had indicated.

Mr. Miller stated okay.

Chairman Rogan stated okay.

Board Member Cook stated so basically it's those two points, the adjustment to the driveway which eliminates the retaining wall and then you are going to come up with the configuration of the two lots.

Mr. Miller stated correct.

Board Member Pierro stated that's fine.

Mr. Miller stated we have the variance from the Zoning Board, we went looking for three variances, we came back with a single variance which is for lot frontage for lot two.

Chairman Rogan stated okay.

Board Member Pierro stated lead agency.

Chairman Rogan stated yup.

Board Member Pierro stated if you're ready.

Chairman Rogan stated he's waiting on you.

Board Member Pierro stated in the matter of Celeste and Francisco Martins, Cornwall Hill Road, Patterson, I make a motion that the Patterson Planning Board declares itself, declares its intent to be lead agency.

Board Member Cook seconded the motion.

Chairman Rogan stated well said, can I have a second, Charlie second.

Chairman Rogan asks for all in favor:

Board Member Cook	-	aye
Board Member DiSalvo	-	aye
Board Member Montesano	-	absent
Board Member Pierro	-	aye

Chairman Rogan - aye

Motion carries by a vote of 4 to 0.

Chairman Rogan stated okay, so procedurally, we get the new plan in, Rich checks it over, we are probably in pretty good shape just to have the public hearing.

Mr. Miller stated can we not set it for the next meeting.

Chairman Rogan stated do you have any problem with that, we only have, its funny because I had originally asked Rich about a public hearing on this because I thought I remembered the neighbor closest, talking about it.

Mr. Miller stated the neighbors, this neighbor came to the Zoning Board meeting and one of the neighbors over here came to the Zoning Board meeting.

Chairman Rogan stated the one I was thinking about was when we were on the site walk, just over the line.

Board Member DiSalvo stated oh yeah.

Mr. Miller stated over here.

Chairman Rogan stated correct but I must have dreamt that we had spoken to him because obviously he didn't come in and talk at a public hearing.

Board Member Pierro stated yeah.

Chairman Rogan stated does anybody have a problem with setting a public hearing.

Board Member Pierro stated I do not.

Chairman Rogan stated I would rather get them in here, the condition is that.

Rich Williams stated I'm not trying to slow the process up.

Chairman Rogan stated right.

Rich Williams stated procedurally, I'd rather get SEQR done before we set a public hearing.

Chairman Rogan stated okay.

Rich Williams stated I talked to the Board, there is another decision that came down recently that says if you don't have a complete application til SEQR is done and you can't set a public hearing until you have a complete application.

Chairman Rogan stated okay.

Rich Williams stated and we're not going to get SEQR done before the next meeting.

Chairman Rogan stated but we would probably in good shape to set the public hearing at the next meeting for May.

Board Member DiSalvo stated for May.

Chairman Rogan stated fair enough.

Board Member Pierro stated in order to get a complete application.

Rich Williams stated if we get everything out quickly, maybe next week, then you can probably do SEQR at that meeting too.

Board Member Pierro stated so in order to get a complete application we need the finalized site plan done.

Chairman Rogan stated right.

Mr. Miller stated or need the next pass of it.

Chairman Rogan stated yes.

Tim Curtiss stated the next submission.

Chairman Rogan stated it is what it is.

Mr. Miller stated unfortunately.

Chairman Rogan stated a benevolent try though on your part and go back and tell your client, you fought hard.

Mr. Miller stated is that it.

Chairman Rogan stated that's it.

Board Member Pierro stated that's it Steve.

Mr. Miller stated always a pleasure.

Chairman Rogan stated always a pleasure to see you.

7) SOUTH PATTERSON BUSINESS PARK WEST – Continued Site Plan Review

Mr. Robert Cameron of Putnam Engineer was present to represent the application.

Chairman Rogan stated okay, we have South Patterson Business Park West, up this evening. Mr. Cameron how are you this evening.

Mr. Cameron stated good, thank you.

Chairman Rogan stated great.

Board Member Pierro stated Rich had some concerns on this.

Chairman Rogan stated good evening Rob.

Mr. Cameron stated good evening, I'm Robert Cameron from Putnam Engineering representing the applicant for South Patterson Business Park West. This is an application for a commercial building on a parcel of land that is approximately 39 acres in size. We are basically utilizing about two and half or so acres in the front of the parcel for commercial development, as you might be aware all along Route 22 you have the C zone.

Chairman Rogan stated bless you.

Mr. Cameron stated the application is for an office/warehouse use. Rich had some comments which I will address regarding the location of the office and warehouse. Essentially we are planning on splitting the office and warehouse between the floors.

Rich Williams stated okay.

Mr. Cameron stated and in my next submission I will designate you know, how we are going to be doing that. I think you also had some comments about the truck turning radiuses and how that would work. We did show an indentation here, actually I was planning on maybe a larger indentation, I know I only showed one and that is probably not realistic. So I could probably indent that whole area there and we do need to discuss what types of trucks are going to be there. At this point I really don't know because we don't have a definite client for this building.

Rich Williams stated and there in lies the rug, that is the problem, when you don't know you design conservatively and WB-40 truck turning radius is not a conservative assumption. You have to assume you are going to have a larger truck using that site.

Mr. Cameron stated we could enlarge this area back in here because we do have a fifteen foot floor to ceiling height.

Rich Williams stated sure.

Mr. Cameron stated so we can get underneath that truck, there is no problem to make a bay there.

Rich Williams stated okay but this came up as an issue with the Planning Board at the site walk about the Planning Board felt that the driveway was too narrow and I concur with that and that perhaps the driveway needs to be expanded to allow for that additional turning radius. Its going to be a little bit more of a cost because you are probably going to have to put some sort of short retaining wall in so you're not grading off the site but its seems to make more sense to have a wider driveway to give greater flexibility and maneuverability through out the site rather than come up with, frankly, crazy scenarios where you are going to indent the loading docks into the back of the building.

Mr. Cameron stated actually it works pretty good on the lower level. I would not be opposed to widening the driveway, I mean, we just used the standard width of the driveway, I mean if you are okay with us

widening that driveway out, we don't have a problem doing that and putting a little retaining wall on the edge, that's fine, I'll do that. I was just trying to conform to the standard for the driveway, so.

Rich Williams stated yeah.

Board Member Pierro stated would there be a problem with side yard if we expanded the width of the driveway, no, okay.

Mr. Cameron stated you had said.

Gene Richards stated Rob, sorry, one thing you can look at too and I don't know how important your building floor area is and if you have some now, if you didn't want to introduce a retaining wall on the north side of the driveway because of cost. One possibility would be to reduce the width, maybe just on the lower level of the building, pull that wall back, put the second floor cantilever over it, just to accommodate WB-50 vehicles.

Mr. Cameron stated yes.

Gene Richards stated you know with the turning radii, that is one possibility. I think you will have to look at it a few ways and see what works best for you but as Rich was saying you really should design for the WB-50 design vehicle and the other thing that they will have to deal with too is you have a ten percent grade going down into the driveway, into the site.

Mr. Cameron stated yes.

Gene Richards stated so, how are the truck drivers going to come through the site, are they going to down to the lower lot, turn around and go up and back into that space as opposed to just going straight down and backing up hill into that space, that would be a tough maneuver but anyway, that is all stuff that you can look at as you're going through it.

Mr. Cameron stated the backing up issue is really not, the trucks have a much shorter radius in back up than they do in pulling out.

Gene Richards stated I know that, they can jack knife it.

Mr. Cameron stated the backing up is really not the issue, its once they are in that dock, is how are they going to get out without having the rear wheels drive over the curb and I guess that is why I showed this being the tractor trailer one.

Gene Richards stated if they are taking delivery of goods and let's say the trailer is filled with whatever they delivering, it might be a large load, now they have to jack knife it and back at the same time, it might be a lot for that tractor to do. I'm not a truck driver, so I don't know what their abilities are.

Mr. Cameron stated I think I'll look at the widening of the driveway first, to give up square footage on a building is usually the hardest thing to convince a client, so that is what I will try to do.

Gene Richards stated that's fair.

Mr. Cameron stated see if widening that driveway is going to work for us.

Chairman Rogan stated and with this current plan, we are still out of the wetland areas.

Mr. Cameron stated yes.

Chairman Rogan stated they are well away.

Mr. Cameron stated yeah, Rich's comment on one of these plans is, I think what we did was we just outlined the paper space that was designed for this, so that is not, I already have that red mark there, we are going to fix that. A lot of the other comments that Rich had I think are easily addressed.

Board Member Cook stated increasing the parking spaces to ten feet, you can handle.

Mr. Cameron stated yes, I think that was only on the handicap ones, right, yeah, that's not a problem.

Gene Richards stated Rob, on handicap if I may, one thing you want to look at too, are the grades, you're only allowed a two percent grade in any direction through a handicap parking area.

Mr. Cameron stated yes.

Gene Richards and I think on the lower level you exceed that, I'm not sure about the upper level.

Rich Williams stated my original comment was move it over closer to the door, you have to be as close as you can get. His response was we can't do that because we don't meet grade.

Gene Richards stated I'm, not sure you meet it where it is now, we can look at it.

Mr. Cameron stated and Rich had another comment that I would like to talk to, about the height of the building. And the maximum height is thirty-five feet and when I took a look at the plan in the back of the building, its kind of tall back there. We have submitted a building plan and what we were proposing on doing was providing a decorative, you might call it a canopy or a mansard along three sides of the building. Now if you look at our site section, you'll see that the site section shows a sloped roof through out the whole building and I think that was done earlier on before we had come up with this design. So, our intention actually is to provide this mansard along the three sides, I don't think we need it in the back and in looking at that site section, I think which is drawing two ten, and I will check this, I think that the height of this mansard will be such that it will screen the remainder of the roof from Route 22. I quickly did a site line sketch before I came here and it looks like the height of this will accommodate that and if it doesn't I will make sure that it does. Because I would like to leave the remainder of the roof flat and when you calculate the height, that is to the maximum, that is to the center line of, no.

Rich Williams stated to the highest point of the roof line, we don't average it, we don't go to the middle of the roof, we go to the highest point and we can average in across the grade, so on the north side elevation that you have shown there, we can average it.

Mr. Cameron stated okay.

Rich Williams stated okay, but when you get around to the back that it is all uniform across the back, you know I went with that I saw there, which appeared to be that the mansard was going around, based on the northwest corner of the building.

Mr. Cameron stated right, I just don't see, unless the Board feels differently, I don't see there is any point to putting the mansard in the back, there is no one back there, we have the wetland in the rear. And also, even with the site lines.

Chairman Rogan stated of this, right.

Mr. Cameron stated what's that.

Chairman Rogan stated you were talking about from the north elevation, the gable that's shown from the back.

Mr. Cameron stated that's not the back, that's actually the side that is where the driveway is going down, I only gave you two elevations. We got tired of drawing elevations, we stopped at two.

Board Member Pierro stated the extreme west side elevation.

Mr. Cameron stated the extreme west side, looking that way.

Board Member Pierro stated looking at it.

Mr. Cameron stated that is where I would not do anything, I would put a decorative trim, the metal mansard but I would not provide a decorative mansard at that point, no one can really see it.

Board Member Pierro stated very reasonable.

Chairman Rogan stated the only person that would see that is the guy that was in the tree stand when we were on the site. That seems reasonable Rob.

Board Member Pierro stated I'm sure we didn't make any friends that day.

Chairman Rogan stated he was okay.

Mr. Cameron stated the other thing that I would like to do is, we have started to design the stormwater system, we have started calculations, we have some swale designs, we have some pond designs, I would like to see if I could set up a meeting with Rich and Stantec to review this design. I don't know if you feel comfortable with me coming earlier rather than later, I would prefer to see you and discuss our concepts with our calculations sooner rather than later.

Gene Richards stated sure, I think we would all encourage this, don't you think.

Mr. Cameron stated yeah, I mean we've gone pretty far, we've analyzed it, you know we have the additional pond, you know we are trying to conform to the GPO8 regulations the original design was more in accordance with the 01 regulations.

Chairman Rogan stated sounds like a good idea.

Mr. Cameron stated as far as the SEQR process, I mean would you.

Rich Williams stated if I could just ask one question and (inaudible) usually what is going to happen is you are going to submit to us, your design, we are going to take a look at it and then we would meet. Right now, we haven't reviewed any design, we have no idea what it looks like, for all we know it's perfect, if we could get and review it.

Mr. Cameron stated tomorrow I could send it to you, basically.

Rich Williams stated that would be fine but right now I think it would preliminary without us having reviewed anything.

Gene Richards stated I haven't seen anything either.

Rich Williams stated the Board is okay with that.

Board Member Pierro stated I'm fine with that.

Chairman Rogan stated we are fine with you guys talking, as much as you want to talk.

Mr. Cameron stated you would just need to let me know, if I package this up and send it out to you tomorrow, let's assume you get it on Monday, what would you need, you know, would be convenient for a time frame.

Rich Williams stated I don't know at this point.

Gene Richards stated the beginning of next week, hit or miss but I don't know.

Rich Williams stated I would think the beginning of the following week.

Mr. Cameron stated okay.

Chairman Rogan stated okay.

Mr. Cameron stated just as long as we meet before the next Board meeting, so we can bring any comments to the attention of the Board, is really what I would like to accomplish.

Rich Williams stated okay.

Board Member Cook stated didn't we have a concern about overhead wires.

Chairman Rogan stated getting into the project.

Mr. Cameron stated yes.

Chairman Rogan stated that is something they'll address.

Mr. Cameron stated we are going to address that with, I assume its NYSEG but it might not be, it could be ConEd, I don't know whose poles those are, I assume they are NYSEG's.

Rich Williams stated we have never had ConEd here.

Mr. Cameron stated some of the high power lines are still, okay.

Chairman Rogan stated Dave, since you're looking, does this office building get sprinkled.

Dave Raines stated there is a good potential that the occupancy is going to require, you don't know what the exact occupancy is going to, we should start looking at how you want to manage fire water. Whether it be above ground or sub-grade or, especially if you have an office/warehouse. It really depends on how it shakes out occupancy wise, I would anticipate that its going to be sprinkled.

Chairman Rogan stated its always good to talk about it early, we are getting there, its taking us a little long but yeah.

Dave Raines stated we had an area designated for that, its something you should probably start plugging in, you looking at probably 40,000 gallons.

Gene Richards stated Shawn.

Chairman Rogan stated yes.

Gene Richard stated one thought I had on the layout with the building with the loading dock, particularly the upper loading dock being where it is, I don't know if the Board would have any interest in having them provide a screen wall on the east side of the loading dock just to help hide the vehicles if they are parked in there from view from [Route] 22. That's something that they did at the Patterson Commons, the A & P, there is a screen wall in the back to kind of hide what's behind it.

Chairman Rogan stated okay.

Mr. Cameron stated I was actually thinking about that this afternoon about how I was going to extend that mansard and maybe provide a screen wall, we are going to do that because I thought that when you are entering on [Route] 22, you would see those overhead doors there, so we'll do that.

Gene Richards stated okay and the only other thing I had with the loading docks, you have the two dumpsters kind of nestled into them and I don't know, again, we don't know who is going to occupy the building. If they are going to have tractor trailers sitting there that might block access for a carter to come in get them. I like the set up, the only concern is you know would it be available for a carter to come in and access the dumpster all the time.

Rich Williams stated on the other hand that is a great motivation to make sure the trailers don't sit there.

Mr. Cameron stated at least one trailer.

Chairman Rogan stated I think we're all set Rob.

Mr. Cameron stated are we at a point where you can do intent to declare lead agency and do this.

Chairman Rogan stated since we just fell into that a minute ago, what are there, remind the Board, the parameters for declaring the intent for leady agency, in other words, certain things just like having the public hearing, we have to be a certain point in the process.

Rich Williams stated if you are relatively.

Board Member Pierro stated comfortable.

Rich Williams stated comfortable with the design and don't anticipate any significant changes to the layout and there is sufficient detail shown on the plans for the other agencies to take a look at that we circulate to. Then it would be appropriate to do lead agency then.

Chairman Rogan stated I didn't hear anything tonight that sounded like a huge shift in this plan.

Board Member Pierro stated not at all.

Chairman Rogan stated you know, so that seems pretty (inaudible).

Board Member Pierro stated and anything that is going to shift is going to be at our request.

Chairman Rogan stated so, intent.

Board Member Pierro stated in the matter of South Patterson Business Park West, 1006 Sunrise Highway, Mt. Bethel, Pennsylvania, what did you put in that drink you gave me Charlie.

Chairman Rogan stated here use this, it says 2067 Route 22.

Board Member Pierro stated yeah right. I make a motion that the Town of Patterson Planning Board declares its intent to be lead agent.

Board Member DiSalvo seconded the motion.

Chairman Rogan stated she's quick.

Board Member Pierro stated yeah.

Chairman Rogan asks for all in favor:

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

Motion carries by a vote of 4 to 0.

Board Member Pierro stated she pulls the trigger quick.

Chairman Rogan stated thank you.

Mr. Cameron stated thank you.

Chairman Rogan stated so you are going to get that plan over to Rich and Gene.

Mr. Cameron stated yes.

Chairman Rogan stated so you guys will meet sometime between now and the next meeting.

Mr. Cameron stated yes.

Chairman Rogan stated keep plugging along.

Mr. Cameron stated thank you.

Chairman Rogan stated great, thank you Rob, its always good to see you.

8) GUIDING EYES FOR THE BLIND – Initial Site Plan Application

Mrs. Theresa Ryan of Insite Engineering, Mr. Andrew Leonard, Ms. Jane Russenberger, Mr. Eric Schlobohm and Mr. Richard O'Rourke were all present to represent the application.

Chairman Rogan stated we have up next.

Board Member Pierro stated Guiding Eyes.

Chairman Rogan stated Guiding Eyes for the Blind.

Board Member Pierro stated I know they're here.

Chairman Rogan stated they are walking up right now.

Board Member DiSalvo stated (inaudible).

Chairman Rogan stated we'll find out in a minute, we'll ask.

Board Member Pierro stated that is a big house.

Chairman Rogan stated hello Theresa.

Mrs. Ryan stated good evening.

Chairman Rogan stated how are you. Is Patterson Crossing even coming in tonight.

Rich Williams stated Patterson Crossing, (inaudible).

Mrs. Ryan stated I am.

Rich Williams stated you're here for Patterson Crossing.

Mrs. Ryan stated to pick up the comments, yeah.

Chairman Rogan stated I told you, you should be the point person on that one.

Mrs. Ryan stated I don't know anything. I'm an Insiter, not an insider.

Board Member DiSalvo stated yeah, Insiter.

Mrs. Ryan stated I brought the whole family with me tonight.

Chairman Rogan stated I see that.

Mr. O'Rourke stated extended family.

Chairman Rogan stated this room is only so big, but, we'll do our best. Theresa, who you do have with you this evening.

Mrs. Ryan stated Andrew Leonard.

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

Mrs. Ryan stated oh yeah.

The Secretary stated thank you.

Chairman Rogan stated thank you Michelle, sorry.

The Secretary stated it's all right, I got you covered.

Chairman Rogan stated I appreciate that.

Mrs. Ryan stated and Eric is the architect and Rick O'Rourke has just signed on as the attorney and Jane back here, she already did the presentation once before on the puppies.

Chairman Rogan stated I thin we will have Jane do the presentation for the part of the public hearing that was very thorough; we enjoyed your presentation, very well.

Mrs. Ryan stated we don't really want to take up a lot of your time.

Chairman Rogan stated who is the guy that you brought standing in front of the.

Mrs. Ryan stated this fellow here.

Board Member Pierro stated the guy with the cataracts.

Board Member DiSalvo stated he walks the dogs.

Mrs. Ryan stated we brought him to hold the boards up. We don't want to take up a lot of your time, we just want to let you know that we got the memorandum for Rich and we know we have some more work to do on the plans, what we, what our goal was really is to give you enough information so that you are

comfortable with the project so that we can go ahead and put more detail into it. I just talked to Dave Raines and he said he was okay with the layout that we have for fire protection, we provided an access here to get this far to the back of the building, he said that was adequate, we have double gates on the fences, so they can get bigger equipment in there and we talked about the sprinkler system or water supply, we are going to try to approach it with a sprinkler system, sprinkling the new addition. It is a budget item and if it doesn't pass then we will put underground tanks in, to the satisfaction of Dave [Raines] and he was thinking maybe a twelve thousand five hundred or a ten thousand gallon tank with a dry hydrant and that would be adequate and instead of using the pond.

Board Member Pierro stated ancillary to the existing pond that would be plenty.

Rich Williams stated where there is a dry hydrant already.

Chairman Rogan stated yeah.

Mrs. Ryan stated I guess they can't draw water from that dry hydrant.

Board Member Pierro stated right, not at all times I'm sure.

Mrs. Ryan stated not at all, they haven't been able to.

Board Member Pierro stated really.

Rich Williams stated if I may, maybe the conversation needs to revolve around repairing that dry hydrant and making sure its functional.

Mrs. Ryan stated that would require permits that we didn't really want to put the applicant through, DEP, Army Corp, if we have to dredge that pond in order to open up the other end of that dry hydrant.

Chairman Rogan stated hook up a big air compressor to it and [inaudible].

Mrs. Ryan stated yeah.

Rich Williams stated I don't know if there are other ways to approach it.

Chairman Rogan stated Ted, just while you were out of the room, we were talking about water supply for fire suppression and Theresa had said that in speaking with Dave, either sprinklers will be proposed and if it's a budgetary issue that isn't passed then they will look to put in an underground tank, underground storage tank. Dave had said as an ancillary system to the dry hydrant which Rich pointed out, someone pointed out it doesn't work, Rich said why don't we consider having that fixed and the, Theresa was talking about the Army Corp and the DEC with the different permits potentially if they had to do an dredging of that pond. Is there anything that you can think of to help out figuring out what they would have to do with that to fix the dry hydrant.

Ted Kozlowski stated you're looking to dredge the pond.

Chairman Rogan stated well, that's the assumption.

Board Member Pierro stated a portion of the pond, wherever the dry hydrant is.

Dave Raines stated we want to try and make it more viable.

Ted Kozlowski stated is it considered an emergency.

Dave Raines stated well that's.

Chairman Rogan stated why don't we drain pond and fix the road, you know, and start there.

Rich Williams stated one of the things I just asked Dave, could we put it in a vault.

Chairman Rogan stated put.

Rich Williams stated put a vault in the lake that is going to take water and screen out the sediment.

Board Member Pierro stated does that require Army Corp, that works for me.

Mrs. Ryan stated and DEP, its' considered a DEP watercourse.

Rich Williams stated the lake, so they're not going to let you put a vault in.

Mrs. Ryan stated I don't know, either way it would probably require some kind of permit.

Chairman Rogan stated in the end, not to totally get off track on this but we have fire protection that Dave is happy with, that serves the purpose, however you come up with that certainly you know, we're not going to get crazy about but.

Mrs. Ryan stated okay.

Chairman Rogan stated its sounds like a reasonable offer.

Mrs. Ryan stated and we are okay with the Town, I think the applicant is okay with the Town, if they want to make some improvements to that, you know.

Ted Kozlowski stated Theresa.

Mrs. Ryan stated because I think they had to ask permission to put that in the first place.

Ted Kozlowski stated does this pond have a dam.

Mrs. Ryan stated no, it has a weir, a stone weir outlet that goes to a culvert under the driveway.

Dave Raines stated we've tried to pull water, Shawn, we've tried to pull water several times, off season and had a lot of difficulty getting water from the hydrant. We ended up putting in a floating dock in and of course that doesn't work four months out of the year.

Chairman Rogan stated can you try to push it the other way.

Dave Raines stated the only discussion we had was in 2006, there was some discussion about getting in there doing something similar to what Richie talked about. I don't know what was driving the resistance there, I don't know where it was coming from but we were told that can't happen, it's a regulated dam and I don't know if that is true or not. It's certainly not a viable year round water source.

Chairman Rogan stated yeah.

Dave Raines stated and if we are going to the capital improvements that are proposed here, I would like to see viable water protection, especially with the increased occupancy of the building.

Ted Kozlowski stated are sprinklers not an option.

Chairman Rogan stated that's their primary option that is what they are starting with.

Dave Raines stated primary would be sprinkled, secondary would be a tank up at the top of the hill by the dumpster, third option I think would be to improve this and try to ensure, which again I don't know that the dynamics of it whether we can really assure water there all year round there.

Chairman Rogan stated understood.

Dave Raines stated even if we improve the suction portion of it and maybe you know better Rich, maybe it can provide water 24/7, all year round.

Rich Williams stated to be honest with you I would have to go out and see what the problems are and see what's going on with the pond (inaudible).

Board Member Pierro stated do you know how deep the dry hydrant is located.

Rich Williams stated (inaudible) go out there in a boat and a staff and see what's going on at the bottom of the lake.

Chairman Rogan stated with a fishing pole.

Rich Williams stated because I have no idea, if it's a question of silted in or algae or (inaudible).

Board Member Pierro stated I can take a look, I can drop down and a take a look for you, you want some photographs too.

Chairman Rogan stated he means his scuba gear.

Board Member Pierro stated I'll bring my own weight.

Tim Curtiss stated he carries that with him.

Chairman Rogan stated so we can certainly over come that issue one way or another.

Mrs. Ryan stated yeah I think so.

Chairman Rogan stated absolutely.

Mrs. Ryan stated okay.

Board Member Pierro stated it wouldn't be the dirtiest pond I've ever been in.

Chairman Rogan stated a number of the issues, I know you have them in writing, a number of the issues that obviously were presented to the Board were screening. You currently have really good screening on site that obviously has to be pulled down and Rich didn't think it was likely that you could transplant the, because of the size of the trees.

Mr. Leonard stated its close, they are probably at the borderline with what you could do is the (inaudible), there are some techniques for large trees, since we are potentially sliding them and not transporting them anywhere, it is possible but it is not as clean of an operation as a true veneer spade you may have seen in the past. They are such significant trees, I would hate to just arbitrarily cut them down.

Chairman Rogan stated I agree with you.

Mr. Leonard stated you know, so our goal would be to transplant them since it is a relatively small amount of distance they need to move. It will be a very slow process to make it actually happy but I think it is actually possible to save them, the percentage that they would make it through, I couldn't tell you at this point until we started digging.

Mrs. Ryan stated this would be the relocated tree, so it would still hide part of the building and Eric brought along really nice rendering that kind of shows what the building would look like as you drive up and that would be probably somewhere around in here, you think, right.

Mr. Schlobohm stated just as you enter the parking lot.

Chairman Rogan stated the driveway does look fairly wide, which remember we pointed out, was very narrow, what was existing was too narrow.

Mr. Leonard stated you actually see it right where it widens.

Mrs. Ryan stated right in here.

Mr. Leonard stated you're seeing this wider section where the driveway you remember probably.

Chairman Rogan stated well I think where it widened out, the existing area, what we had was, we had people parking, when we were there the one day, it was actually a real good day for a visit. There were people coming and going, the place was, there wasn't really any parking left and so people we kind of haphazardly parking in the right of way and you know, so it made use. We realized that we are not increasing the use out here, the number of dogs but we are wondering that, it doesn't seem like there is quite enough parking all the time out here on this site for the use, so we just want to make sure that we do an assessment of that and we maximize the available parking.

Mrs. Ryan stated we actually submitted an assessment of that, an analysis of that.

Chairman Rogan stated okay.

Mrs. Ryan stated cars were counted over a period of time and at any given time there would be only forty-seven cars maximum on the site, so we are providing fifty-one spaces with this layout and that would be excluding this one space, there are actually fifty-two and we are going to get rid of that when we widen the driveway and that brings up another item because according to the DEP regulations we don't know if this is a road, an access road or a driveway. We looked at the regulations and our interpretation is that it's a road but its not defined in the regulations only access roads and driveways are but there is a section of the DEP regulations that allows you to widen an existing road as long as you do it the furthest from the watercourse or wetland, which would be on this side because this is the closest point, they consider that a watercourse, like I said.

Chairman Rogan stated oh, I see, okay.

Mrs. Ryan stated we would not have to prepare a stormwater pollution prevention plan either under that scenario.

Chairman Rogan stated for that aspect of the project.

Mrs. Ryan stated so we wrote a letter to the DEP, letting them know what our interpretation was and we are waiting for a response back from them, whether they agree or not.

Chairman Rogan stated that would help out a lot.

Mrs. Ryan stated it would, yeah because it would be much safer.

Chairman Rogan stated because you obviously need more width in that road.

Mrs. Ryan stated we would still have to be, keep it to a minimum and we probably wouldn't be able to widen it where the culvert is but we could widen it here and taper it down, like we did on Barjac, and then widen it out again and bring it all the way up to where its wide now.

Chairman Rogan stated well that would certainly be a big improvement.

Mrs. Ryan stated and we were thinking maybe, we were going to try to widen it to twenty feet, we thought that would be adequate. We already met with the DOT also to look at because we would also have to relocate where the entrance is, we would have to move it a little further west because you know, it's a tough grade there, where you come in. So to get a better alignment and to eliminate that hump at the beginning, we would have to bring it over here and that would also keep us from impacting, this is also the berm for the pond, so in order to maintain that berm, would have to move the driveway over here and re-grade it until we get up to just before the culvert. We met with the DOT already, so.

Chairman Rogan stated okay.

Mrs. Ryan stated so they know what we are proposing to do.

Chairman Rogan stated great, it was brought up, I don't remember if it was at the site walk or one of the meetings that occasionally tractor trailers will back into this site and I'm trying to figure out what is being delivered out there that they have to come in, in a tractor trailer. They obviously can't pull in because they don't have enough turning radius to get around it but that is something we have to figure out, either a way

to make it happen or way to make it not happen. I can't imagine them parking out in the middle of [Route] 164 as they back into this place.

Mrs. Ryan stated we are going to have to.

Chairman Rogan stated because it obviously happens on occasion.

Mrs. Ryan stated we are going to have to take a look at that.

Chairman Rogan stated yeah.

Mrs. Ryan stated we can make sure that we can get those trucks to circulate on the interior of the site, otherwise we will come up with some alternative.

Board Member Pierro stated it can be handled with timing, timing of delivery.

Mrs. Ryan stated it could.

Chairman Rogan stated yeah.

Mrs. Ryan stated but still we don't want them backing from [Route] 164.

Chairman Rogan stated right.

Board Member Pierro stated right but if there are no cars.

Mrs. Ryan stated what we could do is restrict from coming from the west and only coming from Route 22, so they can make that turn in because this is a difficult turn to make.

Chairman Rogan stated sure.

Mrs. Ryan stated and also they have those one way bridges which make it difficult for the bigger trucks, so we could restrict their access from this direction only. There are some options we are looking at.

Chairman Rogan stated anybody.

Mrs. Ryan stated Rich also mentioned that, what's that.

Chairman Rogan stated the lights Maria just said, we noticed that every time we drive by there in the evening, there are two, four, two in the front and two on the right side. I don't know about the left side but unshielded fluorescent lights and someone had mentioned that we've had some concerns, concerns is a good word about off site lightings and these are certainly not lights that are approved and certainly not the kind of lights we are going to have on this site and they exist out there right now and they are not appropriate.

Board Member Pierro stated especially when those trees come down in the parking lot area, then its going to be worse.

Mr. Leonard stated do you know if they are building mounted or posts.

Chairman Rogan stated building mounted, yeah, they've been added over the years, there were two on the right side, at least two up front, you could see them right now if you want but those are the kinds of things that we are certainly looking to avoid with the proposal and they may be the source of some of the neighbor concerns so we are going to want to address that when we get to public hearing because that is going to be one of the issues I'm sure, noise is certainly going to be an issue that I'm expecting to hear from the public and I like the fact that we are bringing more of this inside, it's a good selling point for this.

Board Member DiSalvo stated we had a question about where that neighbor's house is, that grass area, where they walk the dogs; there was an area that said to not go beyond this point.

Chairman Rogan stated yeah, yeah, the sign said don't go beyond, we were wondering if that is a self imposed kind of rule.

Ms. Russenburger stated the dogs we walk on the site are the moms with their babies; we don't want anybody bringing their dog to see our veterinarian, one of our puppy raisers and so forth that beyond the general treatment and possibly leave any type of disease that could affect our moms and babies. So we won't even be using that side, they'll go in back in the woods once we finish this new facility, the design here, right now its to keep the people who are coming in and out with their puppies, the puppies raisers and (inaudible).

Chairman Rogan stated the Board was, when we saw that set up on the site, we were wondering, we obviously were wondering if it had anything to do with the proximity to the neighbor because their house is very close to the property line.

Ms. Russenburger stated they are quite friendly with us, their daughter worked with us, they walk across.

Chairman Rogan stated so she will be here in your defense at the public hearing.

Ms. Russenburger stated they are great people.

Chairman Rogan stated I hope.

Ms. Russenburger stated we try real hard to do everything we can to make it nice for them too.

Chairman Rogan stated you'll have promise to remind me that if you're going to say anything else from here on out, so that Michelle doesn't kill me, you're going to have to use a microphone.

Ms. Russenburger stated I'm sorry.

Chairman Rogan stated your voice is, I think pretty loud, I think we might be okay on that one and poor Michelle has to take the minutes on all this.

Board Member Pierro stated can you state your name for the record just in case.

Ms. Russenburger stated you want me to come up to the mic.

Chairman Rogan stated no we've got you, its okay.

Ms. Russenburger stated you've got it, Jane Russenburger.

Chairman Rogan stated yeah, anybody have anything else for tonight.

Board Member Pierro stated nope.

Mrs. Ryan stated the parking spaces, Rich noted in the memo that these parking spaces at eighteen feet deep, the reason why we did that is because there is an existing well here and there is an existing generator here and we didn't want to impact those, so we reduced the depth of these spaces and we just wanted to make sure that is okay with you before we continue to develop the plans.

Chairman Rogan stated we've talked about width of spaces most recently we've said it doesn't seem like the length of the space is as critical of the width, the banging in and out of doors and stuff.

Mrs. Ryan stated all of the proposed spaces are ten feet wide.

Chairman Rogan stated great, I'm glad to hear that.

Mrs. Ryan stated including the handicap.

Chairman Rogan stated great, Charlie, she's listening to you, everybody okay with that eighteen foot, Gene.

Gene Richards stated were you finished.

Chairman Rogan stated yes.

Gene Richards stated Theresa, I saw a few things in looking at the site plan, one is, two actually with the existing pond, we pulled out the originally approved site plans and the pond as it is shown on your plan now, differs from how it was shown in '91, I guess it was.

Mrs. Ryan stated as designed you mean, the as built.

Gene Richards stated it was a much longer pond than I believe thinner than what you are showing on your plan and I know Rich talked about that in his memo, so that is just something to look into plus on the north side of the pond, they are showing five trees. I'm not sure if they are existing or proposed but they look proposed to me and I think that is right in the area where you have an outfall from that pond, at least by the original design, so if they are proposed trees, you certainly wouldn't want to put them within that spill way. Then on the south side of the building, in the back, one thing that we saw when we were out on the site walk, we had freezing temperature, the stonewall that is to the south of the existing kennel, you could see where ground water was seeping through that.

Mrs. Ryan stated back in here.

Gene Richards stated no, no, to your left, all the way at the bottom, to your left.

Rich Williams stated the southwest corner.

The Secretary stated bless you.

Mr. Leonard stated right behind the whelping kennel.

Board Member Pierro stated thank you.

Mrs. Ryan stated oh okay, the retaining wall.

Gene Richards stated there is a stone retaining wall and that just kind of highlighted again the ground water problem that we've had in the past on that hill side, so any work that you're doing that goes into the hillside, you're going to have to accommodate that with your design, is all.

Mrs. Ryan stated right, we are aware of the ground water issue there, okay. I don't know if the Board is.

Chairman Rogan stated that picture looks great.

Mrs. Ryan stated isn't it, yeah.

Chairman Rogan stated it's really nice.

Mrs. Ryan stated if the Board is comfortable tonight with what we are looking for is, if you would be comfortable declaring your intent to be lead agent.

Chairman Rogan stated that's the flavor of the night.

Mrs. Ryan stated I'm not the first to ask.

Chairman Rogan stated how does everyone feel.

Board Member Pierro stated I'm fine.

Chairman Rogan stated Maria.

Board Member DiSalvo stated mmhmm.

Chairman Rogan stated Mike's not here but he seemed he was pretty good with it.

Board Member DiSalvo stated yeah.

Chairman Rogan stated sure, you're on a roll.

Board Member Pierro stated Maria needs to be on a roll tonight.

Board Member DiSalvo stated in the matter of Guiding Eyes for the Blind, I make a motion that the Board declare its intent to assume lead agency in the review of the action and authorize the Planning Department to circulate said notice to said agencies involved in the review and approval of this application.

Board Member Cook seconded the motion.

Chairman Rogan asks for all in favor:

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

Motion carries by a vote of 4 to 0.

Chairman Rogan stated okay.

Mrs. Ryan stated and we would also like to get a referral to the Zoning Board of Appeals and I would like to turn this over to Rick to talk about that.

Chairman Rogan stated sure.

Mr. O'Rourke stated thank you Theresa, one of the issues that was highlighted in Rich's memo is the issue in terms of the height and whether in fact a variance is required. We know that for this particular zone the maximum height is thirty-eight feet, which are two issues in terms of clarification, as we discuss this. Looking at the definition that is set forth in the Zoning Ordinance, I gather that the measurement, Rich said, you're saying, the maximum height we have being forty-eight feet is the measurement from right there, is that correct.

Rich Williams stated yes.

Mr. O'Rourke stated just clarification purposes the definition of height does exclude architectural protrusions.

Rich Williams stated right.

Mr. O'Rourke stated okay and obviously what we have, one way of looking at it, is that seven foot architectural protrusion, if you will above the roof line, that is an area that is essentially used for, to cover mechanicals and as well as for venting because it's a kennel. So, obviously by your calculation, you are including that in forty-eight feet.

Rich Williams stated I did because for me it was a function of the building, if you look at the same drawing, it has a copula in the center, if I was going to do it, I would not include that copula as an architectural feature. But when I looked at the cover for the mechanical venting, I felt that that did not meet strictly the definition. Now you know, that is something that the ZBA can say, well no, we don't agree with that, that's architectural.

Mr. O'Rourke stated right, okay, well I think, we just wanted to confirm how you measured and obviously if the Board makes the referral to the Zoning Board of Appeals, that will be part in parcel of I guess the discussion with the Board in that one way of looking it from our perspective would be, that the element that is on the top there, fits within the definition of an architectural protrusion, so therefore the property measurement in terms of height would be from the roof peak, so what we have to grapple with are two things, the interpretive issue, in terms of the architectural protrusion or element and the issue of the peak of that roof and whether it in fact exceeds thirty-eight feet, so. That is helpful to us and we would just respectfully request that you make that referral to the Zoning Board of Appeals, this evening as well, so that we can address that issue.

Chairman Rogan stated so that I'm clear, regardless of the Zoning Board's interpretation of that roof feature, you still need a variance from Zoning for the height.

Mr. O'Rourke stated as it stands.

Chairman Rogan stated thirty-eight feet.

Mrs. Ryan stated we don't know.

Chairman Rogan stated what I mean is take that element completely out, the roof line is still higher than thirty-eight, is what you're saying.

Mr. O'Rourke stated the plans that you have before you today, exceed the thirty-eight feet, is that correct.

Mr. Schlobohm stated that's right.

Mr. O'Rourke stated assuming the measurement.

Mr. Schlobohm stated finished grade to the peak of this roof is currently right about forty feet.

Chairman Rogan stated so their interpretation will certainly directly impact the amount of variance that you are looking for.

Mr. O'Rourke stated that is correct and obviously we will, I spoke with Tim about this, we may go to a work session with the Zoning Board of Appeals to get a sense of where we are with respect to their interpretation. Whether they may agree with us in terms of that architectural protrusion not counting as part of the height and if it does not count as part of the height, perhaps we may be able to eliminate any potential necessity for a variance if we can do something with the roof line. But I guess to resolve that issue, we have to get over to the ZBA.

Chairman Rogan stated Rich, would the Zoning Board typically ask for because this is all conceptual in nature, it's a plan, it doesn't exist. Would they ask for a plan that shows that building in compliance, is that typical.

Rich Williams stated I can't answer that, I can tell you though, my recommendation, based on the design on the existing building, trying to come up with a really flat slope which meets out Zoning requirements, maybe throw that building, the appearance of the building out of.

Chairman Rogan stated out of scale.

Rich Williams stated yeah, out of character with the rest of that facility, I wouldn't you know, I would not be in favor of them trying to come in with a flat roof to meet the Zoning requirements. I think what they presented is a very attractive building and would enhance the streetscape; I'm very much in support of the architecture of the building.

Chairman Rogan stated I agree. I like the architecture.

Mr. O'Rourke stated so does our architect so; obviously we wish to work with the Board.

Chairman Rogan stated so modest.

Mr. O'Rourke stated but you know, we at the same times don't want to compromise the architectural integrity and the visual attractiveness of the structure, so.

Board Member Pierro stated on the motion.

Chairman Rogan stated well I'd like to get a feeling from everybody what they're thinking.

Board Member Cook stated going to the Zoning Board of Appeals is also because of the current, this is expanding a pre-existing non-conforming use, correct.

Rich Williams stated you want go there.

Mr. O'Rourke stated all right, let me.

Board Member Cook stated Rich, its in your memo.

Rich Williams stated that is my interpretation of the Zoning Code.

Board Member Cook stated so before.

Chairman Rogan stated he's handing back to the attorney and the attorney is not grabbing.

Board Member Cook stated we are just not sending things.

Rich Williams stated I've had conversations with Mr. O'Rourke about the issue, so I know where this is going.

Chairman Rogan stated okay.

Board Member Cook stated all right but we are not sending the applicant to the Zoning Board just for the height variation.

Board Member Pierro stated the roof line.

Chairman Rogan stated there is more here than just that.

Board Member Cook stated yeah.

Chairman Rogan stated that is one of the requests that you'll be making of them but the interpretation of this has to be done by ZBA, are you going to expound on this.

Rich Williams stated no, you know, in reading the Code.

Chairman Rogan stated yeah.

Rich Williams stated I drafted the Code, so I know my intent, you know, knowing my intent and the way it's written, doesn't always translate. My application in this instance is that we are making a pre-existing, non-conforming building, not the use, but the building, you're expanding that and there are provisions within that section of Code that says you can't do that.

Tim Curtiss stated without a variance.

Rich Williams stated the relief is a variance.

Chairman Rogan stated and what is Rick's interpretation.

Mr. O'Rourke stated okay, let me.

Rich Williams stated (inaudible).

Mr. O'Rourke stated well no, I certainly did not want to interrupt you; this is something that from time and memorial, in terms of the Zoning law and I think the important thing here is when we look at your ordinance and you think in terms of expansion of pre-existing, non-conforming use. There are a couple of elements that you look at, one first and foremost is there an expansion in so far as the volume or the density or the use, all that translates one way or another, in terms of this particular use, which is somewhat unique. We are not increasing the number of dogs, I mean that's, Jane is here, I mean that's been, that's what happening here, it's not an increase in the volume or the number of units or animals. So put that aside for the moment, the issue then becomes, this particular use what we are really doing is in a sense not expanding the use but we're changing the functions within the use. In other words, there are areas where there are outside dog pens which will be eliminated, the use is already there and so too with the dogs from time to time are walked on the property, down to [Route] 164, you know this is not necessarily a situation where we are within a box and we are expanding the box. What we're doing is we are, in essence changing the functions within the use now that, you know that its into the socialization, there is a change in methodology in terms of the training, Jane can speak far better to this than I can and I'm sure she has but you know. This is somewhat unique in that it's a training center and the functional.

The Secretary stated hang on one minute.

(Side 2, Tape 1 Ended 9:24 p.m.)

Mr. O'Rourke stated its an issue that may be of interpretation our position is that we are not expanding the use because the functions within the use are being somewhat changed and there is a re-orientation. The roof clearly is an area variance issue, we believe that is what this is all about and if the Board sees fit to refer it to the Zoning Board of Appeals and so far as the area variance issue, with a positive recommendation we'd love it, and that is where we are. So in response if there is an interpretation issue, you think in terms of the expansion, it doesn't matter what I say, its what you guys decide to do.

Board Member Cook stated I don't disagree with what your saying, I'm not sure if its this Board or the ZBA who should be agreeing with you.

Chairman Rogan stated who should be making that interpretation on whether the variance.

Mr. O'Rourke stated I think Tim and I would both say that it's the Zoning Board of Appeals.

Chairman Rogan stated yeah.

Mr. O'Rourke stated you can not make a determination really (inaudible).

Board Member Cook stated so its not really putting you out of your way because you have to go there anyhow to talk about the height, so talk about the interpretation of the by you, previous, pre-existing, non-conforming, get that out of the way.

Chairman Rogan stated that's correct, it's better to get that over with now than later.

Board Member DiSalvo stated that sounded like a motion to me.

Chairman Rogan stated it sounded like a motion I thought.

Board Member Cook stated a positive recommendation to the ZBA.

Board Member Pierro stated for the use variance, for the height variance.

Rich Williams stated for the area variance.

Mr. O'Rourke stated area variance.

Board Member Cook stated area variance.

Board Member Pierro stated right, excuse me.

Chairman Rogan stated and the height variance.

Board Member DiSalvo stated and the interpretation.

Board Member Cook stated and the interpretation of how they want to make the change.

Chairman Rogan stated was that inclusive enough, that gives them enough, what they need to go on.

Rich Williams stated you made a positive recommendation to the ZBA.

Tim Curtiss stated we can frame it so they are expanding some of the footprint but the use inside that footprint is just being altered a little bit.

Chairman Rogan stated I'm sorry Dave, did you second.

Board Member Pierro stated yes.

Chairman Rogan asks for all in favor:

Board Member Cook	-	aye
Board Member DiSalvo	-	aye
Board Member Montesano	-	absent
Board Member Pierro	-	aye

Chairman Rogan - aye

Motion carries by a vote of 4 to 0.

Chairman Rogan stated okay.

Rich Williams stated and just to expand on what Tim said, to be very clear, I put in the memo the issue about the non-conforming, not anything to do with the use, which is established on the site. Our Code is peculiar in that it also includes the building.

Tim Curtiss stated the size of the structure in that non-conforming use.

Rich Williams stated right.

Tim Curtiss stated they talk about that in the Code, so it's a little bit unique, but that is what we really need to have interpreted.

Board Member Pierro stated okay.

Board Member Cook stated and that was my point, you have a building x size and you have some open area and now you are going to include that, enclose that area, now you're going to have x plus y enclosed, that's.

Mr. O'Rourke stated and there are open air, fenced in runs that will now becomes enclosed but the use itself is already in place so its not an expansion, its not a use issue, it's the interpretative issue of the area and its an area variance.

Chairman Rogan stated its unique in this case because you are increasing the structural size without increasing the use and that's rare most times you increase the size, you also increase the use.

Mr. O'Rourke stated right, well said.

Chairman Rogan stated okay, Theresa, do you have anything else on this that you would like tonight.

Mrs. Ryan stated I don't think so.

Chairman Rogan stated no, you've done well.

Board Member Cook stated while you're at it.

Mr. O'Rourke stated thank you very much.

Chairman Rogan stated thank you, we appreciate your time.

Ron Taylor stated can I just say bravo.

Chairman Rogan stated bravo, nice job done, we appreciate you taking your time early to let us know what it's going to look like. Ron thank you for bringing that up, point well taken, it's very nice. Good night, thank you.

Board Member Pierro stated he's a nice man.

Chairman Rogan stated very nice.

9) PATTERSON CROSSING RETAIL CENTER – Continued Site Plan Review

Mrs. Theresa Ryan was present to represent the application.

Chairman Rogan stated so Theresa, you're just getting the comments for Patterson Crossing, that's it.

Mrs. Ryan stated that's it.

Chairman Rogan stated all right, you did a fantastic job on Patterson Crossing tonight.

Mrs. Ryan stated thank you.

Chairman Rogan stated let the record show, Theresa Ryan for Insite.

Board Member Pierro stated not the insider.

Chairman Rogan stated received the Patterson Crossing Comments and did a fantastic job.

10) OTHER BUSINESS

a. Code Changes; Signs

Chairman Rogan stated under Other Business, we actually have Code Changes to signs, we are going to do that at work session, we've been discussing that.

b. Fox Run Phase II

Mr. Joseph Zarecki of Zarecki & Associates, was present to represent the application.

Chairman Rogan stated Fox Run Phase II, Mr. Zarecki has been incredibly patient this evening.

Mr. Zarecki stated I don't know if we need to put this up or you pretty know the project.

Chairman Rogan stated yeah I don't think you need to.

Mr. Zarecki stated this would Fox Run.

Chairman Rogan stated do you have a microphone.

The Secretary stated just take that microphone, this one right here.

Mr. Zarecki stated this one.

The Secretary stated yeah, pull it out of the stand.

Chairman Rogan stated thank you.

Mr. Zarecki stated this is the Fox Run town home project, that was before the Board back in probably November or October and we had comments on the project and as part of the project, we talked about some of the offers that we were making as far as going for the Zoning change and since then we wanted to put it in writing some of the offers that we were going to put in place.

Chairman Rogan stated Ted, could you please ask Dave to come in, if he is still here.

Board Member Pierro stated just going to get some water.

Chairman Rogan stated we read through the list of offers, they were pretty clear cut and certainly a step in the direction of trying to relay some of the Board's concerns about the site, what we observed, when we were out there.

Board Member Pierro stated right.

Mr. Zarecki stated the reason why I took awhile to get back, I wanted to be, I had a meeting with the homeowners association board, I don't know if you are aware of it with Jeff Rusinko, I don't know if they've told you or spoken with you. But a lot of these issues and discussion that are presented here were presented to them, they seemed like they were happy but non-committal, they want to at least go through the process. The things I have outlined in here are pretty much a lot of the benefits and things that they saw from their side of the story and what their needs were, so a lot of these issues and offers were made during the process, they would be pretty much in favor of the project. They did have concerns about the number of people and the children and the quiet in the neighborhood and things like that, which I can't address at this time but it would come out during the SEQR process.

Chairman Rogan stated right.

Mr. Zarecki stated and I told them that, we offered the wells, we offered to help repair the pool as stated in the letter, as the Attorney for the Planning Board had requested that we put the issues in writing and hopefully if it was acceptable, that we could get a response and go to the Town Board and hopefully start the process for the zoning change.

Chairman Rogan stated now I understand that we are at the point in the process where you're looking for us to give you a referral, a positive referral over to the Town Board.

Mr. Zarecki stated that is correct.

Chairman Rogan stated for the zoning change from single-family lots to the multi-family. And all of this is in support of trying to you know, make the Board comfortable with this change.

Mr. Zarecki stated that is correct.

Chairman Rogan stated Mr. Raines had spoken to us at the work session and he was going to speak a little bit about, again kind of just summarizing some of things that have been going on out there and the concerns.

Mr. Raines stated I apologize for not having a report to the Board, still (inaudible) to get out there, I do owe you that and I will put something together. I have been working closely with the management company and several homeowners and the Board at Fox Run over the last three years specifically, for many years but more closely the last three years. I just had some concerns moving forward that I think, I don't want to see them overlooked as we move through the process, there can be an argument that it's a separate entity or not but so be it. The infrastructure, the parking areas, the access route is in disrepair, some of the lighting is in disrepair, the dumpster enclosures, I've been trying vigorously to get them brought up to Code and as of last week the dumpsters are overwhelmed, its not being managed. We have drain outfalls in the rear of several buildings that are damaged, the water spouts from the drain, the water is actually vertically discharging, we have septic infrastructure, we have sewage infrastructure that is clogged. We have boxes that have failed, junction boxes causing sewage to back up into some of the at-grade units. We just completed three capital projects, as you're aware, the retaining walls, which were a huge undertaking and we still have work to do there. The runoff in the parking lot subsequent to that runoff in the parking lots isn't being managed in way that we are keeping water away from the existing structures, so these are some of the thing that I intend on detailing this in photographs to the Board, just to give them an idea of my concerns for the Zoning and Building Code side, we need to make sure that we are addressing some of this as we move forward with the potential improvements, as this is a cut through to. Correct, this would the infrastructure here would be part of infrastructure to get to a proposed additional phase.

Chairman Rogan stated you're correct.

Dave Raines stated and you know, just the roads and the lighting at the out set, the access to the pool of course, is some concern there needs to be filled upon, as a secondary issue and a big part of it, of what's been going on has been substantial change in the management companies management. I know I've been dealing with several primary people out there which have taken different approaches to managing things. Dollars are an issue and that is not something that you can manage at this level but the resources, the Board has come to me, many times over the last few years, they just don't have the resources to manage the infrastructure and I just think these things are important to be discussed as we talk about additional development with the subdivision.

Mr. Zarecki stated and we, that is one reason why I did talk with the homeowners association. Fox Run Phase II will become part of the association, there is no doubt about that, it will all be one, be constructing the new road into their part of the units and all new units, you have a life expectancy of a new units which won't need any maintenance repairs so the dollars that will be annual fees and dues that will be put in. That is almost thirty percent increase or if it's a hundred units that's three hundred, that is another thirty percent dollar value that goes into the general fund of the homeowners association which now could go for some of these repairs where the new section would need minimal repairs because it's brand new. The new road that is going to built from Bullet Hole Road all the way to end and the new road within the propose development will be brand new. So all the funds for that life expectancy of that road will be generated towards the capital improvement projects that they'll need in addition, that is what we said, we knew there were some projects, we don't know all the projects, we are trying to get a handle on them but as a building permit is issued, it would be just a general, here is one thousand dollars for each unit, as it goes into a general fund for the homeowners association on top of any of the rec fees and any other fees that would be generated through the planning process, that is on top. We don't know specifically its hard to say today and during the planning process, what is going to be needed and fix it, I don't know if we can go and say

we are going to fix this, this and this, where if we give them a lump sum amount. As we get a building permit, it goes into the general fund and have the homeowners association as a Board, deems to find it, the priority list that they may have and that is where the funds would go and that is why I said originally that is what that money would be for plus we had said we donate. We don't know what the pool is going to take to repair, does it need a new pool, we don't know. As the new section is not going to have a pool and since it's only one homeowners association, it's only to the advantage of the new homeowners not to buy into a project that has an old downgraded pool. So it was, let's use a number of 50,000 dollars, we don't know how bad it is, we have asked them, I have asked them to get me a report and find out what's needed and we'll adjust it, we have a long way to go in the process but we are trying to get a positive step to go forward, we can't do any of this without the Zoning change.

Chairman Rogan stated sure, you had just said there are three hundred existing units.

Mr. Zarecki stated I believe there are three hundred and three.

Rich Williams stated three hundred and three.

Chairman Rogan stated and the proposal is for another hundred approximately.

Mr. Zarecki stated it was a hundred, forty-eight, I'm sorry a hundred bedrooms I was talking about, forty-eight units.

Chairman Rogan stated forty-eight units, a hundred bedrooms.

Mr. Zarecki stated right, so it's a substantial.

Chairman Rogan stated I didn't realize there were that many.

Board Member Pierro stated yeah.

Board Member DiSalvo stated I don't know if that pool is big enough for all the people that live there.

Chairman Rogan stated not all at once.

Board Member DiSalvo stated is there like a formula that you follow based on the number of units for the size of a pool.

Chairman Rogan stated well the bottom line is that the pool has a capacity and its rated based on a size and that is the capacity that they can't exceed, just like.

Board Member DiSalvo stated like a dining area or something else.

Chairman Rogan stated right, exactly.

Mr. Zarecki stated some of the other issues.

Chairman Rogan stated regardless of how many people.

Mr. Zarecki stated the other issues the Board had with the water supply, I guess the Town and they are having problems with the quantity and the service, they said sometimes the power went out and there is no generator at the existing facility. I'm not sure I haven't checked it and obviously this project would support that increase and upgrade it to where it needs to be.

Rich Williams stated if I could just jump in here at this point, the water supply system, the water supply system is now a district and we created a district for the purpose of constructing a new water treatment plant that was sized for the three hundred and three and that is what we have. We need to add another well too out there to make sure that the capacity is maintained but that water system is right now sized for three hundred and three. We would need to do substantial changes to that water system to provide for any additional capacity within that tank, the existing storage tank is sized for three hundred and three. So you know just adding a well or two is not going to do it, we need to add a well or two where we are right now plus we have the additional forty-eight units, so I mean its not out of the realm of possibilities to re-engineer that whole plan but its not going to be as easy a adding a well or two.

Mr. Zarecki stated well I figured that because they had mentioned at some points there is a low volume of water out there, I'm just going by what they are saying.

Rich Williams stated well let me hit on the issue of the generator, there is a generator out there to power this and additional you know, demand that is placed on the plant, the problem is that they also have a waste water treatment plant without a generator. So we have a brand new system out there with a brand new generator that we can't turn on because if we turn it on and the power goes out then they are still going to have running water.

Tim Curtiss stated and no sewage.

Chairman Rogan stated that is one of the reasons why the Board of Health didn't.

Rich Williams stated and it will overwhelm the waste water treatment plant.

Chairman Rogan stated that was the main reason why the Board of Health did not require generators for all the water supplies because they didn't have a handle yet on how many community sewers there were and whether they had, at some point in the future that may happen.

Mr. Zarecki stated and these forty-eight units will also propose to tie into the sewage treatment plant and obviously the treatment plant has to be upgraded before this project is even going to go anywhere.

Chairman Rogan stated right.

Mr. Zarecki stated so I told them that, that we would be on board as engineers trying to move this along, we would certainly be on the responsible parties that are funding this project to get this project moving and now with the stimulus package, it may be sooner rather than later that we can make things happen because if we can get this thing shovel ready, things could happen. So being on board and designing the project, we'd also be involved in trying to moving that part of the project along for them as well.

Rich Williams stated that part of the project also, is done, it has problems, they bid it out in December, the design is all done, they bid it out in December.

Mr. Zarecki stated I didn't know that.

Rich Williams stated they didn't get a sufficient number of bids to satisfy DEP requirements.

Board Member Pierro stated this is for waste water.

Rich Williams stated this is for the waste water treatment plant, so they had to re-bid it and then there were problems again with that bid so they are no, bidding it for the third time.

Mr. Zarecki stated I believe that must also be a district or is that the just the homeowners own that.

Rich Williams stated that is just the homeowners.

Mr. Zarecki stated and the cost to operate may be, could be decreased with the new units one board.

Rich Williams stated well in theory.

Mr. Zarecki stated in theory.

Rich Williams stated in theory with the new waste water treatment plant, any additional costs over what they would incurs today's value would be paid by the DEP.

Mr. Zarecki stated normal operation and maintenance.

Rich Williams stated normal operation maintenance, whatever it is today, that is still what they would e obligated to pay, an increase would be paid by New York City DEP as part of the upgrade program.

Mr. Zarecki stated gotcha, okay but we are willing to work with them over there and that is where we are today and I tried to lay it out as best I could for the Board.

Chairman Rogan stated just again, you said there are three hundred units that existing, that's three hundred units, not three hundred bedrooms. Three hundred units.

Rich Williams stated right.

Chairman Rogan stated so that is like six hundred bedrooms.

Rich Williams stated I have no idea what the mix is.

Chairman Rogan stated do you have any idea what the population is out there. I mean I know there is an issue with over crowding and we've had complaints that you've discussed.

Dave Raines stated I normally handle all the inspections, Richie helped me last year and we went back and to look at what the design was and we tried to look at the nominally of one bedroom units that went to two, two went to three.

Chairman Rogan stated wow.

Dave Raines stated I don't have a handle on that, I'm sure we could we look at that but (inaudible).

Chairman Rogan stated well I'm just, you know what, when we were up there, I didn't get handle that there were that many people up there. You know, we drove in, we looked around but we were really geared toward looking at the property for the Phase II.

Board Member DiSalvo stated we were there after work when people are coming home.

Chairman Rogan stated yeah.

Board Member DiSalvo stated when that road would be busy and parking, you know.

Chairman Rogan stated it was a Saturday. Mike isn't here to weigh in, Mike has been pretty clear, I'll be up front that he's, I don't like to speak for anybody that he's not thrilled about the conversion of this from single-family to multi-family to extend this use. You know, this Board needs to make a decision at some point whether or not we are going to support this change or not support it.

Board Member Cook stated I would like to see the points raised by Dave Raines, okay, in writing points raised by Rich, in writing, relative to this water treatment and sewer treatment issues, all these issues okay, right, so that the applicant respond in writing, so that we have it, whatever decision we make its there. Let's say, if it's a positive recommendation to the Town Board.

Chairman Rogan stated right.

Board Member Cook stated we acknowledge.

Chairman Rogan stated we have the information to back it up.

Board Member Cook stated all this, all these issues and a game plan, just like you did in this memo, with these other issues and I think then we will all be more comfortable whatever way we go.

Chairman Rogan stated okay.

Tim Curtiss stated it also gives the Town Board the parameters that you're looking at.

Chairman Rogan stated very good point.

Board Member DiSalvo stated in the event that this does not get rezoned multi-family and you build twelve houses we're figuring maybe, we were figuring out so.

Chairman Rogan stated that is best case.

Board Member DiSalvo stated does that, is that offer still on the table as to what the contribution you'd make to the homeowners association.

Mr. Zarecki stated at that point, the contributions obviously would have to be very, very, very much adjusted because you have a totally different scope of project and I didn't even look at it from that point of view because I'm sure its not going to be anywhere near that because the infrastructure alone for the value and interest to cost ratio is going to be much lower. I would have to say that we would offer something because we would still probably go with the homeowner association but it wouldn't be anything near what we have on the table today.

Board Member DiSalvo stated because even a thousand dollars a unit, you're only talking forty-eight thousand dollars, I don't think that's a lot of money going to the homeowners association.

Board Member Pierro stated plus the cost of the pool.

Mr. Zarecki stated well you have the cost of the pool and the whole new road, not only up to the project site but all the way to end.

Chairman Rogan stated are you saying that if they were single-family homes they would be part of the homeowners association.

Mr. Zarecki stated it may be, again I'm going to need lawyers to figure out that part of it.

Chairman Rogan stated all right.

Rich Williams stated just, I would have a hard time whether its single-family homes or new town house, grasping that these homeowners would be willing to join the HOA and contribute the upkeep of the existing facility. Which they are clearly going to be the minority, essentially they are going to be paying in and not getting anything back for it.

Chairman Rogan stated right.

Rich Williams stated and they've got to know that going in, so, you know maybe.

Tim Curtiss stated whatever the prospectus is whether it's a homeowners association or condos, you know, town houses, the HOA is going to make them outline what the expense is going to be and then its tied into an existing project and then these expense projected would be x.

Board Member DiSalvo stated is it going to be town houses or condos, similar to the buildings that are there now.

Mr. Zarecki stated similar to the buildings that are there now.

Chairman Rogan stated not in architecture.

Mr. Zarecki stated no, the buildings themselves will be, no we have architectural renderings, I don't know if I brought them in, they are pretty nice, they are very nice.

Rich Williams stated the plan says town houses.

Mr. Zarecki stated town houses.

Rich Williams stated that's on the application.

Mr. Zarecki stated but that's open for discussion.

Chairman Rogan stated I'm sure the architecture on those existing ones looked good the day they were built but they are a little out dated.

Tim Curtiss stated they are definitely dated, sixties and seventies.

Chairman Rogan stated right.

Board Member DiSalvo stated to me it's more like quality of life issues that are going on over there.

Chairman Rogan stated you're right.

Board Member DiSalvo stated and the proof is in the pudding and I haven't really seen too much to sway my vote a favorable way.

Dave Raines stated well (inaudible) a tough situation from the standpoint that I don't know what the bottom line was on those retaining walls but that was a significant capital expenditure, it pushed everything to back burner.

Chairman Rogan stated right.

Dave Raines stated and everything else from the pot hole repair to the trimming to trees, none of that happened because over the last three years, the walls had already collapsed on the structure.

Board Member DiSalvo stated I just don't know where the repairs have been in the last ten or twelve years.

Dave Raines stated well that's again.

Board Member Pierro stated poor management.

Chairman Rogan stated poor management.

Dave Raines stated that is a situation where (inaudible) they need significant capital to bring it up to where they need to be and its something that they need to take a clear look at so they know what. Its not just about skin coating the road, its about looking at the drainage, getting the septic, all the waste running to the plant, whether we upgrade the plant or not, I mean, we are having clear back ups, we're dropping water pressure in minutes, we just had two separate dryer fire incidents that nearly brought down the building, these are things that need to be, these are things that happened in the last two weeks. We have a tremendous amount of problems now with the run off from the ice, with the snow melt, the water is not, it doesn't have a place to go, its heading down, into the walk ways and these are things that, again, it may be a separate issue but.

Board Member Pierro stated there is no other hope for this place. There is no white knight coming into rescue it, so.

Dave Raines stated (inaudible – not using microphone).

Chairman Rogan stated they have to rescue themselves.

Board Member Pierro stated their either rescue themselves or they support this project. I'm sure some of the money, although there are only forty-eight units to be built, I'm sure some of the monthly money contributed to the homeowners association will go to a small portion of the infrastructure repairs that they

need done. Most of the big stuff should be taken care of i.e. the sewage treatment plant and the upgrade and hopefully the well system, the water system, which will hopefully take the weight off of the existing money that those existing 303 units pay and hopefully they will spend their money wisely and fix this place up for the rest.

Dave Raines stated I agree with you, as long as Charlie said, we have full disclosure and everybody involved.

Board Member Pierro stated right.

Dave Raines stated from the developer to the homeowners to the anyone else involved, outside of the Board understands what needs to happen.

Board Member Pierro stated right.

Rich Williams stated if I could just get a hypothetical, if they need a million dollars to do all the repairs to bring the road up and do everything else and we are talking about a hundred million dollar contribution to the developer and the new section that can contribute to the other nine hundred thousand dollars worth of repairs, the new people moving in are not going to be thrilled with that scenario.

Chairman Rogan stated of course not.

Rich Williams stated and you're setting up a scenario where you are taking an existing problem, you haven't solved the problem but you've added to it and I think that is what Maria is concerned with.

Board Member DiSalvo stated that's it.

Board Member Pierro stated I understand Maria's concern and I understand your concern but I see no other way out.

Mr. Zarecki stated there is also a new road, I mean on top of fixing the road all the way in which is more than a hundred thousand dollars.

Board Member Pierro stated and that is going to be.

Rich Williams stated (inaudible).

Mr. Zarecki stated I know right but if we are saying that is a hundred thousand plus the new road, plus the improvement to the wells that would be needed, stormwater management, you have to go from the top down to the bottom so probably part of the planning process would be improving stormwater management on the property from top to bottom sure that is going to come up during the planning process. We are on the uphill and the stormwater would flow into the existing pipes and we could take a look at that, also.

Rich Williams stated but you're (inaudible).

Mr. Zarecki stated I'm playing, obviously.

Rich Williams stated you're existing plan that you submitted shows that you are going to manage your stormwater which you should, on your site, which you should and then you're not increasing the flows when (inaudible).

Mr. Zarecki stated when it goes into the stormwater.

Rich Williams stated so there is no reason for you look at the drainage off site.

Mr. Zarecki stated right but we don't really know what the problems are until we are starting to hear some of the issues and I'm sure if they were issues at the Planning Board stage that you would say, you've got problems even though you're only, you're increasing this, we still have issue. If you could look at them, that is why I said in my letter, I can't outline what I don't have, so we just have a basic outline, say put it writing, if we get the Zoning Board, the Town Board to change the zone then we are coming back anyway but at least we have a basis of something to start with, it doesn't guarantee approvals anyway, if we get the zoning change, if its not done according to site plan approval.

Rich Williams stated you know I'll throw this out, Tim can weigh in on this, but if the Town goes forward and does the zoning change, he already now has the zoning regulations, the requirements which are going to be imposed on him and all these offers that he's made are over and above. We could be in a tenuous position where he could after he gets his zoning change, say well yeah I really can't afford it now, the economy has changed and your zoning code doesn't require it because its really over and above. So it's good that you see what he's offering, what some of the issues are and how they are going to be addressed but proceed cautiously also.

Tim Curtiss stated I see your point, you have to see the spoke of the problem, you have to know what the whole problem is both from Dave's perspective and Rich's perspective and then once you get the parameters, you know it may look like its doable, it may not be doable, economically, when you see what has to be improved out there, to tie everything together.

Board Member DiSalvo stated well I just want to refer to Zarecki's letter dated February 12th, that last, the second to last sentence. Please also note that none of the improvements will be made and none of the money needed to construct those improvements will be spent until all necessary approvals and permits have been obtained, so this may take a long time to get all this though and meanwhile nothing is happening over there, if anything, its getting worse.

Chairman Rogan stated yeah but you can also understand them putting it in there, we aren't going to you know, lay money out until we know, its no different then a lot of final plat approvals.

Board Member DiSalvo stated it takes money to make money, you know.

Chairman Rogan stated but.

Tim Curtiss stated there are certain improvements you are going to have to do to in order to get their building permit, they are going to have to upgrade the water system, they are going to tie into the sewer treatment plant, some of these upgrades (inaudible) pull a building permit (inaudible).

Mr. Zarecki stated absolutely.

Chairman Rogan stated so we are all on the same page of where we are going, we are going to get this all wrapped up in writing.

Board Member Pierro stated written up and then we'll do a recommendation to the Town Board.

Chairman Rogan stated for you to respond to and we can make a decision, one way or the other.

Mr. Zarecki stated all right, thank you, we'll work together on this.

c. Steakhouse 22

Chairman Rogan stated I don't think, they are not here tonight, but we had discussed and done a quick drive by on Steakhouse 22.

Board Member Pierro stated for the record, Maria and I went over there today to do the site walk.

Chairman Rogan stated I don't remember anybody having a problem with the location of the hot dog truck.

Board Member DiSalvo stated I think Dave and I mentioned when we were out there, did he designate section for picnic tables.

Chairman Rogan stated he did.

Board Member Pierro stated what about within that corner fence there, it would be easy enough to put a gate there and have people walk in and sit down there so there's not a.

Chairman Rogan stated I think we can give him that option if he wants it.

Board Member Cook stated I brought up the same point, I was more curious.

Board Member DiSalvo stated this way he's not taking up parking spaces with the tables.

Board Member Cook stated or is it order and go.

Board Member Pierro stated that would be nice too but it's a good option, number one I don't want to see people standing around a parking lot, wolfing down hot dogs and having exposed to the vehicle traffics and I don't want anybody to see me standing there wolfing down hot dogs.

Board Member Cook stated its certainly not a pretty sight.

Board Member Pierro stated right.

Chairman Rogan stated so I'm clear, there actually hasn't been an application made. There has been a letter of intent that says this is what I would like to do, the Board can act to just to issue a site plan waiver and allow this per the location and also let the gentleman know if he would like to open it up to the. A couple of outdoor seating area for convenient seating, its not seating that is served by the restaurant, by wait staff or anything like that, its convenient seating, if somebody wants to sit down and eat a hot dog.

Board Member Cook stated why don't we ask him to come in at the next work session and have this discussion because we could handle it there.

Board Member DiSalvo stated there.

Chairman Rogan stated we could handle it there.

Board Member Pierro stated I don't see the reason to wait that long, to tell you the truth, I think we can make that recommendation verbally.

Rich Williams stated what would you accomplish by having him come in, what additional information so that I can direct him to bring it with him.

Board Member Cook stated is there going to be seating, people to sit and eat there.

Chairman Rogan stated he's not proposing that.

Rich Williams stated he's not proposing that.

Chairman Rogan stated he's proposing people are going to pull off the road like any other hot dog truck. We brought that up as a comment that may be something that's nice to allow him to do.

Board Member DiSalvo stated can we suggest that to him.

Rich Williams stated as Shawn said if you like to put it as part of the waiver to give him the option, that's fine, if your comfortable with that.

Chairman Rogan stated it allows him then the option to do one or the other.

Board Member Pierro stated I would much rather get it over and done with and give him the waiver, then give him the option.

Tim Curtiss stated he wants that hot dog.

Chairman Rogan stated Charlie, you like hot dogs.

Board Member Pierro stated I like the guy down on [Routes] 202 and 35.

Board Member Cook stated I do.

Rich Williams stated I don't have a problem delaying it, I just you know what additional information do you need for him to bring it.

Board Member Cook stated it just seems to me that we are doing all this supposing, well people are going to take it and go, some of the point that Shawn brought up, I mean, hot dogs.

Chairman Rogan stated its getting late.

Board Member DiSalvo stated is there a way to contact, what's his name, Jimmy or whatever to have him come in at the work session and then we can just wrap it up then. He is usually pretty good about a vendor.

Rich Williams stated there is, and I have no problem calling him up and saying would you come in to talk about your proposal with the Board, (inaudible) I'm asking Charlie.

Chairman Rogan stated what do have to, what we did bring up was the signage for the restaurant, that we would need to remind him, so that is another point of, hey are you looking to do any signage for this. That hot dog truck where its proposed, where he shows it, its not very visible so now people are going to be zipping by at 55 mile an hour, regardless of the speed limit and they are not really going to know, he's going to have the flashing hot dog.

Board Member Pierro stated yeah.

Chairman Rogan stated so you know what, given those couple of issues, if we could reach out to Jim and say Jim, the Board was out there we took a look, they generally seem favorable to it, they want to ask you a couple of questions, can you come in to the work session, if they are in position, we can wrap it up.

Rich Williams stated okay and I'll talk to him about the signage.

Board Member Cook stated yeah maybe he has a picture of what this van is going to look or something.

Chairman Rogan stated I don't think he purchased it yet.

Board Member DiSalvo stated let him drive it in that site.

Board Member Pierro stated (inaudible) with bathrooms and dining area and the bar.

Chairman Rogan stated and I think that's it. Anybody have anything else, Ted, for this evening, tired.

d. Green Chimneys Site Plan – Extension

Rich Williams stated Green Chimneys, I got a call from Theresa, they were looking for a sixty day extension.

Chairman Rogan stated that is for the.

Board Member Pierro stated the expansion.

Tim Curtiss stated the expansion of the dormitories.

Chairman Rogan stated the dormitories, I was thinking of the health center.

Board Member Pierro stated in the matter of Green Chimneys, I make a motion that we grant a sixty day extension for the dormitory project.

Board Member DiSalvo seconded the motion.

Chairman Rogan asks for all in favor:

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

Motion carries by a vote of 4 to 0.

Board Member Pierro stated make a motion we close.

Board Member Cook seconded the motion.

Chairman Rogan asks for all in favor:

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

Motion carries by a vote of 4 to 0.

The meeting ended at 10:00 p.m.