

TOWN OF PATTERSON
PLANNING BOARD MEETING
March 6, 2008

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**TOWN OF PATTERSON
PLANNING & ZONING OFFICE**

ZONING BOARD OF APPEALS

Howard Buzzutto, Chairman
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PLANNING BOARD

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

**Planning Board
March 6, 2008 Meeting Minutes**

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

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

The meeting was called to order at 7:30 p.m.

Michelle Russo was the secretary and transcribed the following minutes.

There were approximately 9 audience members.

Chairman Rogan led the salute to the flag.

Chairman Rogan stated thanks, please be seated.

Board Member Montesano stated I want to record this, so it could turn to HUD for the kiddies.

Chairman Rogan stated okay, you got it. Okay McIntyre wetlands/watercourse permit application.

1) MCINTYRE W/W PERMIT APPLICATION

Mr. Tom NeJame of NeJame & Sons and Mr. Burch McIntyre were present.

Mr. NeJame stated good evening.

Chairman Rogan stated good evening, welcome.

Mr. NeJame stated for the record, my name is Tom NeJame, I am the swimming pool builder.

Mr. McIntyre stated I'm Bruce McIntyre.

Chairman Rogan stated good evening gentlemen.

Mr. NeJame stated how are you doing.

Chairman Rogan stated good, so why don't you take us through what progress we have made since last month.

Mr. NeJame stated alright, since last month we actually met with, we met on the site with Tim.

Ted Kozlowski stated Ted.

Mr. NeJame stated Ted, the Town Engineer/Planner.

Chairman Rogan stated you just got a raise.

Ted Kozlowski stated Environmental Conservation Inspector.

Mr. NeJame stated Environmental Conservation.

Ted Kozlowski stated I'm superman.

Chairman Rogan laughs.

Mr. NeJame stated and basically you know tried to work out some of the suggestions that he actual made and in speaking with Bruce, we actual had submitted so that we would meet the deadline on an actual revised print right there but even further more, I have another set of prints that I would like you guys to see.

Chairman Rogan stated great.

Mr. NeJame stated because I think that we can tighten it up even more, which is this right here.

Chairman Rogan stated it looks like they might have a print for you Ted.

Ted Kozlowski stated I will stand here with Charlie.

Board Member Cook stated thanks.

Chairman Rogan stated thank you. One more, I will give you mine for the record.

Board Member Montesano stated you might as well give her one because she is going to need it for, you are going to need one for the file.

Chairman Rogan stated thanks Mike.

Board Member Montesano stated (inaudible).

Chairman Rogan stated she's got it.

Board Member Montesano stated okay.

Chairman Rogan stated oh I'm sorry, I didn't realize that you gave up your print.

Board Member Montesano stated no problem.

Mr. NeJame stated basically what we tried to do, I mean their original intent was, we were hoping that maybe we could take this pool and actually wrap it around to the side of the house. The problem is that we have to have adequate distances away from the septic and the reserve areas so it was kind of. We want to put it here and actual Bruce would really like it there but because of those issues we couldn't wrap it around the house.

Chairman Rogan stated okay.

Mr. NeJame stated so what we did was, this was put in, just to move it a little closer but what we did and we can talk further about it and even move it closer and right now we are at the eighty foot line off of the wetland setback area. Basically, what is really going to end up happening is, what we were trying to do originally was keeping the pool separate from the house and far enough away where Bruce didn't have to lose his deck. The problem is with this particular plan that you have right in front of you, it is very probable that he is going to have to remove the deck so that when he walks down the stairs to the deck he doesn't end up tripping right into his pool. So, he is still encumbering that issue but we felt that, you know again, he is trying to be as reasonable as possible to get this as close to the house as possible. And if you note on there just so you can see, I have, the dirt is down outside of the regulated area and if you look at the silt fence that I have along the outside of the pool area, that silt fence would be actual like a limit of disturbance and when you go and look at the property, its very much where the limit of the disturbance was when the house was originally put in. You have a well that is sixty-five feet away from the wetland area and that was originally put in, you've got heavy equipment, digging, rock work et cetera, et cetera and so that is basically the yard in that area, so the silt fence is within that general area like that. When you look at the use of this area here, right now it is basically a yard, you know kids play run around back and forth, with the pool scenario, you there is going to be construction involved but the general use is going to be the same, you know, the slopes are, when we shoot the grades you know I show a zero right where the actual patio so, six inches where the edge of the fence would end and another twelve inches as you get to the silt fence. So you are not dealing with a very steep slope at all so the grades are very nice in that regard and the other thing that I believe is very helpful is the fact that you know, you have a very nice defined border, which is the stonewall which obviously, Bruce would never want to touch that anyway but that is a very, very nice buffer between the wetland area and the activity that is in any backyard, so. In looking at the whole thing, its like, we would love to put it over here and get it wrap around a little more but because of the restraints I mean, its really the only viable place that we can see where you can actual put a pool there and that is why we are here today.

Chairman Rogan stated you show a fence around the pool.

Mr. NeJame stated yeah.

Chairman Rogan stated you've delineated that, will the mechanical components of the pool be within that fenced area.

Mr. NeJame stated well the actual filter and pump and heater are going to be outside of the pool area. If you look at the down slope a little bit.

Chairman Rogan stated got it.

Mr. NeJame stated and that is where the generator is now where you haven't you know, again outside of the regulated area.

Chairman Rogan stated they are shown outside the regulated area and they are also not visible, it looks like not visible from the cul-de-sac.

Mr. NeJame stated no.

Chairman Rogan stated it probably would be a nice idea to put some landscaping around that though to.

Mr. NeJame stated I think you have a little.

Mr. McIntyre stated it's actually there.

Mr. NeJame stated you already have that there.

Chairman Rogan stated the buffer.

Mr. McIntyre stated its there already.

Chairman Rogan stated the mechanical.

Mr. McIntyre stated where the filter is proposed to go because I have a generator, so I put trees already, they need to grow a little bit, a couple of years.

Chairman Rogan stated okay. Ted what do you think.

Ted Kozlowski stated I want to first say that this applicant, Bruce, has been very cooperative, we met for.

Chairman Rogan stated we appreciate that.

Ted Kozlowski stated we met for about an hour at his property and I have no doubt that he understands the reason for the wetlands law, the reason for the protection and I have no doubt that he will respect that. The concerns I have are when Bruce isn't there and the next owner comes in, so whatever the Board decides to do, we have to do it in a way that ensures in the future that you know, we don't have to come back and argue with somebody because they want to do something else and they want to remove and Mike, my big concern again and I relayed this to Bruce was the amount of trees that would have to be cut down to make the sun field suitable for the normal use of a pool. We went over this, we looked at it together and I think Bruce understands what my concerns are. Having said that I said at the work session that I think the Board should go out and look at the site and understand his constraints and the situation with the wetland, the discussion just now, with I forget you name.

Mr. NeJame stated Tom.

Ted Kozlowski stated Tom's assessment of where the previous disturbance was is accurate and I still think some trees would have to be removed, regardless of where he puts the pool.

Mr. McIntyre stated right, I agree on that.

Ted Kozlowski stated I can't see any avoidance now. There are three trees and I said this previously, there are three trees that are closest to this pool which are small in diameter and I don't believe they play a significant roll in the wetland buffer functions however as we go down slope, as we go toward that stonewall that changes and these three trees were probably impacted by the development anyway, so I don't see that as a big reason, I don't see that as a big problem in removing those three trees but we have to come up with some words, some verb-age, some way of this is it, if the Board so decides that. I don't see anyway of putting a pool there without going into the buffer, so that is something that we have to wrestle with and I really think that it would be in our best interest to go to the site, I relayed that information to Bruce and I did ask him to stake out the, what did I ask you stake out, the septic area.

Mr. McIntyre stated the septic area, correct.

Ted Kozlowski stated his underground lines, he's got, one of the things I suggested is move it over towards where the well is but he's got a, you know because there is less, a little more room but there are less trees but he's got an underground line going from the well to the house there.

Mr. McIntyre stated around the side I have the gas lines and the electric lines for the generator.

Ted Kozlowski stated right, so he's got some underground stuff.

Mr. McIntyre stated right.

Ted Kozlowski stated that is effected. I like to hear the idea of taking away the deck and then looking at that in a different scenario, maybe tying the deck into the, you know, there is some more little imagination that might work.

Chairman Rogan stated what is the elevation off the existing grade for the finished deck.

Mr. NeJame stated from the existing.

Mr. McIntyre stated its like three feet.

Chairman Rogan stated about three feet, that is what I recalled from when we were out there.

Mr. NeJame stated from the wood deck, yeah.

Chairman Rogan stated that is what I recall from when we were out there last time.

Mr. McIntyre stated thirty-two inches, thirty-three inches, something like there.

Chairman Rogan stated so while you certainly don't want to lose the deck, the opportunity is there to have just a couple of steps down and just continue the patio from the pool right to house and create a larger usable area rather than what you currently have.

Mr. NeJame stated if the wood deck isn't there.

Mr. McIntyre stated exactly.

Chairman Rogan stated I don't blame you for not wanting to lose it.

Mr. NeJame stated right now there is no real sun deck area and that is what we were originally trying to do.

Chairman Rogan stated sure.

Mr. NeJame stated and then you know, so now if the deck is removed, that whole area there would be a sun deck area.

Board Member Pierro stated I am inclined to believe that we can make this work without removing the deck and I am sure that this area over in here could be utilized for a sun deck area too and still be adjacent to the pool.

Chairman Rogan stated I think the, as they brought up, the number one reason is getting the stairs out, see the stairs are shown.

Board Member Pierro stated right.

Chairman Rogan stated we will have to take a look at that.

Board Member Pierro stated but they can back in to, they can back into the deck with the stairs with a little bit of minor construction, you know what I'm saying.

Chairman Rogan stated yeah, that is a good point, yup.

Board Member Pierro stated take the staircase into the deck a little bit more, just cut out a corner of it.

Mr. McIntyre stated right.

Chairman Rogan stated right.

Mr. McIntyre stated kind of impress it a little bit.

Board Member Pierro stated and you are not going to lose your whole deck.

Chairman Rogan stated good point.

Ted Kozlowski stated you might want to ask Dave just to come up, I don't know if there are any Building Code issues here.

Chairman Rogan stated hey Dave, do you have a second.

Dave Raines stated yeah sure.

Chairman Rogan stated great, can you come up for a second.

Ted Kozlowski stated this is the pool.

Chairman Rogan stated the pool in Wyndham Homes.

Dave Raines stated yeah.

Chairman Rogan stated any building issues with the proposed plan that you have any problems with.

Board Member Montesano stated just got that tonight.

Dave Raines stated what we looked at during the work session or.

Board Member Pierro stated this is a new plan that came in.

Chairman Rogan stated it's very similar really, it doesn't change.

Board Member Pierro stated our concern Dave was having the steps too close to the pool.

Dave Raines stated the steps can actually come right out of the structure and into the pool by Code.

Board Member Pierro stated right.

Dave Raines stated you can actually have wet steps.

Ted Kozlowski stated but he will need a gate on those steps through, right, off the house.

Dave Raines stated it will.

Board Member Pierro stated oh okay.

Mr. NeJame stated we have to alarm the doors.

Dave Raines stated the Code would be inclusive of alarming the doors leading out within the fenced enclosure, obviously having self-latching, self-closing gates, as far as the set back between the pool and the, it all becomes ones structure the way this is laid out, so there are no set back issues or combustibility issues with this type of lay out.

Chairman Rogan stated and Dave, since we are talking about the pool, do the new pool alarm system rules go into effect for this.

Dave Raines stated yes absolutely.

Chairman Rogan stated so there is an alarm that is for the surface of the water.

Dave Raines stated surface of the water or.

Mr. McIntyre stated for wake.

Dave Raines stated yup.

Board Member Pierro stated yeah.

Dave Raines stated and then the existing or pre 2007 Fire Code/Building Code.

Board Member Pierro stated you are going to love that.

Dave Raines stated would require the alarms on.

Board Member Pierro stated you are going to love that Bruce, when a bird flies over it sets off that alarm.

Mr. McIntyre stated so is that audible just outside or does it have to be.

Ted Kozlowski stated the whole neighborhood hears is.

Dave Raines stated audible outside and in.

Mr. McIntyre stated yeah I believe it. I'll get kicked out of there in no time.

Board Member Montesano stated well you can rent it out to the nuclear facility, they need one that works.

Mr. McIntyre stated yeah.

Dave Raines stated they are all very (inaudible – too many speaking).

Mr. McIntyre stated well actually you know, you can just put the cell tower in the back there.

Dave Raines stated I can't quote what the decibel rating is but they are all factory, the same.

Chairman Rogan stated okay, Ted you had asked for the fence line or the pool itself to be.

Ted Kozlowski stated whatever the improvements are going to go, my concern is where the filtration, Bruce you are heating this pool.

Mr. McIntyre stated yes.

Ted Kozlowski stated okay so.

Mr. NeJame stated I've got the heater (inaudible – too many speaking).

Ted Kozlowski stated the gas heating unit.

Chairman Rogan stated okay.

Ted Kozlowski stated you know that stuff, where is that all going, I'm not so much concerned about the landscaping I would highly recommend that you get shade tolerant plants and not have full sun lovers if you are going to do the back of that pool. You know, again I think the Board's, this is a development that we have historically had problems with after development with all these lots shoe horned into these site and people wanting to put up sheds and pools and barns and whatever, so the Board has to feel comfortable

with what they agree to. As I explained to Bruce, you know the neighbor next door and the neighbor down the street, everybody is bordering the wetlands.

Chairman Rogan stated sure.

Ted Kozlowski stated in this thing and we have to make sure that its done right.

Mr. NeJame stated one this that we did kind of measure out, when we were on the site was the solar window that we do have there and really to get the most energy in the pool is from eleven until three, you know with those couple of trees that aren't a big deal, I think we were pretty good on that.

Mr. McIntyre stated that big tree, that is pretty much rotted out, if we could agree to take that down, that will actually add like an hour and a half, because right.

Ted Kozlowski stated that is the thing, that wood, I didn't want to go near that stonewall, so once we get into the forest that is an untouched forest.

Mr. McIntyre stated right.

Ted Kozlowski stated the other side of the stonewall is not really, its been disturbed and that's much more.

Mr. McIntyre stated but that tree is on this side of the wall.

Ted Kozlowski stated like I said, we will take a look.

Chairman Rogan stated so we have a couple of things I think we are going to propose, number one is let's go take a look at it. It sounds like the Board is amendable, if this works on site to seriously consider this site plan if we can restrict it to what we are talking about.

Mr. McIntyre stated right.

Chairman Rogan stated so why don't we set a public hearing for next meeting, if something changes with this after the site walk, we can always cancel the public hearing but if we are amendable to it then we can set it in motion.

Board Member Pierro stated on the motion Mr. Chairman.

Chairman Rogan stated okay.

Board Member Pierro stated in the matter of McIntyre, 11 Teal Lane, Patterson New York, I make a motion that we set a public hearing for a wetlands/watercourse permit.

Board Member Montesano seconded the motion.

Chairman Rogan asks for all in favor:

Board Member Cook	-	aye
Board Member Montesano	-	aye
Board Member Pierro	-	aye

Chairman Rogan - aye

Motion carries by a vote of 4 to 0.

Chairman Rogan stated Anthony, in reference to what Ted was saying about trying to put some wording in a proper format for when Mr. McIntyre if and when he sells the home that something is transferred over stating that there are, just what we have talked about, significant wetland concerns on the lot. We are just trying to protect the Town and Board and letting the new property owner know right up front that there are restrictions on the property, what can we come up with on that, do you think.

Anthony Molé stated it would have to be by way of a recordable document, I will think about it.

Chairman Rogan stated okay.

Anthony Molé stated its, the easiest way to do is to put it on the deed but I don't know if that's the way to go, I will think about it.

Chairman Rogan stated its not necessarily a deed restriction but it's a notice of some sort, let's see what we can come up with.

Anthony Molé stated yeah its not, (inaudible – not using microphone) I will think of something.

Chairman Rogan stated okay and we will, through Rich, we will communicate to you when we can go out and do a site walk. I don't know if Saturday works or possible next Saturday.

Ted Kozlowski stated Saturday looks like its going to be wet.

Board Member Pierro stated a soaker.

Chairman Rogan stated its not a good day to look at wetlands but we will get out there certainly within the next couple of weeks, we will communicate to you through Rich when we'll go and we can.

Ted Kozlowski stated we can do it after work now too because of daylight savings time is on Saturday.

Board Member Pierro stated we can meet at 4:15 or so one afternoon this week.

Chairman Rogan stated that would be fine.

Ted Kozlowski stated it's not going to take a long time.

Chairman Rogan stated okay.

Mr. McIntyre stated thank you.

Chairman Rogan stated thank you.

Mr. NeJame stated thank you.

Chairman Rogan stated thanks for your compliments.

2) BONIELLO SITE PLAN – Final Approval

Mr. Joe Fassacesia of Architectural Visions was present to represent the application.

Chairman Rogan stated okay, Boneillo, how are you.

Ted Kozlowski stated thanks for sharing.

Board Member Cook stated my pleasure.

Chairman Rogan stated we have an extra chair we can pull up if you want to sit up here.

Ted Kozlowski stated I am going to sit on somebody's desk.

Chairman Rogan stated these are comfortable.

Board Member Pierro stated maybe a couple of notes Ted.

Chairman Rogan stated Michelle, at least you have plenty of witnesses for the suit that will follow and you have attorney present. How are you.

Mr. Fassacesia stated good evening.

Chairman Rogan stated good evening.

Board Member Montesano stated if you say so.

Chairman Rogan stated so how did you make out with those last modifications.

Mr. Fassacesia stated I believe after various conversations back and forth that we have pretty much everything except for a few very, very minor things that we will address.

Chairman Rogan stated okay, do we have, we do not have a performance bond yet.

Board Member Pierro stated yes we do.

Rich Williams stated yes.

Chairman Rogan stated I didn't see it, I apologize.

Board Member Pierro stated right here, excuse me.

Chairman Rogan stated that is part of Gene's memo.

Board Member Pierro stated Gene's memo.

Gene Richards stated that is on page two Shawn.

Chairman Rogan stated thank you, Gene I know you e-mailed it to me but I didn't have a chance to pull it, okay, Charlie.

Board Member Montesano stated it's only fifteen hundred thousand, that's not bad.

Board Member Pierro stated its up to you Charlie.

Gene Richards stated Joe have you looked at the bond calc that we submitted.

Mr. Fassacesia stated yes it was very close to what we had submitted.

Gene Richards stated so you are okay with it.

Mr. Fassacesia stated yes, its within the margin that we were looking at.

Chairman Rogan stated very good. Charlie you are up.

Board Member Cook stated in the matter of final site plan approval for the Boniello application, I propose that the Planning Board now therefore be it resolved that in the application of Anthony and Michael Boniello for final site plan approval, pursuant to Chapter 154 of the Town Code, that Planning Board finds that the subject application and final site has been modified in accordance with any applicable conditions set forth in this resolution, complies with all requirements of the Town law in Chapter 154 of the Town Code and hereby grants final site plan approval subject to the applicant's compliance with following general and special conditions within sixty-two days of the date of this resolution, March 6, 2008. There are five general conditions and four special conditions with regard to this resolution.

Board Member Montesano seconded the motion.

Chairman Rogan asks for all in favor:

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

Motion carries by a vote of 4 to 0.

Chairman Rogan asked for any opposed.

Chairman Rogan stated motion carries, can I have a motion on the recommendation to the Town Board for the bond calculations.

Board Member Pierro stated in the matter of.

Board Member Cook stated go ahead.

Board Member Pierro stated you.

Board Member Cook stated I recommend that the Planning Board recommends to the Town Board that a performance bond in the amount of \$5,750 be set with regard to the Anthony and Michael Boniello site plan application.

Gene Richards stated Charlie that was the inspection fee amount.

Chairman Rogan stated yeah.

Board Member Cook stated I'm sorry, inspection.

Chairman Rogan stated the bond is for \$115,000.

Board Member Montesano stated \$115,000.

Board Member Cook stated I'm sorry \$115,000.

Chairman Rogan stated the five thousand was the inspections fees, modify the motion Michelle. Can I have a second on that.

Board Member Pierro seconded the motion.

Chairman Rogan asks for all in favor:

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

Motion carries by a vote of 4 to 0.

Chairman Rogan asks for any opposed.

Board Member Pierro stated no.

Chairman Rogan stated okay.

Mr. Fassacesia stated I thought we were getting a discounted rate there for a second.

Board Member Cook laughs.

Chairman Rogan stated that was within the margin, that was quite a margin.

Mr. Fassacesia stated hey, I tried.

Chairman Rogan stated to the end he tried.

Board Member Montesano laughs.

Chairman Rogan stated you're all set.

Mr. Fassacesia stated okay, thank you.

Chairman Rogan stated thank you.

Rich Williams stated John Walsh said he might be running a little late.

Chairman Rogan stated okay.

Board Member Pierro stated who is John Walsh, NRA.

Chairman Rogan stated he is for NRA.

Rich Williams stated yes.

3) NRA RELATY SUBDIVISION – Continued Review

Chairman Rogan stated is anyone here for NRA Realty, no I meant from the applicant.

4) THE PLAZA AT CLOVER LAKE – Continued Review

Mrs. Theresa Ryan of Insite Engineering was present to represent the application.

Chairman Rogan stated okay Plaza at Clover Lake, Theresa, I know that I saw here. Hey Ted, is Theresa out there.

Ted Kozlowski stated yeah, I'm talking to Theresa, I am directing here.

Chairman Rogan stated let's keep the conversations in the.

Ted Kozlowski stated is she up.

Chairman Rogan stated she is for Clover Lake.

Board Member Montesano stated you're not on the desk.

Ted Kozlowski stated the best for Boniello.

Board Member Pierro stated this is where I get screwed up the most, when they get out of line.

Mrs. Ryan stated good evening, sorry.

Chairman Rogan stated what are you sorry for.

Mrs. Ryan stated I didn't want to hold you up.

Chairman Rogan stated no problem Theresa.

Board Member Montesano stated we're having a hold up, wait a minute.

Chairman Rogan stated you are worth waiting for, don't worry. How are you this evening.

Mrs. Ryan stated good.

Chairman Rogan stated good, okay, so, I guess we discovered some wells at the residential home, right, I saw them on the map.

Mrs. Ryan stated yes, there are two that are serving the facility and they are right next to the facility.

Chairman Rogan stated okay,

Mrs. Ryan stated and there is only one on lot three and that is shown as a hand pump, we did check this lot three and we walked through and didn't find any other wells on lot three.

Chairman Rogan stated you know it's so funny because I swore that I remembered walking around that building and seeing a well and point it out behind like a pile of dirt or something on the like between the facility and the highway garage area.

Mrs. Ryan stated really.

Chairman Rogan stated so much so that I mean it might have been a different lot but so much so I wanted to go back out there and take a look.

Mrs. Ryan stated alright, I will tell the guys to check again, they said they didn't find anything.

Chairman Rogan stated if I find it I will call you and let you know.

Mrs. Ryan stated okay.

Chairman Rogan stated because I thought I remembered, we said oh there is the well but you know we walk so many of these, I wouldn't bet any money it.

Mrs. Ryan stated it was behind the barn.

Chairman Rogan stated I thought it was to the west of the barn.

Mrs. Ryan stated okay.

Chairman Rogan stated that is my recollection but we'll see, to the Fair Street side of the barn, you remember that also. So we will see if we can figure that out.

Mrs. Ryan stated okay.

Chairman Rogan stated Anthony, I see you are reading the memo, we wanted to ask you a question, Rich actually poses it on number three under the requirements of layout, and page two of four, and basically it is the Commerce Drive access to lot two. The existing access goes through other properties; I will let you read it for yourself though.

Anthony Molé stated where are you showing it.

Mrs. Ryan stated they are talking about over here. This little piece of the existing driveway, it was supposed to, it probably was supposed to go through this easement.

Anthony Molé stated is there an existing easement for that.

Mrs. Ryan stated this is an easement, this is existing.

Anthony Molé stated that little portion that cuts across, there is no easement.

Mrs. Ryan stated no.

Anthony Molé stated is that the only access to the lot.

Rich Williams stated they can move the driveway.

Mrs. Ryan stated it show that there is old pavement here within the easement but it must have been over time that they bypassed that and use this as the entrance and its clear.

Anthony Molé stated its not really a Planning Board issue, it's a private issue for the applicant to deal with it but as long as the Planning Board isn't granting an approval based upon access using that strip.

Chairman Rogan stated we are not, we are not even considering that. Also, we wanted to make sure it wasn't, by approving a map, that shows we are not approving that type of access for the future, we are not tying ourselves into anything with it.

Anthony Molé stated no you can specify when you grant that approval that you know, we are not giving any you know, reason that (inaudible).

Chairman Rogan stated okay, Rich we can.

Anthony Molé stated you don't have the jurisdiction to grant that though anyway because it's a private matter.

Mrs. Ryan stated what we were going to suggest was that a note go on the plan that if this lot gets redeveloped that the access should come from Fair Street.

Chairman Rogan stated we can put that as a note on this subdivision.

Mrs. Ryan stated on the plat.

Chairman Rogan stated on the plat.

Mrs. Ryan stated right.

Chairman Rogan stated okay, so the wells we've cleared up or we will clear up, utility lines.

Mrs. Ryan stated now you want the underground utility lines, is that what you are looking for.

Chairman Rogan stated I'm sorry, I'm not, what are you talking about.

Mrs. Ryan stated I thought you just mentioned utility lines.

Chairman Rogan stated no I'm just reading, Rich is suggesting the location of the utility lines on lot three be shown and that's.

Mrs. Ryan stated underground.

Chairman Rogan stated sure.

Rich Williams stated I'm a little concerned that it may effect the future developable nature of that lot.

Mrs. Ryan stated okay. I know that Rich mentioned something about the stormwater management, the easement to that existing stormwater basin and I would like to meet with Rich to find out where the best location for that easement is.

Chairman Rogan stated sure.

Mrs. Ryan stated we didn't show it because we weren't really sure what path we were going to take from this lot to the stormwater basin is down here. We have to get some additional information because we stopped short of a swale here and part of an eighteen inch pipe here so we have to get the rest of that information and try to figure out how.

Chairman Rogan stated okay.

Mrs. Ryan stated what the path would be from one lot to the other.

Rich Williams stated do you need to make it that specific.

Mrs. Ryan stated well we need a metes and bounds description.

Rich Williams stated block it out.

Mrs. Ryan stated okay, I will get in touch with you, we'll come up with a sketch.

Rich Williams stated I mean they are using for it stormwater, it makes sense to combine the stormwater.

Mrs. Ryan stated it does.

Rich Williams stated stormwater facilities, don't worry about where the swales are going, block it out.

Mrs. Ryan stated okay.

Rich Williams stated just give yourself enough room to do whatever you have to there, you aren't doing anything over there.

Mrs. Ryan stated okay.

Chairman Rogan stated anything else that anybody wants to talk about on this topic, on this application.

Mrs. Ryan stated Rich noted that the GML 239 referral hadn't been made yet, its pending.

Rich Williams stated we doing that now.

Mrs. Ryan stated you are.

Chairman Rogan stated yeah, I was going to say, that normally just happens from your office, doesn't it.

Rich Williams stated we do that when we do the lead agency notice, we are in the process of doing the paperwork.

Chairman Rogan stated have we done a motion on lead agency.

Rich Williams stated yeah.

Chairman Rogan stated we did.

Rich Williams stated yeah I've got the paperwork in my office, it has to go out tomorrow or Monday.

Chairman Rogan stated I thought we had done that, I just wasn't sure, okay. And Gene you don't have anything on, this time.

Gene Richards stated no review.

Chairman Rogan stated no review, okay.

Mrs. Ryan stated can we get a public hearing scheduled.

Chairman Rogan stated I don't see why not, we can get those things wrapped up, the easements that, they are going to need to be provided and they won't change layout on this. Public hearing, gents.

Board Member Pierro stated that's fine with me.

Chairman Rogan stated Charlie.

Board Member Cook stated SEQRA.

Board Member Pierro stated no, not present.

Chairman Rogan stated typically on an application like this, have we done SEQRA before setting a public hearing.

Rich Williams stated I try to encourage the Board to do SEQR before setting the public hearing, that kind of sets the tone that the application has been determined complete.

Chairman Rogan stated and in this case we are not review, we are reviewing a subdivision of land, there is no proposal for that.

Board Member Pierro stated right, you want to do SEQR that's fine.

Chairman Rogan stated okay.

Mrs. Ryan stated just as sequence Rich, if they haven't actually become lead agent yet.

Chairman Rogan stated we can't do it, we have to wait until we are notified whether or not.

Rich Williams stated right.

Chairman Rogan stated so, we really have to hold off, we can do.

Rich Williams stated we can set the public hearing, there is no requirement that you do it.

Chairman Rogan stated by the next meeting we will know whether we are the lead agent or whether we have had an opposition with that and in this case I can't imagine that we would.

Board Member Pierro stated no, not for this.

Chairman Rogan stated okay, so let's set a public hearing for the next meeting, can I have a second.

Board Member Montesano seconded the motion.

Chairman Rogan asks for all in favor:

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

Motion carries by a vote of 4 to 0.

Chairman Rogan stated okay.

Board Member Montesano stated (inaudible).

Chairman Rogan stated and we will be a position to do a SEQR determination either before or after the public hearing.

Mrs. Ryan stated okay.

Chairman Rogan stated and you are going to meet with Rich on the one issue.

Mrs. Ryan stated yeah, I will send you a sketch.

Chairman Rogan stated okay, great, anything else Theresa.

Mrs. Ryan stated I think I'm next.

Chairman Rogan stated you are next, you have Barjac, yes, okay.

5) BARJAC SITE PLAN – Continued Review

Mrs. Theresa Ryan of Insite Engineering was present to represent the application.

Chairman Rogan stated there is a very quiet tone tonight, very quiet.

Board Member Pierro stated because you wore everybody out the last meeting.

Chairman Rogan stated you saw the minutes.

Board Member Pierro stated I saw the minutes, I can't go anywhere and leave you guys here for four hour meetings.

Chairman Rogan stated that was our longest.

Board Member Pierro stated yeah.

Chairman Rogan stated yeah and it felt like it. okay so, Barjac. Gene, I did not have a chance to read your memo dated today, is there anything.

Gene Richards stated (inaudible) down tonight, so.

Chairman Rogan stated okay, is there anything specific to your memo that you would talk to Theresa about or point out or discuss with the Board.

Gene Richards stated don't really need to discuss it in front of the Board, I think one of the things though, Tom went through erosion controls and construction sequence, that whole issue, the quick comments in our memo, I guess if you think it is appropriate, we can sit down and go through this stuff or you and Tom can, just to iron out those details. Other than that it is just normal comments that we've gone through and she can address them.

Chairman Rogan stated what about you Rich.

Rich Williams stated no, like Gene I think that it is standard review about you know, just additional details that are needed at this stage of the review, they are not typically shown on the plans, as we progress they will be.

Chairman Rogan stated okay.

Mrs. Ryan stated there is only one item that Rich brought up that I think the Board needs to discuss and that is about the shed on N.F. Scaperotti, I don't remember which comment that was but I can look it up.

Rich Williams stated that there is a shed on your property that belongs to somebody else.

Chairman Rogan stated is that what it is.

Rich Williams stated and it certainly doesn't meet the Zoning Requirements for this piece of property but I assume by identifying it that you would have contacted the property owner and requested them to move the shed off of your property and then it would be a moot point.

Mrs. Ryan stated you mean my clients property. It is right at the edge of the wetland here.

Chairman Rogan stated Dave chime in any time.

Dave Raines stated I just want to let you know that I sent a letter right after.

Mrs. Ryan stated oh.

Dave Raines stated I sent a letter after we discovered that at the work session review, just to let them know, any concerns or documentation that they had so we could figure out how it ended up there and the displacement and we'll, I don't think you guys need to deal with that, we'll get that corrected.

Mrs. Ryan stated okay.

Chairman Rogan stated excellent, Charlie had noted at the work session, I believe that there were a number of issues that information will be provided at a later date, things were going to be done at a later date and I know that the Board wanted to make sure we are in better shape before setting a public hearing with some of those items.

Mrs. Ryan stated okay.

Chairman Rogan stated let's see if we can do our best to continue the technical review and the modifications and we've made good progress on this and I say we just keep continuing along that path.

Mrs. Ryan stated a lot of these things that we are going to provide later really won't affect the general layout, relative to public comments, we didn't feel so, if you do schedule the public hearing, what the public sees on the plan now is not going to change significantly.

Board Member Cook stated one case if the public asks about the turning radii of the trucks, about the bridge, what have you, some of those, I think need to be addressed.

Mr. Ryan stated okay.

Board Member Cook stated with us before.

Chairman Rogan stated I agree with you on the bridge.

Board Member Pierro stated the bridge, especially on the bridge because that is pretty substantial.

Chairman Rogan stated it is a unique characteristic of the site improvements. The turning radius for the trucks, is that the area for the loading and unloading of the manure and I can't think, the shavings.

Mrs. Ryan stated that is part of it and then it would also be getting in and out of the site from [Route] 311.

Chairman Rogan stated okay.

Mrs. Ryan stated we may have to shift that entrance slightly so that a truck with a trailer can turn right out of the site and onto [Route] 311.

Chairman Rogan stated actually shift the center of the proposed entrance.

Mrs. Ryan stated we may have to yeah, so that we don't end up encroaching on the adjoining property.

Chairman Rogan stated okay. They are talking about shifting this down a little bit or widening that out anyway. In that area where the proposed access meets [Route] 311, where the roadway widens out to meet [Route] 311, is there any maximum that that can be by Code, in other words, would it make more sense to rather than shift it down to make it a wider intersection there.

Rich Williams stated there is no maximum but there is a minimum.

Chairman Rogan stated okay.

Mrs. Ryan stated for DOT there is.

Board Member Montesano stated DOT is going to be (inaudible).

Chairman Rogan stated okay well its shifting it down, but we don't want to get too far down because we have that (inaudible).

Board Member Montesano stated we may not have the purview to tell them what to do.

Chairman Rogan stated number one is if it is safe, if its safe then I am certainly going to be in favor of that as opposed to something that is not safe.

Gene Richards stated Shawn, can I ask a question.

Chairman Rogan stated sure please.

Gene Richards stated Theresa, on site lighting, one of my comments mentioned about no lighting be proposed for your entrance road, is that, I'm not sure if you just forgot to put some on or is that the way that the way wanted to approach it and I don't know if that is something that the Board would want to see anyway.

Board Member Montesano stated I would like to see something there, especially the fact that you are going to have trucks coming out of there and god knows what time they may or may not come in and with

daylight savings time et cetera, you are going to have morning deliveries or evening deliveries and sooner or later you are going to need a light there.

Mrs. Ryan stated I will see what is already on [Route] 311 there in that area. Are you talking about at the entrance.

Gene Richards stated actually the whole length, it is about six hundred feet from [Route] 311 back to your parking lot, I just thought that certainly during the winter time you know, if you have a, I don't know what kind of night time operations will be there, if there are riding sessions or anything of that sort.

Mrs. Ryan stated okay, I will check.

Gene Richards stated just for people that use the site.

Chairman Rogan stated Dave stepped out of a minute or is he hiding back there, I can't see.

Board Member Montesano stated no.

Mrs. Ryan stated actually I did speak with Dave just before the meeting and I'm sure he will be back in to confirm it but he gave me a copy of a technical bulletin that refers to outdoor rings and we also discussed the Fire Code/Building Code and he is going to give me a copy of that as well.

Chairman Rogan stated okay, so the one aspect, is talking about sprinkling.

Mrs. Ryan stated right and he said that if the buildings are separated by forty feet and not attached, it wouldn't have to be, with that attachment there may be another way to do that, as long as that attachment, that section that attaches the two buildings is not enclosed, is just an overhang.

Chairman Rogan stated oh okay.

Mrs. Ryan stated he said that you could put a, maybe propose a fire curtain on the barn exit door.

Chairman Rogan stated does that also speak to meeting the distance, is it forty or sixty feet.

Mrs. Ryan stated its forty feet.

Chairman Rogan stated forty feet.

Mrs. Ryan stated according to, that is the section I don't have yet but he [Dave Raines] said he will give me that.

Chairman Rogan stated because that certainly could impact on some of these fenced paddock areas.

Mrs. Ryan stated yeah, not a lot.

Chairman Rogan stated is that in essence what it is saying, is that you need a forty foot open area, you're not even going there.

Mrs. Ryan stated it won't effect it a lot.

Chairman Rogan stated okay.

Mrs. Ryan stated that is not, I think that is only twenty-six feet apart.

Chairman Rogan stated twenty or so feet.

Mrs. Ryan stated right now, those two structures.

Chairman Rogan stated okay, alright, let's find out about that, where we stand with that also.

Dave Raines stated I'm sorry.

Chairman Rogan stated that's okay.

Dave Raines stated I'm here now.

Chairman Rogan stated we were just talking about the technical bulletin on the Fire Codes, if you could just run us through your interpretation of how that impacts on the existing plans.

Dave Raines stated it really doesn't because we did have a discussion yesterday about sprinkling, fire sprinklers through out these two buildings here. The existing plan because the buildings are connected requires everything to be sprinkled, we are making this assumption that this is going to be an A occupancy. I am making that assumption, thought we are still going to look at how we are using the rink, if we were to separate the buildings, then we will not have to sprinkle the indoor rink.

Chairman Rogan stated okay.

Dave Raines stated rink, ring, rink, ring.

Chairman Rogan stated ring.

Mrs. Ryan stated but they would to be, you said forty feet apart.

Dave Raines stated forty feet.

Chairman Rogan stated oh okay.

Dave Raines stated what is the separation now.

Mrs. Ryan stated I think its twenty-six.

Chairman Rogan stated does that also restrict, is that forty foot also around the entire perimeter of the building.

Dave Raines stated no its combustible to combustible.

Chairman Rogan stated got it, okay.

Dave Raines stated because we are talking wood frame structures.

Chairman Rogan stated understood, okay.

Dave Raines stated I'm making the assumption that we are not going to allow metal buildings.

Chairman Rogan stated okay, got it, so it would impact on any of the paddock areas.

Dave Raines stated and again based on sprinkling a building, we can shrink that down.

Chairman Rogan stated okay, good.

Dave Raines stated okay, so we will, Theresa and I are going to talk about that, based on what the clients need is to whether we are going to have an over hang or a fully enclosed breezeway connecting the two, there are differences, we can do a water curtain with the sprinklers, we can reduce the separation distance based on sprinkling one door or the other, so. I don't think there is a big ethic, pretty much the layout is going to, we are going to make it work one way or another depending on how we are going to handle the fire protection.

Chairman Rogan stated okay.

Dave Raines stated okay.

Chairman Rogan stated anyone on the Board have anything else on this application, nothing else.

Ted Kozlowski stated Shawn.

Chairman Rogan stated Ted, sure, I include you in that Ted.

Ted Kozlowski stated Theresa and I discussed that there is still one big outstanding thing that is needed for the wetland and that is the sedimentation basin, we need a planting plan and the other thing which I didn't say to you in the hallway which I forgot about, I just reminded myself with my notes here. On the EAF under endangered species and all, you say there is no impact but you are waiting for a letter from Natural Heritage Program.

Mrs. Ryan stated right.

Ted Kozlowski stated confirm that, as happened with the site on [Route] 311, you know they found the bog turtle.

Mrs. Ryan stated right.

Ted Kozlowski stated so I want to make sure before the Board approve any wetlands permit that the Natural Heritage Program concurs that there is nothing on this site. So if the letter hasn't already come in, we need a copy of that letter with the letter packet.

Mrs. Ryan stated we got that and we are going to have out wetland consultant address it.

Ted Kozlowski stated so they found something.

Mrs. Ryan stated not on the site, within a mile.

Ted Kozlowski stated okay.

Mrs. Ryan stated that is a hit.

Ted Kozlowski stated okay.

Chairman Rogan stated okay.

Mrs. Ryan stated okay.

Chairman Rogan stated thank you.

Mrs. Ryan stated thank you.

Board Member Pierro stated next up.

Chairman Rogan stated did anyone come in for NRA.

Rich Williams stated yes.

Chairman Rogan stated okay great.

Mrs. Ryan stated thank you.

Chairman Rogan stated thanks Theresa.

3) NRA REALTY SUBDIVISION – Continued Review

Mr. Jon Walsh of Zarecki & Associates was present to represent the application.

Chairman Rogan stated you know how to do it, you got it.

Mr. Walsh laughs.

Chairman Rogan stated please state your name for the record.

Mr. Walsh stated my name is Jon Walsh from Zarecki & Associates, representing the client. We were in front of the Board last meeting.

Board Member Pierro stated can you please.

Chairman Rogan stated hey Dan, why don't you just pull the chair up so you can look at the plan and sit down so that you are not blocking anyone else view. You can pull up almost as close as you want, then you'll be comfortable. Okay I'm sorry, go ahead.

Mr. Walsh stated not a problem. We were in front of the Board last month, basically to bring everybody back up to speed since it's been close to two years since the last time we were in front and just trying to move the process along. We have made the changes to lots seven and eight, we have isolated the two stormwater basins as Rich has noted in his memo, to put them in individual lots, we have shown an area for the fire protection that is required and we've addressed to the best of our ability the concerns of the Board of the future use of these lots with regard to pools or plays areas, shed, stuff like that. So as you can see on all of the lots there has been either a square or a round pool in one aspect or another and a play area. The lower, the first four lots has concerns, I believe it was lot number three for road frontage, not road frontage average depth, which we have increased the size of the lot to allow for a smaller width in this section but there are concerns that Rich raised with the stormwater basin being located on that lot. The drainage for this site, is the idea, the intent is all the drainage that comes down the roadway will be captured and sent, the majority of it, over to this section, this basin is only sized for a small portion of the road and the four lots that will actually drain to it. The small wetland that we are proposing over here, this stormwater treatment, is only for the first six hundred feet or so of roadway, so this graphical at this point and more then likely it will become smaller. The access for the stormwater basin on lot number three is provided by the same access of lots one through four, so we kind of used the same avenue, since the site is steep, we all have walked the site, or at least I believe most of the Board members have walked the site. The requirement of trying to provided amenities will require some sort of retaining walls to control grading and provide level areas for the individual homeowners, also speaking with Rich, the concern on lots two through four, we are proposing lots that basically have bedrooms below them, that what we did was we came up with a little graphical plan to show you, that you enter basically enter at the living level where the garage would be, the next level would be the bedrooms and then the lower level of course the basement, now there is a height constraint of I believe it was thirty-six feet, as you can see from this, that we have a house plan that will conform so we wouldn't need a variance on those.

Dave Raines stated is that, I'm sorry, I didn't see this on my sheet, so we are talking this is finished grade.

Mr. Walsh stated yes.

Dave Raines stated just so that you understand, you have to sprinkle the third floor, actually the whole structure because you have living space on the third story then from grade.

Mr. Walsh stated even if the bottom floor is concrete.

Dave Raines stated yeah so just.

Mr. Walsh stated okay.

Dave Raines stated I know this a conceptual thing but.

Board Member Pierro stated what is the height of that building over the.

Dave Raines stated regardless of the height and he says he's.

Board Member Pierro stated on a side note what is the height of that building over the bank that is behind it Rich, do you have any recollection.

Mr. Walsh stated with regard to what.

Rich Williams stated I'm guessing its fifteen feet from what I'm seeing here.

Mr. Walsh stated what would be exposed from the road, from the proposed road.

Board Member Pierro stated right.

Mr. Walsh stated would be roughly nine foot for first floor and then the roof, which would be about another six.

Chairman Rogan stated what may be more of a concern is what would be exposed from Birch Hill Road, looking up as those three lots as, you look at the entire height of that house.

Mr. Walsh stated you probably wouldn't be looking at the entire height just because of the grade difference, all the trees that are run along the road, you probably would a very small portion of it, maybe in the winter time might see more.

Board Member Pierro stated based on the occupancy of this meeting here tonight, I know these are questions that people are going to want to hear answers for, that is why I'm bringing it out now.

Mr. Walsh stated sure, I can do a cross section that brings all the way, instead of just the back of end of it, I can show one that goes all the way to Birch Hill Road.

Board Member Pierro stated okay.

Chairman Rogan stated the um.

Board Member Cook stated on the layout that house shows, is that just for lots two three and four.

Mr. Walsh stated yes.

Chairman Rogan stated and are you showing limits of disturbance with your green line.

Mr. Walsh stated yes, this green line is basically the limits of disturbance.

Chairman Rogan stated so in essence on lot three, everything from the stormwater basin up to the house or virtually everything would need to be cleared for the construction of those.

Mr. Walsh stated yes, just for ease of construction, we would, since there are concerns about lot number three having complete access, uninterrupted access to the stormwater basin which Rich highlighted during out meeting of some issues that have happened in the past with the Town, we would propose some sort of tree buffer or something that would prevent or at least try to prevent any issue that may happen in the future. With regard to lot number one, since that is the one that has the most development besides the stormwater basin along the wetland buffer, we have separated the residence from the buffer by roughly twenty-two feet, so it enough for excavation and a backhoe to go back and still protect the actual wetland or I should the wetland buffer.

Board Member Pierro stated take a look, we need to be able to address that.

Mr. Walsh stated right here.

Board Member Pierro stated to some extent.

Chairman Rogan stated well yeah.

Board Member Cook stated yeah.

Chairman Rogan stated Dave was just looking for lot five, we'll get there.

Mr. Walsh stated yes lot number five was a cabin as of right and as of to date there is an addition that is under construction if not almost complete, as you will see since he is improving the lot, he no longer wants to tear it down, he wants to leave it.

Board Member Pierro stated no.

Mr. Walsh stated to address.

Board Member Pierro stated to paraphrase my seventeen year old daughter, duh.

Mr. Walsh stated now.

Board Member Pierro stated sir I have to tell you, I know that you didn't do it and you are not responsible for it but this really sticks in my throat a little bit that you guys would come in with an application and then modify a structure on the property to a point where this application is no longer accurate.

Mr. Walsh stated well the house, the structure that's shown, is what technically exists to date.

Chairman Rogan stated on this current set of plans.

Board Member Pierro stated on this plan.

Mr. Walsh stated on this plan.

Board Member Pierro stated but later on this plan is going to have to be modified if this house is going to be kept, the lot lines are going to have to be adjusted because.

Mrs. Walsh stated well with regard to the set back issues of that lot, the reason why we proposed, now maybe the road can change so we wouldn't need a variance for the road frontage but the reason why we are trying to hold the side yard setback is because there is a stonewall that runs along there as a perfect natural delineation of a property line. That is the main reason why knowing the issues and knowing that we need a variance, we didn't change this lot line.

Chairman Rogan stated on the road I agree with you, you can move the road its just lines on a piece of paper at this point in time and I agree with you on the standpoint of the rock wall it is a fantastic delineation and had that addition been done with approval, with a building permit I would be the first one to recommend that you go to the Zoning Board and get an approval on that but I have, probably as everyone else does a problem with that. I'm sure you can see the problem we are having in that.

Mr. Walsh stated yes I can definitely understand.

Chairman Rogan stated they could have put the addition on any other spot on that house or on that cabin and it wouldn't have created these issues for you to have to resolve now.

Mr. Walsh stated yes.

Chairman Rogan stated for the road definitely, we are going to be looking to make it work, you have move it and hopefully it doesn't impact on things too much.

Board Member Pierro stated that may change the whole project Shawn.

Chairman Rogan stated well it may very well. There is, when they lay it out, it will either change the project significantly that they are going to knock down what they did or they are going to be able to work but that is up to you guys.

Mr. Walsh stated right.

Board Member Pierro stated and I think that is important that goes on the record tonight so that everybody understands.

Chairman Rogan stated yeah, we didn't create that problem.

Mr. Walsh stated right which.

Chairman Rogan stated the side yard set back, that is an issue, they would ultimately go to Zoning Board for that, correct.

Rich Williams stated correct.

Chairman Rogan stated like I said I can certainly understand back of the natural delineation but its not one I would be in favor of because it is a self created hardship.

Mr. Walsh stated yes.

Chairman Rogan stated but anyway, we will see where that one goes. This project has so many challenges that we don't need to be adding to the list.

Mr. Walsh stated tell me about it.

Board Member Pierro stated didn't we have some other issues with the bridge crossing.

Chairman Rogan stated that is all the way out on the other side. They are proposing a full bridge.

Ted Kozlowski stated Jon, have you had discussion with the DEC on (inaudible – papers rustling).

Mr. Walsh stated its just a stream crossing permit.

Ted Kozlowski stated right, that is a CTS stream though so you are going to need.

Mr. Walsh stated yes.

Ted Kozlowski stated to go through their procedure and are you going to an Army Corps. permit for this project.

Mr. Walsh stated as it stands now no, because we are not within their thresholds, that may change due to the actual design of the bridge, as it stands right now we are clear spanning so we are not actually going to be doing any work within the actual watercourse.

Ted Kozlowski stated have you requested for DEC to come out and do a flagging.

Mr. Walsh stated yes we have and they more or less passed the buck and that is why we have Evans & Associates perform.

Ted Kozlowski stated did they approve it.

Mr. Walsh stated did DEC approve it, no, not as of yet.

Chairman Rogan stated yeah Stephen's Brook. I'm sorry to get back on to lot five.

Mr. Walsh stated no.

Chairman Rogan stated the issue of, so that I'm clear that I understand this and maybe Anthony you can help me out. Patterson Code allows a cabin on 50 acres or more, so currently the cabin, if it was done was proper approvals or if its meets the building permits, it would be acceptable outside of this application or the issue is that as soon as the application is approved, that is a non-conforming lot or it's a lot with an illegal use or use that doesn't meet Code because it is not up to the requirements of a single family residence, correct.

Rich Williams stated there are actual two issues right now facing this cabin, if I can jump in.

Chairman Rogan stated sure.

Rich Williams stated one is that to define a cabin is limited in size, he has gone beyond that.

Chairman Rogan stated okay.

Rich Williams stated he in addition needs the fifty acres so once this gets approved, again it no longer meets that requirement, so it needs variances or he needs to start calling it a single family home and that triggers other Building Department issues.

Dave Raines stated we are on that Shawn, I was going to ask tonight for Town Council to take this under consideration before and advise both the Planning Board and myself before we take any further action because I don't know whether to send these folks to the ZBA with the eight variances that they currently would require or, I know that is going to impact the Planning process on this.

(Side 1 Ended – 8:31 p.m.)

Dave Raines stated I don't know if I should just handle this as a 50 acre lot and then those would become come in, whatever decisions are made at the ZBA level and to the Building Department would become conditions that you would have to, which seems to, muddy the water somewhat, kind of we are on a path here with lot five being set up as a 18, I forget the size of it. I'm creating additional irregularities by sending them to ZBA so.

Chairman Rogan stated right.

Dave Raines stated so I'm not correcting anything, it would all have to be re-corrected immediately if we are going to move this application forward.

Chairman Rogan stated I understand.

Dave Raines stated so that is why I'm not really sure you can correct, the issues based on as Richie brought up, the cabin is 650 square feet and it exceeds the height limitation, there is a set back issue to the existing barn that is next to it.

Chairman Rogan stated okay.

Dave Raines stated so we can correct those at ZBA potentially but then I am creating a whole nother set of irregularities.

Chairman Rogan stated I understand.

Dave Raines stated that I am presenting to you now, saying you have, so I am not sure without some direction from Town Council as to what is the best path and not to expect any decisions immediately but something, I would like some direction on that.

Board Member Pierro stated both to Rich and Dave, my question is if we are not calling this a cabin anymore because of its size only, forget about the fifty acre subdivision that will happen in the future but because of the size only, if its not a cabin anymore, is it going to require Board of Health and a septic system.

Chairman Rogan stated it will for this process.

Dave Raines stated right and again that is why I'm saying.

Chairman Rogan stated yeah.

Dave Raines stated if they issue variances this is making the assumption that if they issue variances for a cabin, they say its, because its not a single family residence, it doesn't have a driveway and it doesn't have a septic system.

Chairman Rogan stated right.

Dave Raines stated there are several other issues but.

Dave Raines stated but excuse me, but based on the size alone, now that it has changed.

Dave Raines stated correct.

Board Member Pierro stated yeah.

Dave Raines stated once its exceed the 650 and once they exceeded the twenty-one foot height.

Board Member Pierro stated yeah.

Dave Raines stated you know, that is the easy part.

Chairman Rogan stated okay.

Board Member Pierro stated right.

Dave Raines stated but if we get variances now we have a cabin that will be either with several variances they would have to issue and then what.

Chairman Rogan stated right.

Dave Rained stated it doesn't fit into the site plan.

Chairman Rogan stated.

Dave Raines stated it has set back issues, we allow it and now we create a set back issue to the lot line that was described in the site plan so then I, you know and I don't know that the septic is going to be able to go where the septic is laid out. You know there is no plumbing this currently so its not being brought up to a single family residence, not having taken those steps.

Chairman Rogan stated taking this application and thinking about if you were owner and you had this piece of property and you wanted to proceed through this process with this subdivision just to go through the process now while things, before they get more difficult. In other words if you wanted to keep this property as is but go through this process for the future value of the property, I wouldn't be opposed to the cabin and the structures given that they got ZBA approval, the problem is that as soon as the thing gets approved its non-conforming. If it got the ZBA approvals, could you allow that kind of a structure to stay on the lot but make it comply, in other words, make it comply with the single family residence requirements prior to them drawing any building permits for the project. In other words allow that use, let's say the guys doesn't want to build the first lot for 20 years.

Anthony Molé stated at some point you are just proceeding whether that is going to be a single-family, converted to a single-family or whether it is going to stay as a cabin.

Chairman Rogan stated its showing it as a single-family.

Mr. Walsh stated it will be a single-family but it will be a single-family.

Chairman Rogan stated the end of the subdivision.

Rich Williams stated but what Dave pointed out is that you are going to have a single-family home now that still doesn't comply, it doesn't have a driveway.

Chairman Rogan stated right.

Rich Williams stated because the road hasn't been constructed.

Chairman Rogan stated right.

Rich Williams stated and you are going to bring a driveway up.

Chairman Rogan stated and that is why I am thinking about it a little differently, you have an approved subdivision but you are not changing anything on the lot, you have a cabin out in the middle of the woods with, as of today if it didn't have some of these issues, like over size and the height and not having a building permit would be perfectly fine on the property. If the guy gets this approved or is going through the process and doesn't want to do anything with the subdivision for twenty years just by the nature of the approval of the subdivision he has an illegal situation. Is there any way to put.

Anthony Molé stated its not a pre-existing non-conforming situation it's a violation.

Dave Raines stated I let it proceed through the process and now I am creating a violation to the subdivision.

Chairman Rogan stated so I mean by that conversation or argument are you saying to the gentleman, look, if you really don't want to do anything with this property for twenty years don't go through the subdivision because you are creating your own hardships for you cabin. Because it sounds like from what you guys saw when you did the inspection on the cabin that they did a lot of work into this, this isn't just somebody throwing up some.

Dave Raines stated correct.

Chairman Rogan stated shotty cabin.

Board Member Pierro stated yeah, its not.

Dave Raines stated it's a substantial project.

Chairman Rogan stated it's a substantial investment in a property but I can understand someone wanting to look to the future potential of the property, its double edged sword.

Anthony Molé stated well some of this is a decision for the applicant really, whether they choose to go forward and get variances to maintain what they have now, this approved, or if they have to go there and get their variances to approve the existing, if its possible or take the risk of not being able to use that building until he builds out the subdivision. There are some issues here that I don't think have or can be resolved.

Chairman Rogan stated okay.

Anthony Molé stated I don't think there is any way around some this, I am going to meet with Rich and get a memo out and I will take a look at it and we will try get some more (inaudible) on it.

Chairman Rogan stated alright.

Board Member Pierro stated thank you.

Chairman Rogan stated alright.

Mr. Walsh stated but to move the process along as much as we possibly can.

Chairman Rogan stated sure.

Mr. Walsh stated knowing the issues of this lot and I know you probably need to have a meeting first. Is it plausible to keep this and do whatever upgrades are necessary to make it a single-family, get our Board of Health approval upon the entire subdivision, like you were saying he may not want to do this for twenty years but go through the process as if this lot, at the end becomes approved.

Chairman Rogan stated well that I think that was the assumption we are all making through this that that is the current path we are doing.

Mr. Walsh stated right so at this point, where would we be going.

Anthony Molé stated at that point you will have to have some sort of, the road will have to be substantially complete, you have building permit.

Dave Raines stated it is very convoluted, the path we are taking, that is why I need some direction.

Chairman Rogan stated okay.

Ted Kozlowski stated do you want a approval that lot.

Mr. Walsh stated no it's a cabin.

Ted Kozlowski stated what happens if the Board approves everything.

Chairman Rogan stated it's a cabin.

Ted Kozlowski stated and then that lot fails.

Mr. Walsh stated this wouldn't be able to get approved, the subdivision wouldn't be able to be approved until we have Board of Health approval.

Chairman Rogan stated right.

Ted Kozlowski stated okay.

Chairman Rogan stated we have the existing situation of the cabin. The subdivision for this property with dealing with it as an individuals family house we are going to do Board of Health Approval just like any of the other lots and if it failed that then it will be off the map.

Mr. Walsh stated right either that or definitely lot lines would have to be changed definitely to keep it because like you said.

Board Member Pierro stated I think we should cease calling it a cabin because it no longer fits within that scenario.

Chairman Rogan stated in the purposes of this application.

Board Member Pierro stated this application, I understand that.

Chairman Rogan stated absolutely.

Mr. Walsh stated yes and we are showing it as a single-family residence knowing we have to make certain upgrades and get Board of Health approval that would be contingent along with all the other fourteen lots.

Chairman Rogan stated right.

Dave Raines stated understanding its not just certain upgrades, it doesn't fit, if it had plumbing and we were all set and it met every code for a residence it would still be in violation because it doesn't meet the lot lines that are drawn there. Again I can't speak for the Board but I'm sure they aren't going to give you a subdivision approval on an existing house.

Chairman Rogan stated no but to be honest and the reason I brought this up from the standpoint of the guy saying not wanting to build for twenty years, and that is an arbitrary number that I made up for the audience, I would be perfectly fine with proceeding with them proving out this lot and saying look, we want to get to get it approved but before we can get any permits on this project to start putting a road, building, whatever, that they bulldoze the house and they put it in another location as shown on a plan. I want to be able to work with somebody, if they say look I want to get something approved but I don't want to start the thing for fifteen years and I want to enjoy this cabin on 150 acres or whatever. If there is a way to do that, understanding that they still have zoning issues.

Dave Raines stated I am totally fine if that is a condition up front and we proceed as if it didn't exist, that's fine and the variance would be based on the existing fifty plus acre lot.

Chairman Rogan stated right.

Dave Raines stated but again I would have to run that by the Town Attorney's office.

Anthony Molé stated if they went for variances now, it would have to be based on what existed.

Chairman Rogan stated exactly.

Anthony Molé stated the large parcel, it could be based on this because (inaudible).

Dave Raines stated correct.

Chairman Rogan stated okay, sure.

Rich Williams stated what I wasn't real clear on was the direction for the Board, are you okay with the fact that the side yard, the side property line won't meet the set back as based on the location on it being on a

stonewall which is a great defining boundary out in the field or do you want that side property line to conform to Zoning with regard to where it comes down from.

Board Member Montesano stated make him move the wall because its just a pretty thing and then fit it in.

Chairman Rogan stated or.

Board Member Montesano stated if he's that.

Chairman Rogan stated well leave the wall where it is but just move the property line so the property line is five feet over the wall, so be it.

Board Member Montesano stated well if we are that interested in leaving that wall up for a property line.

Chairman Rogan stated I see what you are saying.

Board Member Montesano stated then let him move the wall, the stonewall back so the property line is where its supposed to be.

Board Member Pierro stated but we don't know where the septic is going to work out, where the percs are going to work out, in the back or on the other side of the house.

Board Member Montesano stated my personal opinion is we have a problem, we are trying to work around the problem, why I don't know, let them fix the problem and let's get direction from the legalities of it.

Board Member Pierro stated okay.

Board Member Montesano state and why are we wasting time sitting here even discussing it. He came here and went ahead and proceeded to do that and then he is coming in here and we are working our tails off to get excuses and everything else, why are we wasting our time. Because I would like to find out if we even have to, are we creating something that is going to come back and kick us in the tail.

Board Member Pierro stated probably.

Board Member Montesano stated and I don't think that we should be sitting here wasting our time. He proceeded to do something that is illegal, unnecessary and now what are we going to do cover it with more mustard and say its okay, you can eat it now. I'm not in the mood for it, I think we has wasted enough tonight and every other night.

Chairman Rogan stated alright.

Rich Williams stated so that would be no one the side yard line.

Board Member Pierro stated I would say so.

Board Member Montesano stated that would be politely put, I would like to tell him exactly but unfortunately its on the record.

Chairman Rogan stated we do have an issue separate from this lot that we can talk about tonight because we should make a decision on and it's the length of the road. Town Code allows fifteen hundred feet max, they are proposing about eighteen hundred and fifty and the thought process for allowing greater than fifteen hundred feet is that we are reducing disturbance by not using the switch back that currently exists to access the aforementioned lot that Mike so eloquently felt.

Board Member Montesano stated with all due respect, you guys can talk about it all you want I am going to abstain from any other conversation on this lot.

Chairman Rogan stated discussion on the length of the roadway from everybody other than Mike.

Board Member Pierro stated I can work with the three hundred additional feet, although I am not happy about working with it because even I feel we shouldn't offer an olive branch when we have this other thing that got thrown at us. I agree with Mike's point, maybe not his way he did but I agree with Mike's point in that respect, I think we could work around the extra three hundred feet on the road and be inclined to provide for a variance for that.

Board Member Cook stated Shawn I think we also have to address the common driveway on ten and eleven.

Chairman Rogan stated can we stick to the roadway length first, I agree with you but can we stick to the conversation on the roadway first because the other issue, I mean that is something that doesn't impact the roadway length unless I'm mistaken.

Mr. Walsh stated nope.

Board Member Cook stated Shawn the point is that they are asking for a variance however you want to label it on the length of the roadway.

Board Member Pierro stated a waiver.

Board Member Cook stated a waiver okay and then you go back to the common driveway and there are variances there okay, so we are being asked for either waivers, variances or recommendations on this site plan and then go back to you know what has happened on lot five so its like.

Board Member Pierro stated the variances on the common driveways for the wells, for those three other lots, is that what you are referring to earlier.

Mr. Walsh stated the variance is for this common driveway for lot ten and eleven.

Board Member Pierro stated those common driveways, right, is that where there is an easement to for the wells.

Mr. Walsh stated no, there is, since the constraints of the site there is a well access which will also turn into a drainage easement as well and kill two birds with one stone. Is for this access here so these wells can be drilled and then there is another one allowing access for stormwater maintenance and wells on these four.

Chairman Rogan stated okay.

Board Member Pierro stated the other side that is on the other side, I thought it was in the same spot where the (inaudible) were.

Mr. Walsh stated the common driveway.

Board Member Pierro stated I apologize, my mistake.

Mr. Walsh stated is a separate entity between ten and eleven.

Board Member Pierro stated okay. Again surely the amount of disturbance by doing the switch back is.

Chairman Rogan stated after five hundred feet the Board traditionally asks for a secondary means of egress or means of access I should say, they can provide it on this site but by doing so only provides a greater amount of disturbance to develop the same amount of property. My feeling is if we can add two or three hundred feet to the roadways length that is proposed and eliminate the steep slope disturbance that they were originally proposing as an option which is this here.

Board Member Pierro stated right.

Chairman Rogan stated that I would be in support of that. Remember that was part of the initial application.

Board Member Pierro stated right, it was steep. And we are putting the stream corridor at risk for run off from that steep.

Board Member Cook stated can you point out where the secondary roadway.

Mr. Walsh stated could be.

Board Member Cook stated could be.

Mr. Walsh stated it would basically, what we are planning on doing right now is using this access path right here, basically just for stormwater maintenance that would on the old proposal, was going to be continued to be followed along this section here and cross the Stephen's Brook down here along the existing access.

Chairman Rogan stated Charlie, I forgot that you haven't been to this site, we need to get you up there.

Ted Kozlowski stated are you proposing to remove that bridge.

Mr. Walsh stated at this point no.

Ted Kozlowski stated after this project is done.

Mr. Walsh stated we were hoping to leave it there for any emergency access that may be needed.

Rich Williams stated its already there.

Board Member Pierro stated I don't have a problem with disturbing the stream corridor even worse.

Ted Kozlowski stated I don't know, is that going to be used for emergency or is that going to be used for other vehicles.

Board Member Pierro stated it can't be worse then what they are using it now for.

Chairman Rogan stated quads.

Ted Kozlowski stated exactly.

Board Member Pierro stated quads.

Ted Kozlowski stated yeah, quads and I've got my four wheel drive and I don't feel like going down the paved road, you know and that becomes a maintenance issue and my feeling is that if you are going to close the road, then close the road and re-vegetate it and turn that stream back to a stream.

Chairman Rogan stated this is very similar as what we had on Barjac with the secondary, it is the same issue and we told them to leave it as is, to stabilize it, vegetate it.

Rich Williams stated but keep it in an emergency.

Chairman Rogan stated yeah.

Rich Williams stated you know if we have to get in the back way.

Chairman Rogan stated it is virtually the same.

Rich Williams stated its not going to be plowed, its not going to have regular maintenance on it, you can do something with the whole stormwater scenario, we have to maintain that driveway anyway.

Ted Kozlowski stated Rich, I understand all that but the reality is that becomes (inaudible).

Chairman Rogan stated yeah.

Board Member Pierro stated its open now correct.

Rich Williams stated right.

Ted Kozlowski stated its closed.

Board Member Pierro stated I don't see that it is doing a terrible amount of damage now at the moment, the way it sits.

Ted Kozlowski stated but Dave, go back to.

Board Member Montesano stated there are also no houses there.

Ted Kozlowski stated the deal with subdivisions, everybody has an ATV and I am going to tell you right now that site with all that acreage and all that land, everyone of those houses is going to have an ATV on their property.

Chairman Rogan stated and the trails are already there.

Ted Kozlowski stated and riding all over the place.

Chairman Rogan stated the trails are already all over this property because of the existing use and I'm not saying that is a bad thing, the existing use, one cabin on one hundred some odd acres.

Ted Kozlowski stated right but some of that and correct me if I'm wrong but I believe some of that land is dedicated to open space and the Town gets the open space and like the (inaudible) property, we have to deal with ATV's going all over the place and I would rather not make it easier for those people to do it. That is just my two cents.

Chairman Rogan stated okay.

Board Member Pierro stated acknowledged.

Mr. Walsh stated just to try and find a happy medium, would gating this off and putting boulders on each side of it trying to limit the access on both sides but still allowing any emergency if it would ever be needed.

Ted Kozlowski stated John, I'm concerned because I see this all the time is that that access road remains open and people that don't even live there will be able have access to open space once its dedicated and I see the ATV's going up and down that road anyway. Now if we gate it down below and all, you know its one of these things that we all have to deal with now and it's a reality and I just see this in every subdivision and that subdivision is secluded enough and rustic enough for all of these ATV's.

Board Member Montesano stated Ted, can I ask you a question.

Ted Kozlowski stated what.

Board Member Montesano stated how deep is that stream in reality.

Ted Kozlowski stated how deep.

Board Member Montesano stated yeah.

Mr. Walsh stated it varies.

Chairman Rogan stated (inaudible).

Mr. Walsh stated it varies, at that location.

Board Member Montesano stated yeah.

Mr. Walsh stated at this crossing, the width of it is about I would say ten feet, maybe eight feet, the depth is maybe four to five feet, at that most and then it seriously drops off in through here.

Board Member Montesano stated I am just trying to figure out if there was an emergency how would you get in there if the road was blocked.

Ted Kozlowski stated it has a nice light.

Board Member Pierro stated you can put a steel bar across the front and then you allow the fire department access to it and they can pop a lock off it if they need to get up there.

Board Member Montesano stated with all due respect I have never seen a quad get stopped by a steel bar because that is why you have it so you can get around steel bars.

Mr. Walsh stated that is why I was proposing if we put the gate, whatever gate the Board would suggest, that is the only access point off the site except of course the proposed roadway to get across, so its not like you could go ten feet either side and get across, so if we put a gate here and boulders to each side, closely spaced not so you can get a quad in between the boulders then you would be locking that access. Yes a bar you can get up over and around but it doesn't have to be.

Board Member Montesano stated if you put enough boulders there to minimize a quad going through, how you get any emergency access.

Mr. Walsh stated right, the gate would allow.

Board Member Montesano stated okay.

Chairman Rogan stated the gate, they are saying (inaudible).

Rich Williams stated if I might you've got a path, that is currently item four, you are either going to leave it as item four and let the vegetation take over naturally and if the Fire Department and the Town so choose, go in and maintain it to keep it open for an emergency access.

Board Member Pierro stated right.

Rich Williams stated or you are going to remove it all, remove the item four you are going to put top soil down and you are going throw grass down, you still have a path but it is less stable for the ATVs, the only way you are going to get the ATVs off of it, is if you eliminate the path all together through throwing boulders the whole way and throwing trees the whole way. Now if that is what the Board wants to do, you want to put trees and boulders, that is fine but whether you put the top soil down or you put the item four down, you still have a path the ATVs are going to use.

Ted Kozlowski stated you are talking about some sort of access off of the road there for the stream because I don't think ATVs are going to be able to go through that stream, at that location, (inaudible).

Board Member Pierro stated the property is uninhabited forty-five weeks of the year its only during hunting season when there are people up there.

Chairman Rogan stated or when they are building.

Board Member Pierro stated or when they are building and I don't see and I travel Birch Hill Road a lot, I have a couple of listings up there on properties, I am up there all the time, and frankly I have never had to

steer around an ATV going up Birch Hill Road, trying to get at this property or any other property up there. I think we are wasting a lot time talking about an issue that doesn't have to be addressed until later on.

Chairman Rogan stated well let's think about this and we will discuss at a later date. Okay, anybody have anything else they want to discuss tonight.

Mr. Walsh stated so are we holding off on making a determination on the length of the road.

Chairman Rogan stated I'm not sure you have the votes for it tonight, so.

Rich Williams stated well regardless there was some talk of re-aligning that road. I don't know if its going to affect the length but.

Mr. Walsh stated all that would be is, just looking at it, just changing this curve section to pull this, more or less probably tightening this curve up to pull this section right in here so that we have our thirty-five feet.

Board Member Pierro stated and that is to re-align for lot five you are speaking of.

Mr. Walsh stated right, now bearing in mind any issues that lot five may have and if it comes down to the fact that when this subdivision is approved and if the Board is open to idea and the client is, that this building has to go, for this for him to actually build anything that might be, that will be a bridge that we have to discuss and cross but to keep the building as it stands right now, we would move this road to at least alleviate the issue of the front yard set back.

Chairman Rogan stated right.

Mr. Walsh stated side yard setback can be adjusted and if it becomes that he wants to keep this and he has to move the existing stonewall, then so be it.

Chairman Rogan stated like I said, even if the lot line is moved and the stonewall remains, the stonewall just won't be the property line, that is up to him.

Mr. Walsh stated right.

Chairman Rogan stated you know, like Mike said, if he wants the stonewall to be the property line then he moves the stonewall, okay.

Mr. Walsh stated so there are a lot of items that we have to address but to move the process along and I know I have a lot variances that we have to obtain, would I be going to the next step of trying to obtain those variances and waivers, there are technically two waivers if I understand Rich's letter in front Board for the road and the common drive.

Chairman Rogan stated right.

Mr. Walsh stated if I have those two and then the referral to the ZBA or the Town Board or both, to get the rest of them.

Rich Williams stated if I might, I think the next step in the process is answering Dave Raines questions concerning how he is going to proceed with that cabin.

Chairman Rogan stated okay.

Rich Williams stated that is going to dictate.

Board Member Pierro stated where we go.

Rich Williams stated what variances he needs from the ZBA.

Chairman Rogan stated so let's figure that out and then we will figure out the answer on the waivers and then also ZBA.

Mr. Walsh stated is that something that we can do before next meeting, so I can show up at the next meeting for further discussion.

Chairman Rogan stated I think that we will have an answer from, so yes I would say that you would probably be on next meeting to further figure out what we are going to do with this existing issue.

Mr. Walsh stated thank you.

Chairman Rogan stated thanks. Tell your client that he didn't do himself any favors on this one though, or us. Okay.

6) CIPRIANO SITE PLAN

Mr. Steve Miller of Badey & Watson and Mr. Peter Cipriano were present to represent the application.

Chairman Rogan stated Cipriano.

Board Member Montesano stated oh jeez, here we got pages.

Board Member Pierro stated I was thinking of that.

Chairman Rogan stated we were just asking in the last month or two where you were.

Mr. Miller stated and here we are.

Chairman Rogan stated its amazing.

Board Member Montesano stated what happened; you get thrown out of Long Island.

Mr. Cipriano stated not yet.

Chairman Rogan stated we said it in the connotation of we don't recall a project that the Board has been more in favor of that has taken longer to get going and we understand that there are difficulties in life getting things, getting them done.

Board Member Montesano stated (inaudible).

Mr. Miller stated thank you, of course it is. Good evening, for those who don't me, I am Steve Miller with Badey & Watson and this Peter Cipriano, this is his project. Do you want me to wait for the rest of them to come back.

Chairman Rogan stated no you can go ahead.

Board Member Montesano stated go ahead.

Mr. Miller stated okay, we've gotten copies of Gene's comments and of Rich's comments; I would rather not take up the Board's time going over those at this time.

Chairman Rogan stated fine.

Mr. Miller stated none of those comments in there were of any surprise, as we said in our cover letter this is an opportunity for us to reacquaint the Board with the project since the last time we were here, there was an issue with a wetland that had been brought up by the New York City DEP, we have since had some wetlands flagged and delineated and mapped down in this area along Route 22 and we changed the plan to remove the detention pond that was there and move it outside of that. You will note thought that there is still a portion of the proposed Town road in some of the detention area that will be still within the wetland and the wetland buffer, which obviously will require a permit from the Town. There are some minor changes in the building layouts, we reduced some of the parking count based on what appears to be some new parking requirements that the Town has put into place and at this point as I said, it is just an opportunity to get back before the Board before we start providing all these additional details that you are excited about.

Chairman Rogan stated Ted do you have any initial comments on the, now this necessitating a wetlands permit.

Ted Kozlowski stated I was called in to verify wetlands flagging and I think there was an adjusted, I've got to look back on my notes, its been awhile, I don't think I had any major issues.

Chairman Rogan stated okay.

Board Member Cook stated Shawn.

Chairman Rogan stated yes.

Board Member Cook stated what is the process or the procedure relative to closing off part of the Town road.

Chairman Rogan stated great question I am going to defer on that one because it's been a while since we've covered that issue.

Board Member Pierro stated (inaudible – whispering).

Rich Williams stated jump in Steve, if I miss a beat here.

Mr. Miller stated sure.

Rich Williams stated we are going to have to do some sort of subdivision or lot line adjustment plat to break off a piece of the land that is going to go to the Town. Once that is done its built out there is going to be a permanent offer of dedication on that, probably before we even get to that point. Its going to be complicated, that is for sure.

Mr. Miller stated the timing is.

Rich Williams stated his timing is really going to critical on this. That is going to be an interesting, the Town Board is going to have to succeed ownership through an abandonment procedure, which this has already been before the Town Board, and not all of the Town Board Members, some of them are brand new seeing this for the first time. A while ago, a couple of years ago, it was before the Town Board and they were fairly receptive to the idea, recognizing that there is an alignment issue out there with Old Route 22, that is problematic, it is also Gene, myself and Charlie Williams sat with Steve and some other people and looked at it, people from DOT and everybody thought this was a great way to go.

Board Member Cook stated does that issue have to be resolved before we can move forward on the application.

Rich Williams stated no.

Board Member Cook stated so it could be, if we were to approve this that would be a condition.

Rich Williams stated as Steve said, the timing in all of this is critical. So a lot of things, the Town Board action, your action, subdivision, are all going to have to occur almost simultaneously.

Anthony Molé stated yeah I was going to say, the Town Board wouldn't and shouldn't abandon the road until you do approve the other (inaudible).

Board Member Pierro stated okay sure.

Anthony Molé stated that would be their basis for doing that.

Chairman Rogan stated they could drop the project and then they have an abandoned road, we would have an abandoned road.

Board Member Pierro stated right.

Rich Williams stated on the other hand we have the problem, they need to abandon the road so they can construct the stormwater pond as it is currently shown, so we are going to have to put our heads together and figure out the specific sequence and all the steps you are going to have.

Mr. Miller stated I don't think it is anything we can't overcome, I think its just.

Rich Williams stated its doable.

Board Member Cook stated I'm not suggesting that at all, I am just trying to understand the process that would have to be as it would affect us.

Mr. Miller stated what we are expecting even after this long of a period of time that it has been before the Planning Board, you know to have a really complete package to the Planning Board that has every item in it that is going to necessary and the Planning Board can look at it and it will have all the items that will eventually go to the DOT and go to the Town Board and everything like that and then we can start distributing as we seem fit for whatever review the Town Board is going to need to make (inaudible). Mr. Cipriano wants this to work and it sounds like the Town is anxious for it to work also and we are going to make whatever accommodations we can. So I think it means, again, one of the reasons to be here is to bring to light the fact that there is a wetland now that is involved, that wasn't involved before, the fact that we have tried to move some of the detention out of an area that we weren't going to be allowed to build in and then we will be back next month. I will be more than happy to answer any questions or if anybody has any particular comments.

Chairman Rogan stated we are all hoping that next submission that, we just want to start rolling with the process, we have been looking forward to this project for awhile.

Mr. Miller stated we know you have.

Chairman Rogan stated there is a niche in the community that this would fill nicely.

Board Member Montesano stated (inaudible) ice cream.

Mr. Miller stated thank you very much.

Chairman Rogan stated does anybody else have anything.

Board Member Pierro stated nope.

Chairman Rogan stated no, thank you, we'll see you next month, maybe.

Mr. Cipriano stated yeah.

Board Member Montesano stated okay Pete, I will remember that.

Mr. Cipriano stated I have to do something to (inaudible).

Chairman Rogan stated have a good evening.

Mr. Miller stated good evening, thank you.

Chairman Rogan stated thank you.

7) KENT SUPPLY CO. – Initial Site Plan Application

Mr. Robert Cameron of Putnam Engineering and Mr. Joe Futterman of Kent Supply were present.

Chairman Rogan stated okay, Kent Supply. Good evening, can you just come up please and state your name for the record.

Mr. Futterman stated I'm Joe Futterman.

Chairman Rogan stated hi Joe.

Mr. Futterman stated how are you guys.

Chairman Rogan stated how are you this evening.

Mr. Futterman stated good.

Chairman Rogan stated thank you for your patience.

Mr. Futterman stated no problem.

Chairman Rogan stated Mr. Cameron how are you this evening sir.

Mr. Cameron stated good, Robert Cameron from Putnam Engineering.

Chairman Rogan stated we, Rob before we get to this application, we had the sign application, the temporary sign application as I recall that was last month.

Mr. Futterman stated yeah last month.

Chairman Rogan stated and really the sign application was fine except that we needed the sign pulled together.

Mr. Futterman stated that was corrected.

Chairman Rogan stated so should we react to that application.

Rich Williams stated you do need to react to that application at some point, if you want to approve it conditioned on the sandwich being closed.

Chairman Rogan stated which it sounds like it's been done.

Mr. Futterman stated it's been done.

Chairman Rogan stated it's been done, you can verify it. Do you guys want to resolve that sign application.

Board Member Pierro stated that's fine.

Chairman Rogan stated it's a temporary sign that is existing as Charlie had noted, it was on our agenda last month and its.

Board Member Pierro stated I wasn't here for that so I shouldn't react to that.

Chairman Rogan stated basically we didn't react to that because there was no here from the applicant.

Board Member Pierro stated do you want to handle that.

Board Member Cook stated we didn't react to it because you weren't here.

Board Member Pierro stated in the matter of Kent Supply Company, 50 Jon Barrett Road, Patterson, I make a motion that the Town of Patterson Planning Board approves the single sign.

Board Member Cook stated temporary.

Board Member Pierro stated temporary sign posted in the front of the location that is twenty-four feet on wood posts, non-sandwich type.

Chairman Rogan stated there you go.

Board Member Montesano seconded the motion.

Board Member Cook stated how long is temporary.

Chairman Rogan stated six months.

Board Member Pierro stated SEQRA.

Board Member Cook stated six months.

Chairman Rogan stated add six months on this.

Board Member Pierro stated for six months.

Chairman Rogan stated seconded by Mike, amended for six months.

Chairman Rogan asks for all in favor:

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

Motion carries by a vote of 4 to 0.

Chairman Rogan stated okay, Rob thank you.

Ted Kozlowski stated Shawn, do you want Dave for the GDC.

Chairman Rogan stated the GDC, yeah I actually would.

Rich Williams stated we're not on GDC.

Chairman Rogan stated we are on Kent Supply but you can remember that one also.

Board Member Montesano stated he's not done yet.

Ted Kozlowski stated oh okay.

Mr. Cameron stated we finished one aspect but we have the.

Chairman Rogan stated third times a charm.

Board Member Montesano stated go ahead Rob, you've got the floor.

Mr. Cameron stated this is an application to change the use, basically of an existing building, as you may all know, the former Holiday on Wheels. Mr. Futterman and the Kent Supply Company would like to occupy the building for his wholesale plumbing use.

Board Member Montesano stated I thought he was using all that pipe and making motor homes.

Mr. Futterman stated no.

Mr. Cameron stated basically this is in the C-1 zone, it's a four acre site, and the existing building is approximately twenty thousand square feet. We are essentially not proposing any significant changes to the site, we are going to keep pretty much all the paved areas, is this working, I don't think this is on.

Chairman Rogan stated yup.

Mr. Cameron stated keep all the paved areas, I did do a parking calculation I computed the parking to be fifty-seven, what I am asking the Board for is a waiver of the parking, basically I don't think we are going to fifty-seven parking spaces for the use that the Kent Supply Company has and basically what I was asking, I mean we have this lot up here I am just asking that we don't do anything with that lot, I mean we have sufficient spaces but I don't think we need to go up there and stripe it and all like that, presently right now, I think that it has been out of use so long I don't think there are any stripes up there, there aren't any stripes left up here.

Mr. Futterman stated no.

Mr. Cameron stated they are all gone. So we would just leaves this we just don't want to stripe it, I don't see the need to stripe it.

Board Member Montesano stated you can do it vertically or horizontally or make a tic tac board out of it.

Mr. Cameron stated what we are doing though, we are adding a little structure to the rear of the building so I will have reiterate that, its not exactly no increase, we are putting a little shed out in the back and the purpose of the shed is to store long sections of pipe, so that he can back the truck up, load off these sections of pipe, slide them straight out onto the truck and then have them delivered to a job or whatever.

Board Member Pierro stated right.

Mr. Cameron stated it is not convenient for him to do that inside the building. Inside the building you have to open the doors and close the doors, you have to have the space heated, out here, the pipe can stay out there in the cold it doesn't matter, back the truck up open the door, and load the pipe and on and go and there really wasn't any other place to do that. Because we wanted to be able to get around, back up to this thing and leave, so we put it behind the building and we are matching I think on one of these drawings.

Mr. Futterman stated its split faced brick, we are going to match the split face brick so it matches the existing, it is not going to be cheesy steel thing, its going to be exact.

Mr. Cameron stated there is, Stoneclad makes these pre-fab panels and we are going to get it match.

Board Member Cook stated that is not there now.

Mr. Cameron stated no, well actually, if you can see very, by the shaded line there, that used to be their compressor room, Holiday on Wheels, they had a compressor room out there and we are taking that down and we are going to put this structure there, so there is a slight increase I think this is twenty-five by twenty-one, I think that old compressor room was maybe nine by ten or something like that.

Mr. Futterman stated it's about eleven feet out towards.

Mr. Cameron stated Rich did make a comment regarding this.

Board Member Montesano stated motor homes won't be parked there on the side, no more.

Board Member Cook stated no Mike I just want to make sure there were no more cabins.

Board Member Pierro stated okay.

Board Member Montesano stated that is a lot of money.

Mr. Cameron stated Rich had made a comment regarding this, he had concern of that, I think that was the twenty feet back here, that is sufficient to get trucks or I think what was it emergency egress, is that, the fire trucks and all that. I think its enough and again it's not a problem that we can widen this because we, this is all broken up back here anyhow, we are going to have to, you're planning on re-paving a good portion of the site.

Mr. Futterman stated we are going to re-pave.

Mr. Cameron stated so if we have to pave out another two feet or something like that just in that area.

Rich Williams stated you are going to need to pave out more then that.

Mr. Futterman stated Rich, right now there are those gas tanks that were back there, those are for the old unit I have now, next winter I am not going to have those, I am going to have the company come take their tanks away and then we will be pave right where those tanks right around the building. Those tanks will be gone, if that is a concern about we are going to do about those tanks, they will be gone.

Rich Williams stated you are going to want to talk to Dave Raines who is the fire inspector because he was also concerned about emergency vehicles getting around there and he had some specific idea about you

know the width that he was looking for, you know I'm looking for probably twenty-four feet, he may be looking for a little bit more.

Mr. Cameron stated I guess we can ask him to come in.

Chairman Rogan stated we are going to ask him to come in.

Board Member Montesano stated a lot of you.

Mr. Cameron stated you also made a comment about where they are going to store the trucks, we have a note up here that they were going to store those trucks here, I can show those dashed on there if you want. A truck each in here and where were going to put the other truck.

Mr. Futterman stated there are only three trucks, they will probably back right up to garage doors.

Mr. Cameron stated yeah, right and again if he gets another truck it will go right in there but right now he is only planning on three.

Dave Raines stated I'm dealing with John, trying.

Chairman Rogan stated its okay, Dave.

Ted Kozlowski stated cabin.

Chairman Rogan stated we were wondering what your recommendation would be for the drive aisle behind the proposed.

Board Member Montesano stated Holiday on Wheels' old building.

Dave Raines stated what did we have from the point of that bump out to the existing curb line to.

Rich Williams stated just under nineteen feet.

Dave Raines stated that's all.

Rich Williams stated just under twenty [feet], nineteen and change.

Dave Raines stated we are looking for twenty-four or twenty-five clear off of that bump and.

Chairman Rogan stated okay.

Dave Raines stated I guess we are moving the propane tanks that is the plan.

Mr. Futterman stated at then end of this heating season I will get rid of them.

Dave Raines stated does that give us a start.

Mr. Cameron stated the propane tanks are over here so we could just run this farther out here.

Chairman Rogan stated there is plenty of room.

Mr. Cameron stated I believe the grade is such that that is.

Mr. Futterman stated its flat for quite a way.

Mr. Cameron stated its pretty, as you can see, I mean the two foot contour is probably about eighty feet with a two foot slope.

Board Member Montesano stated motor homes used to go right around that.

Chairman Rogan stated this was before the structure was.

Board Member Montesano stated forty-five feet of motor home.

Dave Raines stated no, no.

Board Member Montesano stated you want to try.

Chairman Rogan stated no, he's saying that.

Mr. Futterman stated we are adding ten feet to the (inaudible).

Board Member Montesano stated you are adding the ten feet to addition.

Dave Raines stated its bigger then it was.

Board Member Montesano you used to have an eight foot motor home sideways, it used to be parked there permanently.

Chairman Rogan stated here is the old one. This.

Dave Raines stated I think moving the LP tanks and adjusting that curb line will give us plenty of clearance on the side of the building.

Mr. Cameron stated yeah we can do that.

Chairman Rogan stated oh.

Dave Raines stated it is designed for non-combustible storage and it would be facing south, the doors would be facing south, you wouldn't be opening the doors into.

Mr. Futterman stated right they face the same way as the other garage doors do.

Dave Raines stated right.

Chairman Rogan stated Rich going back a little bit, we talked about the buried cable, was it just at the work session, it seems like longer ago, going through the edge of the pond.

Rich Williams stated right.

Chairman Rogan stated is that there.

Mr. Futterman stated yeah, I don't believe that to be correct, I believe that is about ten to fifteen feet off the pond.

Chairman Rogan stated oh okay.

Mr. Futterman stated we can double check that but I know that I would not have allowed them to put it through the pond, it has to be at least ten feet from the pond, if that is too close, then we will fix it but its not through it.

Chairman Rogan stated as long as it doesn't interfere with maintenance on the pond, that's the only concern I would have.

Rich Williams stated I was just looking for more detail so that we could evaluate whether it did impact the pond or not.

Mr. Futterman stated we cleaned out the pond already so that we could get a better inspection for the topography, if I'm saying that correctly, then we are going to fix that like a small minor problem.

Chairman Rogan stated what kind of an inspection was done, did you say.

Mr. Futterman stated with a brush, the guy who owned the property before didn't do a thing to it for as long as he owned it, the brush was completely overgrown in the pond, so we cleared out the brush so that we could have a proper inspection for the pond.

Rich Williams stated what was going on was they were, they had the surveyor out there gathering data, topographic information, the contours, and he couldn't even see the pond.

Mr. Futterman stated he couldn't see the pond.

Chairman Rogan stated did you say topography, I thought you said photography and I was trying to think of what kind of.

Mr. Futterman stated no, no, no.

Chairman Rogan stated I wasn't sure what kind of an inspection you had done, that is why I was asking, I'm sorry.

Mr. Futterman stated okay.

Chairman Rogan stated oh okay, so gentleman do you want to go and take a look at the site.

Board Member Pierro stated sure.

Board Member Montesano stated why not.

Chairman Rogan stated okay, the addition that you are proposing has that been started that work, on that, so just the old bump out is still there.

Mr. Futterman stated yeah.

Dave Raines stated yeah, you're correct.

Chairman Rogan stated alright.

Board Member Pierro stated so we really don't need that staked if you know the dimensions of what it is going to be.

Chairman Rogan stated no, I don't think so. We can manage that one I'd say.

Dave Raines stated have we addressed the oil/water separator at the loading docks.

Chairman Rogan stated no, we haven't touched it yet, now is the time if you want to talk about that.

Dave Raines stated I didn't know if it had been incorporated in the existing, I mean the proposed plan.

Mr. Futterman stated yes it is.

Chairman Rogan stated so you are showing an oil/water separator where, at the docks you said, the loading dock.

Mr. Futterman stated no, that has not been added yet.

Mr. Cameron stated someone is going to have fill me in on the oil/water separator.

Mr. Futterman stated that is going to be put, the drains for the docks go right to a catch basin and the catch basin continues to another catch basin.

Mr. Cameron stated yeah (inaudible – too many speaking).

Dave Raines stated (inaudible).

Mr. Cameron stated can we flip this up.

Mr. Futterman stated it will probably be between those two basins, we sell them too so its not a big.

Chairman Rogan stated so you get a discount on them.

Mr. Futterman stated and it isn't going to cost me anything to put it in.

Mr. Cameron stated the oil/water separator is doing what now, it's going.

Mr. Futterman stated its for the trucks, when the trucks pull in just in case.

Mr. Cameron stated where are we putting that.

Mr. Futterman stated this goes to that drain here, this drain goes to another drain over here, I figured we would put it some place in the line between here so that we wouldn't have to go through the driveway because it kind of goes along the dirt passage way now so we can put it in that.

Mr. Cameron stated okay, that's.

Mr. Futterman stated if that's okay.

Board Member Montesano stated ask the engineer.

Chairman Rogan stated its okay with the.

Mr. Cameron stated it's always good to have some engineering at the Planning Board meeting.

Dave Raines stated (inaudible).

Chairman Rogan stated as long as you are capturing the water.

Dave Raines stated it has to be before the discharge, I am not familiar with the regulations.

Mr. Futterman stated the flow of water is kind of my gig, I mean I can do that, we can get that done.

Rich Williams stated maybe when you do the bump out because you are already going to be (inaudible).

Mr. Cameron stated no you had made a mention about the pond, maybe we can pursue that further after you, everyone goes out for the site inspection, as far as what you want to do with that because I really don't.

Rich Williams stated what I want to do with that or what you want to do with that.

Mr. Cameron stated yeah, really there isn't a whole lot that I mean its like, we could possibly put a were structure in there and maybe clean it out but there is, I don't know if it sized for any regulations, its just there.

Rich Williams stated the way I coached it in the memo, I'm assuming at that point in time everybody is (inaudible) anyway, post construction or pre-construction (inaudible) not water quality, not for regulations.

Mr. Cameron stated that's my concern.

Rich Williams stated and all I was doing is saying what we were shown was supposed to be built, wasn't actually what got built, so you should just make sure that what they said they were going to do, they actually did even though it doesn't meet all the (inaudible) elevations.

Mr. Cameron stated okay.

Rich Williams stated on (inaudible).

Mr. Cameron stated okay, that's good.

Rich Williams stated crazy.

Mr. Cameron stated I didn't want to get crazy with that.

Rich Williams stated you open that door.

Chairman Rogan stated Dave the initial items for your stop work order were basically renovations without an approval, which they got per your building permit.

Dave Raines stated yes.

Chairman Rogan stated the sign which we approved tonight, so that is cleared up and then the outside site development, which is what they are here for.

Dave Raines stated correct.

Chairman Rogan stated so we are on track with everything, right.

Dave Raines stated he has done no additional site work.

Chairman Rogan stated okay.

Mr. Futterman stated a lot of that was initiated because of the clearing of the pond, someone came by and said that we were doing work but really we were just clearing the pond.

Dave Raines stated all the necessary permits and inspections have been pulled for the interior renovations.

Chairman Rogan stated okay, Charlie, Dave.

Board Member Pierro stated I'm fine.

Chairman Rogan stated can you think of anything else.

Board Member Montesano stated nope, I'm fine.

Mr. Cameron stated is the Board okay with your determination on the SEQRA, type two.

Rich Williams stated do you agree with what I said about SEQRA.

Board Member Pierro stated I do agree.

Chairman Rogan stated of course, it was straight forward.

Board Member Montesano stated is that okay.

Mr. Cameron stated that's perfect for me.

Chairman Rogan stated that will work for you, won't it.

Mr. Futterman stated that works for me too.

Mr. Cameron stated that's good.

Chairman Rogan stated that simplifies the process somewhat.

Board Member Pierro stated okay.

Chairman Rogan stated so we'll take a look at it.

Mr. Cameron stated are you scheduling a date for the site walk and.

Chairman Rogan stated I think that we need to contact the other Board Member, Maria who is not here tonight and we have another site walked that we talked about for the wetlands.

The Secretary stated McIntyre.

Ted Kozlowski stated the other site walk is McIntyre.

Chairman Rogan stated so we can do them both, it is going to be in the next week or two but no we have not set a date yet, I think we'll e-mail around and see what is good for everyone. We may even do it after work one evening, now that we are getting extra daylight here, so this week.

Mr. Cameron stated but basically you think that by the next, I schedule for the next meeting, you are going to have this.

Chairman Rogan stated one hundred percent.

Mr. Cameron stated okay.

Chairman Rogan stated we definitely will.

Mr. Cameron stated very good.

Board Member Montesano stated that is what they told us about the Indians you know.

Mr. Cameron stated now we are also going to have a schedule a public hearing for this too, correct.

Chairman Rogan stated okay.

Mr. Cameron stated I am going to ask you that at the next meeting.

Board Member Pierro stated yes.

Chairman Rogan stated no problem, if you ask politely, then no problem.

Mr. Cameron stated thank you.

Board Member Pierro stated thank you Rob.

Chairman Rogan stated thanks.

Mr. Futterman stated thanks guys.

8) OTHER BUISNESS

a. GDC Subdivision Lot 5

Chairman Rogan stated is anyone here for GDC, no but Dave is.

Ted Kozlowski laughs.

Chairman Rogan stated just to bring everybody, so that we are all on that same page, we had reviewed this lot, we had identified numerous safety concerns with the existing development of the lot, the owner and the contactor. I'm sorry the partners of the lot and had basically come to the conclusion that the lot didn't work very well the way it was laid out, due to the number of safety issues and design issues and site constraint issues that it created, they basically asked for one opportunity to come back and try to make things work. I guess Bibbo Associates contacted you about a retaining wall.

Rich Williams stated correct.

Chairman Rogan stated a single retaining wall would probably be not very adequate for what we were looking for, for usable area. Dave steps in and says don't worry guys you don't have to make the decision because.

Dave Raines stated we are going to make them remove it. The Building Department is making them remove the foundation.

Chairman Rogan stated okay.

Dave Raines stated and then what he does from there is he is going to have to come back or go with Plan A. I would assume that Plan A is still on the table, we can't take that away from him.

Chairman Rogan stated right, sure, I don't have any problem with Plan A.

Dave Raines stated there are some disturbances with Plan A, when I say Plan A, I mean the current.

Chairman Rogan stated the current approved plan.

Dave Raines stated the current approved plan.

Rich Williams stated he has disturbed the buffer, so we are going to have to think about you know but it is going to have to be restored in a reasonable manor but.

Chairman Rogan stated when they take out that foundation they are going to have just proceed with a little bit of delicacy to pull things up and out rather than going down into the buffer and you know.

Rich Williams stated right.

Board Member Pierro stated and making worse of a mess.

Chairman Rogan stated they are going to have to work high side down.

Ted Kozlowski stated they are going to have to have a demolition plan.

Chairman Rogan stated yeah.

Rich Williams stated once they do that, they are already in there so.

Chairman Rogan stated yeah.

Dave Raines stated I was hoping they would net or something.

Chairman Rogan stated yeah.

Dave Raines stated you do that and just proceed. They haven't contacted my office.

Chairman Rogan stated it wasn't that there was just one problem with that plan, there were just so many problems and as Anthony had said, after putting that many safety issues on record, it would be very difficult in lieu of an excellent plan of remediation to be able to salvage what was done.

Dave Raines stated on the building side, they have not been able to provide the requested documentation from a licensed plan professional that the footings or the foundation that was installed not to design, we need designs.

Chairman Rogan stated so your issue has less to do with location, more to do with the process with them not contacting you and not having proper inspections.

Dave Raines stated it is the design and it is also location because the only thing I saw that was inspected were several footings, they were inspected and it was documented that they could not proceed because the footings did not meet the design, the plans that were submitted, the next inspection was a back fill inspection and the walls were up and then we realized that oh, this is backwards and said Mr. Williams something is very wrong here. I asked the client not to do anymore work and they proceed and that is how ended up where we are, so there are still (inaudible) but yes its more so Building Code design, safety then layout but it all really ties into layout.

Chairman Rogan stated tough lot, difficult.

Dave Raines stated it worked the way it was laid out, they just have to be very careful.

Chairman Rogan stated right, okay.

Board Member Pierro stated thank you Dave.

Chairman Rogan stated thanks.

Dave Raines stated I will copy the Planning Board on the correspondence to them to initiate demolition, what conditions, I again will have to rung that by the Town Planner to make sure that we manage the conditions properly and how we are going to do that.

b. Paddock View Estates – Bond Recommendation

Chairman Rogan stated Paddock View Estates Bond Recommendation, anybody have anything.

Gene Richards stated Shawn that was being pulled by the applicant.

Chairman Rogan stated it was being pulled.

Rich Williams stated at the applicants request.

Board Member Montesano stated okay.

Chairman Rogan stated okay.

Board Member Pierro stated okay.

Gene Richards stated as the Board knows, we sent him our bond calculations, Mark saw it and its some two hundred thousand more then his engineers was, so he is down in Florida right, the engineer.

(Tape 1 Ended)

Gene Richards stated I spoke with Mark Porcelli this afternoon and he said he would like it pulled from the agenda and that we'll work with him I guess afterwards once his engineer is back.

Chairman Rogan stated okay.

c. Guiding Eyes for the Blind

Chairman Rogan stated Guiding Eyes for the Blind. What do you have on that Rich, what is going on at Guiding Eyes.

Rich Williams stated this was a project that was done many years ago and the improvements were actually done, there is a memo from the Engineer that was done in 2006, I believe it was.

Gene Richards stated June.

Rich Williams stated June of 2006, which the Board never reacted too, we have run into some issues with the bond, I talked about it with Anthony, I believe that it is his recommendation and mine that at this point we just, ninety-nine percent of the site improvements are done. There were some minor modifications identified by the Engineer which were not overly significant, so you know just procedurally if the Board wants to make a recommendation to release the bond, the alternative is that we pull bond but we really don't have any issues for which to pull the bond for.

Board Member Pierro stated fine.

Chairman Rogan stated okay.

Anthony Molé stated is there a bond at this point though.

Chairman Rogan stated what's that.

Rich Williams stated nor is there a bond.

Board Member Pierro stated there is no bond.

Rich Williams stated we've been notified but we were notified not in the proper manner.

Board Member Pierro stated oh okay, so we don't have a number.

Chairman Rogan stated right.

Rich Williams stated so procedurally it is just easier for the Town, for the Board to make a recommendation to the Town Board, the Town Board release it and then there is a paper trail.

Board Member Pierro stated in the matter of Guiding Eyes for the Blind, I make a motion that the Patterson Planning Board recommends to the Town Board that they release bond for site improvements dated June 7, 2006.

Board Member Cook seconded the motion.

Chairman Rogan asks for all in favor:

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

Motion carries by a vote of 4 to 0.

d. Burdick Farms Subdivision

Chairman Rogan stated okay, and Burdick Farms, we need a 90 day extension apparently.

Board Member Montesano stated in the matter of Burdick Farms Subdivision, I recommend a 90 day extension.

Board Member Pierro seconded the motion.

Board Member Montesano stated excuse me, are they asking for two or they received two.

Rich Williams stated one.

Board Member Montesano stated okay.

Chairman Rogan stated the first of two 90 day extensions and seconded by Dave.

Chairman Rogan asks for all in favor:

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

Motion carries by a vote of 4 to 0.

Chairman Rogan asks for any opposed.

9) MINUTES

Chairman Rogan stated minutes, wait I have a note on here, I added Wooded Hills Trailer Park, do we have anything to discuss on that, no, okay.

Board Member Cook stated the minutes, Shawn.

Chairman Rogan stated sure.

Board Member Cook stated I make a motion that the Planning Board approves the Planning Board meeting minutes of January 31, 2008 and February 7, 2008.

Chairman Rogan stated can I have a second.

Chairman Rogan seconded the motion.

Chairman Rogan stated are you going to.

Board Member Pierro stated I will abstain because I wasn't here.

Chairman Rogan asks for all in favor:

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

Motion carries by a vote of 3 to 0.

Board Member Montesano stated I haven't read this one here.

Chairman Rogan stated you know what.

Board Member Montesano stated I didn't read the February 7th because I just saw them tonight.

Chairman Rogan stated do you want to wait on February and we can pull the February 7th and we can do it next time.

Board Member Pierro stated okay.

Chairman Rogan stated can you amend you motion.

Board Member Cook stated modify the motion to be just the approval of the minutes of January 31, 2008.

Chairman Rogan stated you're still abstaining.

Board Member Pierro stated still abstaining.

Chairman Rogan asks for all in favor:

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

Motion carries by a vote of 3 to 0.

Chairman Rogan stated any other business from you gentlemen, recognition of our Town Councilperson, anything you want to discuss.

Mr. Capasso stated no, I'm fine.

Chairman Rogan stated okay, motion to adjourn.

Board Member Montesano stated do you want your seat back.

Board Member Montesano stated motion to adjourn.

Board Member Pierro stated can we discuss briefly when we are going to go out for site walks.

Chairman Rogan stated sure.

Board Member Pierro stated one afternoon next week or two afternoons next week is fine.

Chairman Rogan stated we can do it easily in one afternoon, right.

Rich Williams stated I'm not that use to how much we have.

Board Member Pierro stated five o'clock is.

Chairman Rogan stated I could probably get out a little early, I have some time.

Board Member Pierro stated yeah we could it between four and four thirty, we can meet and knock out one or two of them that would be fine.

Chairman Rogan stated we have two, so it would easy.

Board Member Pierro stated yeah.

The Secretary stated I'm waiting for an all in favor.

Board Member Montesano stated what time do you get out.

Chairman Rogan stated like I said I can get out an hour early.

Board Member Cook stated Tuesday is not good for me.

Chairman Rogan stated okay fine, Monday, Tuesday, next week is not going to work, Monday, Wednesday and Thursday I am, next Saturday morning.

Board Member Cook stated this Saturday coming.

The Secretary stated are you adjourning.

Chairman Rogan stated no next, its going to be a wash out.

Board Member Pierro stated we are adjourned dear.

Chairman Rogan stated yeah.

The Secretary stated nobody called an all in favor.

Board Member Pierro stated yeah we were did.

Chairman Rogan stated no we didn't, because I thought we had.

Board Member Pierro stated I thought we voted.

The Secretary stated you did not.

Board Member Montesano stated we didn't, no.

Chairman Rogan asks for all in favor:

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

Motion carries by a vote of 4 to 0.

The meeting adjourned at 9:30 p.m.