

TOWN OF PATTERSON
PLANNING BOARD MEETING
April 2, 2009

AGENDA & MINUTES

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9) Minutes	61	12.20.08, 1.8.09, 1.29.09, 2.5.09, 2.26.09 Approved.

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**TOWN OF PATTERSON
PLANNING & ZONING OFFICE**

**ZONING BOARD OF
APPEALS**

Howard Buzzutto, Chairman
Mary Bodor, Vice Chairwoman
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Lars Olenius
Gerald Herbst

PLANNING BOARD

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

**Planning Board
April 2, 2009 Meeting Minutes**

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

Present were: Chairman Rogan, Board Member Pierro, Board Member Montesano, Board Member DiSalvo, Board Member Cook, Rich Williams, Town Planner and Ted Kozlowski, Town of Patterson Environmental Conservation Inspector, Gene Richards from the Town Engineer's office, Stantec Engineering and Carl Lodes from the Town Attorneys office, Curtiss and Leibell.

The meeting began at 7:28 p.m.

There were approximately 9 members of the audience.

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

Chairman Rogan led the Salute to the Flag.

1) MARTINS SUBDIVISION – Public Hearing

Mr. Steve Miller and Mr. & Mrs. Francisco Martins were present.

Chairman Rogan stated good evening ladies and gentlemen, before we begin I just want to ask if there is anyone in the audience here for the Martins Subdivision other than owners or representatives, okay. The reason I'm asking that is obviously we have issue with legal, sending out notice. Given that there is no one here currently, [we are] willing to open up the public hearing but we are going to continue the public hearing for next meeting so people can be properly noted.

Mr. Miller stated that's fine.

Chairman Rogan stated the concern would be that if there were people speaking tonight and they brought up some valid concerns, it might trigger comments from other people. Seeing as there is no one here from the public, who I believe will comment on this, I think we are okay to proceed that way. So I will ask the Secretary to please read the public notice for Martins Subdivision.

The Secretary read the following legal notice into the record:

NOTICE IS HEREBY GIVEN by the Town of Patterson Planning Board of a public hearing to be held on Thursday, April 2, 2009 at 7:30 p.m. or as soon thereafter as may be heard, at the Patterson Town Hall, 1142 Route 311, Patterson, Putnam County, New York to consider an application entitled “**Celeste & Francisco Martins Final Subdivision Plat for a proposed 2 lot subdivision.**” The property is located at 25 Cassandra Court,” Patterson, New York. All interested parties and citizens will be given an opportunity to be heard in respect to such application.

Chairman Rogan stated Michelle, you already have the green cards for the people who have been noticed.

The Secretary stated I do.

Chairman Rogan stated okay, thanks.

Board Member Pierro stated for the record Mr. Chairman.

Chairman Rogan stated sure.

Board Member Pierro stated my name is David Pierro, I live within five hundred feet of this project, I was not notified that there was a public hearing but I did vote to set the public hearing and I will not recuse myself from this matter because I do not believe it's a conflict of interest.

Chairman Rogan stated thank you Dave.

Board Member Cook stated my name is Charlie Cook, I live just past Dave, I'm not sure a hundred percent if I'm within five hundred feet because I live in a condo complex, Cornwall Meadows. I see that there is one unit that is mentioned to get a notice so, I'm sort of at the other end of the complex. I have no problem not recusing myself from this project.

Chairman Rogan stated thank you Charlie.

Board Member Montesano stated my turn. My name is Michael Montesano, I was notified of living within the five hundred feet and I have had no problem with the project and I do not feel I have to recuse myself on that note.

Chairman Rogan stated Mr. Miller, do you feel that any of these three people would, that you would have a problem with any of them acting on this application, Martins.

Mr. Miller stated no.

Chairman Rogan stated okay, okay, if you could just please, seeing as we don't have anyone here from the public for this application, I think you can make it fairly brief.

Mr. Miller stated I'll make it quick. Good evening, my name is Steve Miller, I am a land surveyor and principal with the firm Badey & Watson, surveying and engineering in Cold Spring. I'm here this evening representing Mr. and Mrs. Martins, who are in the audience this evening. This is a proposal for a two lot subdivision on Cornwall Hill Road, the existing property is approximately 13.8 acres, it is currently improved with a two story framed dwelling which has access from Cornwall Hill Road over a common

driveway, it also has some frontage on Route 311 although there is no access provided or allowed through that from [Route] 311 onto the property. The proposal again is for a two lot subdivision, one lot will be, will contain the existing house with a septic system and a proposed area for septic expansion that lot is approximately 6.8 acres, which is in this area here. Again, utilizing the common driveway for access, the second lot proposes a new residential dwelling, with a single driveway, septic system and well, that lot has approximately 6.9 acres of land with frontage on Cornwall Hill Road. Due to the fact that the length of the frontage on Cornwall Hill Road for this lot two was deficient by approximately fifty feet from the Town's requirement of two hundred and twenty-five feet. We were able to secure a variance from the Zoning Board of Appeals for that difference, there is a note on the plat that indicates that and other than that there are no other proposed improvements or proposals for this. At this time, I would be more than happy to answer any questions that anyone might have.

Chairman Rogan stated does anyone from the audience have any questions or comments on this Martins Subdivision application. I see no questions or comments from the audience; I will ask that we table the public hearing until next meeting, where we can continue for the additional people who have not been noticed.

Board Member Pierro stated Shawn, can we move on SEQR.

Chairman Rogan stated not considering the public hearing hasn't ended, no, I think we should we wait.

Board Member Pierro stated okay.

Chairman Rogan stated is there anything, Rich that you want to discuss.

Rich Williams stated we did do a review of the plan and I think the comments are fairly straight forward and minor in nature.

Mr. Miller stated straight forward and actually most of them we had addressed even before we got your comments, knowing full well that they would be, I have one question for the Board, there was one comment from Rich, several passes ago about the wetland and Ted or Ted certifying or making some inspection and certifying the wetlands from his point of view.

Rich Williams stated I think it was either a certification or was it the question of marking it out in the field.

Mr. Miller stated okay.

Rich Williams stated I'm not sure which one, I think I raised them both.

Mr. Miller stated okay and you did have, right, you did a comment about marking them out in the field but then there was also one where it seemed like you want Ted to inspect it and provide a report or anything and I just wondered where that stood.

Rich Williams stated well at this point, the subdivision has significantly changed and you're so far away from the wetlands I don't know.

Mr. Miller stated okay.

Rich Williams stated that I would continue to have that recommendation.

Mr. Miller stated okay fine.

Rich Williams stated but you know there is the issue of typically the Board requires the wetlands to be marked again. The house and the active areas are fairly far away from the wetland, I don't know that is even necessary there.

Board Member DiSalvo stated most of the wetland is on [Route] 311, right.

Rich Williams stated they front on [Route] 311 but they do come back into the site.

Mr. Miller stated the edge of the wetland is here, which is essentially this here which would be about three hundred feet from the house.

Chairman Rogan stated okay, so we can waive the requirements to flag.

Rich Williams stated there is no requirement, really, it was just a question of whether you wanted Ted to go out and verify the locations of the DEC boundary as being coterminous with the Town boundary.

Chairman Rogan stated has, Ted was on site walk with us, wasn't he.

Rich Williams stated he was.

Chairman Rogan stated yeah, well let's just get a, oh, he's coming in.

Rich Williams stated I'm sorry, I don't know he was.

Board Member DiSalvo stated he's coming in right now.

Chairman Rogan stated hello Ted.

Ted Kozlowski stated hey.

Chairman Rogan stated your timing is impeccable.

Board Member Pierro stated Ted, were you out on the Martins Subdivision.

Ted Kozlowski stated no.

Board Member Pierro stated okay.

Chairman Rogan stated the question is whether or not we would like you to verify the location of the wetland boundary, the DEC and the Town wetland boundary.

Ted Kozlowski stated that is a factor in this application.

Board Member Pierro stated no.

Chairman Rogan stated no.

Ted Kozlowski stated okay.

Chairman Rogan stated no, its really not.

Board Member Pierro stated the house, because of the plan at this point, it is less of a factor than it was when it originally came in.

Rich Williams stated okay.

Board Member Pierro stated okay.

Chairman Rogan stated no problem.

Rich Williams stated well do you feel its necessary.

Ted Kozlowski stated no, I do, I mean I followed this project all along and felt that it was quite a ways away, so I didn't think it was an issue.

Chairman Rogan stated great.

Board Member Pierro stated very well.

Mr. Miller stated I only asked the question because I never got a response and I didn't want it to fall through and come up in the end.

Chairman Rogan stated we appreciate that. Can we get a motion for tabling the public hearing.

Board Member Montesano stated I make a motion that we on Martin Subdivision that we table the public hearing to the May 7th meeting.

Board Member DiSalvo seconded the motion.

Chairman Rogan asks for all in favor:

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

The motion carries by a vote of 5 to 0.

Chairman Rogan stated any opposed. Okay, thank you very much.

Board Member Pierro stated thank you very much, thank you.

2) STEAKHOUSE 22 – Concession Van

Chairman Rogan stated number two on the agenda is Steakhouse Restaurant, we had done a site plan waiver at the work session to allow a concession van to be placed on the property.

3) THE EATERY – Sign Application

Mr. Jeremy Miller was present to represent the application.

Chairman Rogan stated is anyone here for the Eatery Restaurant, please come up sir. If you could just state your name for the record.

Mr. Miller stated Jeremy Miller.

Chairman Rogan stated what is your name sir.

Mr. Miller stated Jeremy Miller.

Board Member DiSalvo stated Josh Watson is the applicant.

Chairman Rogan stated the applicant is Josh Watson, who are you sir.

Mr. Miller stated I'm his partner.

Chairman Rogan stated his partner, okay. We have a sign application, the pictures show, I'm assuming, the photo is of the sign already hung, so it's an existing sign at this point.

Mr. Miller stated correct.

Chairman Rogan stated at this point, meets the size of the sign, meets the requirements of the Code, the Board did not object to the colors. The one concern that was raised is that there appears to be flood lights shown in the photo.

Mr. Miller stated right.

Chairman Rogan stated that are shining upward on the sign.

Mr. Miller stated yeah.

Chairman Rogan stated and those would not be appropriate.

Mr. Miller stated we already switched them.

Chairman Rogan stated you switched them.

Mr. Miller stated we switched them to one light, they are not flood lights, it's a regular fluorescent light and it's long enough to light both sides, he stopped by and.

Chairman Rogan stated he, who is here.

Board Member Montesano stated he.

Rich Williams stated yeah, the day after the work session I did go out to talk to applicant, to make sure that he was going to be at the meeting tonight.

Chairman Rogan stated okay.

Rich Williams stated and to look at the light as you know I indicated as I desired to do and he was at the time I was out there, switching it out to um, I thought it was a halogen style light.

Mr. Miller stated yeah.

Rich Williams stated where the blub is actually recessed into the unit.

Chairman Rogan stated okay.

Rich Williams stated and he changed it out to one light, so it shines up at the sign, I did not get a chance to go out and look at it at night but I would suspect that you know the light is not going to be visible because the bulb is actually recessed in the unit.

Chairman Rogan stated okay, any questions or comments from the Board.

Board Member Pierro stated nope.

Chairman Rogan stated we have a motion and SEQRA.

Board Member Cook stated I'll make the motion that we, the Planning Board approve the sign application for the Eatery that is dated January 20, 2009.

Board Member Montesano seconded the motion.

Chairman Rogan asks for all in favor:

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

The motion carries by a vote of 5 to 0.

Chairman Rogan stated we're going to do a SEQRA Determination.

Board Member Pierro stated I make a motion that the Town of Patterson Planning Board declares a negative determination of SEQR for a sign to be installed at 86 Fairfield Drive in Putnam Lake.

Board Members Cook and DiSalvo seconded the motion.

Chairman Rogan stated second, second.

Chairman Rogan asks for all in favor:

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

The motion carries by a vote of 5 to 0.

Chairman Rogan stated thank you.

Mr. Miller stated thank you.

4) STEGER AMENDED SITE PLAN APPLICATION

Mr. Steger, the applicant was not present.

Chairman Rogan stated okay, Steger amended site plan application. Is anyone here for Steger, I didn't expect so.

Rich Williams stated after the work session, at the direction of the Board I did contact Mr. Steger and notified him not to come back from Florida for the meeting.

Chairman Rogan stated yeah I agree, we did a site walk out there on Tuesday was it.

Board Member DiSalvo stated yes.

Chairman Rogan stated and the Board is waiting to see what the decision is going to be from the Zoning Board, in reference to a shed on the property, among other things.

Board Member Pierro stated okay, save that.

5) RIMALDI SITE PLAN

Mr. Ernest Martin and Mr. Vincent Guerra of Paggi, Martin & Del Bene and Mr. Rimaldi were present.

Chairman Rogan stated okay Rimaldi Site Plan.

Mr. Martin stated good evening.

Chairman Rogan stated good evening sir.

Mr. Martin stated Ernie Martin, engineer representing the applicant.

Mr. Guerra stated I'm too short.

Board Member Pierro stated welcome to the club.

Board Member DiSalvo stated (inaudible).

Board Member Pierro stated that's in the minutes now.

Chairman Rogan stated who do you have with you sir.

Mr. Guerra stated I'm Vincent Guerra, I'm the architect.

Chairman Rogan stated good evening Mr. Guerra. We know that from the correspondence from your office, you had been in contact with the DOT, want to talk about that for a brief moment.

Mr. Martin stated that is correct, certainly. We met with the DOT's representative Mr. DeNegro at the site and based on his preliminary assessment regarding the, putting a second entrance or exit to the other side of the property. Based on his field determination he felt that it would not be warranted and it probably would not meet the requirements of the DOT. Although you improve the sight distance to look to the north you are decreasing it to the south but he did say that he would pass it on to the regional office in Poughkeepsie for their input as well so based on that we decided to go forward as a result of our last meeting with DOT, also.

Board Member Cook stated have you received anything in writing from DOT.

Mr. Martin stated no, it was strictly, we met with him in the field and then we followed up with correspondence that was sent to you.

Board Member DiSalvo stated did Mr. DeNegro realize that the other buildings, Dilmaghani and Gymboree and your existing building, all share that same existing driveway there.

Mr. Martin stated yes he did.

Board Member DiSalvo stated so you are going to add an additional building to that existing driveway, so now there will be four buildings being accessed by it.

Mr. Martin stated right now as you know, it has a shared entrance right now.

Chairman Rogan stated right.

Mr. Martin stated and typically the DOT's position, historically, they prefer one point of access. If you have two properties coming in at the same time, what they will try to do or even sometimes, it could even be a residential subdivision, they'll even want a shared driveway again their policy is to limit access.

Board Member Montesano stated yeah, these are the same people that limited access on Route 292 and 311 and that is my favorite pick for them but that is not your fault.

Chairman Rogan stated certainly our concern, not only sight distance in and out of the facility, as it exists today is the limited as you had said if you were heading north to make a left into the facility. I would imagine leaving the facility looking to the north, you also can't see with the rate of speed on [Route] 22, they come up and over the hill rather quickly. One concern that I have is how much traffic is currently entering and leaving the site with the three buildings that are there. Gene is there a way a simple way to look at that volume as it relates to the potential increase to see, are we increasing the trips in and out of there by a certain percentage without doing a full blown traffic analysis.

Gene Richards stated that is the problem, you would have to have a traffic engineer involved and do some form of study. He would have to look at trip generator for the facilities and maybe do some actual counts to see what is there today and go from there.

Board Member DiSalvo stated don't forget one of those buildings is not occupied, right, the second part of the Gymboree, is that building still for lease or.

Chairman Rogan stated I have no idea, do you know.

Rich Williams stated I think one is partially unoccupied at this point, Gym Magic building.

Board Member DiSalvo stated Gym Magic.

Chairman Rogan stated I think we are, at least I'm concerned about the number of vehicles in and out of the site and how much we are increasing it by adding this building. I think I would like to at least talk about this issue a little bit so we can figure out where the Board wants to go.

Mr. Guerra stated actually the buildings that you are referring to the north, the carpet, Dilmaghani, that is usually on the weekends, its not during the week with traffic whatsoever, they are closed.

Chairman Rogan stated the carpet store you're talking about and that's fine.

Mr. Guerra stated I just wanted to include that their regular office hours are five days a week.

Chairman Rogan stated I mean I will say from observation that I don't even recall, driving up and down [Route] 22 and seeing people queued waiting to get on to [Route] 22 from that area, that is never something I observed.

Mr. Martin stated and I would think to, I don't know who the potential user will be for this new building but I would think it would be a relatively low user. I don't think Mr. Rimaldi is going to rent to say some who is going to be a competitor or a restaurant or something like that.

Chairman Rogan stated right but the issue would be that we would be approving a building that would be retail and by doing that we are opening it up to any use that is considered retail and I would rather do that then to say well we are only approving it for a low use. We've done that in the past where it has just snowballed into something that we didn't intend but when you plan for retail, you plan for all retail. So I think it would be more valuable for Mr. Rimaldi to have a use approved and then have an open door to who ever he wants to rent to or rent to. We can kick that around a little bit and see where we want to go with the traffic in and out of there.

Board Member Pierro stated I would like to see the additional driveway in spite of what DOT has to say but one thought that we discussed at our work session was if in the design process we are unable to get that other driveway in the design process, there might be a way to pull the building a little bit more forward and access it in the rear so there is less.

Chairman Rogan stated that ties in very well to, I don't know about, I like the idea that the building is on the same plane.

Board Member Pierro stated plane.

Board Member DiSalvo stated right.

Chairman Rogan stated as the existing building.

Board Member Pierro stated I think it will look better.

Chairman Rogan stated I think what Dave is talking about a little bit is clearly there is an issue with delivery trucks getting in and out of the site and we are certainly looking for you to come up with a plan that allows them to go around the back of the building. Either come completely around or have some turn around space or something, so we don't have trucks backing in front of the stores or pulling and having to back out and there is not enough room in there unless there is a lot of empty space.

Mr. Martin stated the area that is shown, right now is an area, an access that goes to the lower part of this building.

Board Member DiSalvo stated yeah.

Chairman Rogan stated right.

Mr. Martin stated so what we had proposed is to take this area here and cut it out, it would have the proper turning radius for a box truck or something like that so a delivery truck could come in here, back out and go out.

Chairman Rogan stated that would only allow access for Panino, not for the retail, the new building.

Board Member DiSalvo stated what about the back building.

Mr. Martin stated well I mean maybe some sort of a walk way or something could connect to this building. I think you know we are so limited here with space as to where to go, I think that would.

Board Member Montesano stated that means you are going to have the driver parking on [Route] 22.

Mr. Martin stated pardon.

Board Member Montesano stated they'll park on [Route] 22. They come in with a big truck, I'm not going to play games there.

Chairman Rogan stated yeah.

Board Member DiSalvo stated they can get in and can't get out.

Board Member Montesano stated he's going to come in with a big truck and he's going park on [Route] 22.

Chairman Rogan stated or he may park on the common drive and carry the load and these are all concerns that remember this is a site that doesn't meet the requirement for acreage, it doesn't, as you said, it's a limited site. So these are the types of things we struggle with in forming a positive recommendation to the Zoning Board. We want to feel comfortable that people can get in and out of this site for any type of retail use and not create a hazard then this plan, unfortunately I don't think accomplishes that as of yet. Even the dumpster area, while its set up with screening I don't know if you have the area to be able to get in there and turn a garbage truck around without picking up the garbage and then backing the length of those two buildings which I don't think is an appropriate plan.

Mr. Martin stated well then we gave you an alternate up in this area as well, I mean obviously this type of dumpster that, dump it and back up. So here they could back up to either here or here this one yes, it would have to go.

Chairman Rogan stated yeah.

Mr. Martin stated but you know this could be, they could do this off backwards. We have done some projects where that's been requested of the garbage company.

Chairman Rogan stated and I appreciate that and I think we should probably plan for them coming at whatever time the garbage company does because its hard to control that in the future. You know you see trucks picking up commercial garbage at all times of the day, so as a last resort I understand but certainly the alternative site you showed would allow for you know, the garbage to be picked up and the maneuvering to occur away from the pedestrian traffic, you know the customer traffic.

Mr. Martins stated would they prefer this area.

Chairman Rogan stated are you gentleman and lady looking at the alternate location for the dumpster.

Board Member Pierro stated for the dumpster.

Board Member DiSalvo stated it's even further.

Chairman Rogan stated the poor deli; they are both so far from the deli, its going to be one of those challenges quite honestly.

Board Member Pierro stated yeah.

Mr. Martin stated I mean the owner, the owner prefers this one.

Chairman Rogan stated yeah.

Mr. Martin stated that is his preference.

Chairman Rogan stated sure.

Mr. Martin stated but we did show this as an alternative. I know in the comment letter and I wasn't sure, I just read it a few moments ago, you were talking about an area near here, again getting access to that may be difficult.

Rich Williams stated how so.

Mr. Martin stated well you know making this turn.

Rich Williams stated no, no, coming in the back.

Mr. Martin stated you're saying drop this down, I think the grade would be difficult and still maintain this access to the wetland buffer.

Rich Williams stated I was anticipating that you would extend the retaining wall, obviously the grade drops off quite a bit in that area that you would have to build it up one way or the other. I just assumed that you would extend the retaining wall and create a concrete pad, to do that if you do not extend that driveway.

Mr. Martin stated but again I think, now you are maneuvering down to here, you know you make it shorter for the patrons.

Rich Williams stated well you could centrally locate it between the two retail buildings.

Board Member Pierro stated this is too much of a grade (inaudible).

Rich Williams stated I'm not sure what the issue is with the truck gaining access in because you designed it for forty-five foot truck turning radius.

Board Member Pierro stated to move this expansion to here, fifty-six to sixty-two because that would give them some movement through here.

Mr. Martin stated you're saying just to keep this further is what you're (inaudible).

Rich Williams stated I'm just looking, I'm just throwing that out as an alternative, trying to find something that is centrally located because clearly both locations you are showing for dumpsters both have inherent problems. Certainly one location is very distant from Panino's Deli, the delicatessen, the other one is fairly distant from both retail centers and the one along Route 22. You know, you are obligating a garbage vehicle to drive all the way in and then back all the way and you know, I see that inherently as dangerous.

Chairman Rogan stated it would not be a problem if they had the DOT, the second exit.

Rich Williams stated absolutely.

Chairman Rogan stated because they could pull in, grab it, back up and be right out but.

Rich Williams stated it was just a thought, it was just something that was.

Chairman Rogan stated I agree, when we spoke about it at the work session, to me the best alternative was to have the dumpster behind the building but close to the you know, the back of both buildings so they would be more accessible, carrying garbage from either one of these buildings out to the alternate site is

going to be a challenge. I'll be honest with you, I wouldn't, I would give you either of the sites, me personally as long as we have safe turn around on it, you know safe ability to get trucks in and out because clearly that safety issue is going to be paramount. In some of the information you had given us there were some traffic trip generation charts that you had given in the environmental assessment form and I only questioned the date, it was from like 1982 on that, it was kind of old and I wondered if that, if we had any more recent data that we could get on this.

Mr. Martin stated I think we just went to the ITE manual for similar type businesses, I don't remember, off the top of my head I don't remember the date but that is not surprising.

Chairman Rogan stated does anyone from the Board have anything else they want to talk about at this point in time.

Board Member Cook stated would it be possible to move the handicap spaces to like in front of the deli and use that space for the dumpster.

Mr. Martin stated you're saying maybe over in this area somewhere.

Board Member Cook stated yeah.

Chairman Rogan stated to the area that says proposed landscaping.

Board Member Montesano stated (inaudible).

Board Member DiSalvo stated have one sitting out there.

Board Member Cook stated I'm just trying to think of the pick up of the.

Mr. Martin stated we had considered that, actually, this area in here of course our parking requirement is thirty-five spaces and right now we have thirty-five spaces. I don't know, if the Board has, if we are empowered to have less spaces that certainly can be a consideration.

Chairman Rogan stated we are empowered to give a waiver from the requirement from the number but we have to have some darn good justification for doing it. We are not generally happy about say reducing the size of the spaces, I would rather have two less spaces and have them all meet the size then try to say we are going to have nine foot wide space instead of ten foot because that seems like with vehicles today always presents a problem. So if it meant making the site work you know all other ways, we are going to have, bless you, three less spaces, that is something the Board will consider but I think right now the main challenge is making the site work for layout for traffic for large, for delivery trucks in and out. We don't want this to turn into a problem where we have trucks pulling in that should not be on the site, that do not have the area to turn around and back in, it creates a nightmare. So I think that that is your challenge to come back with a plan that answers those concerns.

Board Member Montesano stated that proposed landscaping.

Board Member DiSalvo stated Mike, into the mic. Mike, mic.

Chairman Rogan stated you need to speak up a little.

Board Member Montesano stated I'm trying to look and visualize it, sorry.

Chairman Rogan stated quite all right.

Board Member Montesano stated proposed landscaping spot you have in the back, near this area, if this was extended out, you could put the dumpster in here possibly, I'm trying to get that on lower proposed landscaping area, right next to the existing building, if we were to put the dumpster in that corner there.

Mr. Martin stated I think that goes in line with Rich's idea, it was maybe put it here and then extend this straight in and back out but to do that, the grade really drops off here. So, you have to have some sort of a retaining wall.

Board Member Montesano stated well I figured if you are using it here, it might benefit that way.

Mr. Martin stated we can discuss it.

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

Chairman Rogan stated Dave is just asking again about the potential about having the driveway continue around the back of the proposed building and looping around the back and the grade, I see you have a retaining wall there but the. It seems like you are only four foot elevation change from one corner of the building to the other from the existing asphalt drive to the corner of the proposed building. You are only going across four foot of elevation.

Mr. Martin stated you're speaking of from here to here.

Chairman Rogan stated yeah, we are not talking about significant retaining walls in that case or maybe not even retaining walls, this is where I would look to our.

Mr. Martin stated well the grade here, this elevation here.

Chairman Rogan stated right at the back of the building.

Mr. Martin stated the first floor, from the first floor to the basement, it has to be twelve feet.

Mr. Guerra stated actually (inaudible) from this building here, where the head of the building down below is about ten feet.

Chairman Rogan stated okay.

Mr. Guerra stated this here is lowered, there is a natural.

Chairman Rogan stated I understand.

Mr. Guerra stated so in this retaining, this retention pond here, when we re-built this, with the Board's intent at the time this whole retaining wall was the fact that there would be no future expansion in this location, you don't remember.

Rich Williams stated no, I do remember, I remember that there was no second building proposed at that time.

Chairman Rogan stated right.

Mr. Guerra stated no, not at all, obviously, no.

Rich Williams stated things change.

Board Member Montesano stated so, now we are back to square one.

Mr. Guerra stated this sort of thing as Ernie said, that property doesn't lend itself an access point. In just answering the question before in regards to moving the building towards the front.

Board Member Pierro stated or shrinking it.

Mr. Guerra stated this is his primary income, so we want no obstruction to the building.

Chairman Rogan stated understood.

Mr. Guerra stated and that would be a hardship for him.

Chairman Rogan stated and I think architecturally having the building, both buildings along the same plane makes sense.

Mr. Guerra stated I thought that would be a natural thing and just for the record he is my father-in-law.

Chairman Rogan stated okay, you better do the right thing.

Mr. Guerra stated so obviously, when he got the incentive to do this, it was to comply with the existing building and you know.

Chairman Rogan stated sure, understood.

Mr. Martin stated I think if this was a slab on grade as this is proposed.

Chairman Rogan stated right.

Mr. Martin stated I think going around the back of the building.

Board Member Pierro stated makes sense.

Mr. Martin stated we could make it work.

Board Member Pierro stated if it was.

Chairman Rogan stated Dave had also questioned the proposed septic area, what is the grade and is there potential to put the proposed system along side the existing system. In other words, use an area that would

gain some usable area for turn around space in the area where you have the handicap spaces and the dumpster.

Mr. Martin stated the reason we placed it here is I believe, we had to maintain a hundred foot separation to these wet ponds.

Chairman Rogan stated okay, it's a hundred foot to the wet pond.

Mr. Martin stated our first preference would have been here.

Chairman Rogan stated okay.

Mr. Martin stated we have done just a preliminary discussion with the Health Department, obviously we have to go through the whole design.

Chairman Rogan stated sure.

Mr. Martin stated if that can be done, I mean if maybe they will look at that, I don't think that they will but they do and that is.

Rich Williams stated they may cut it down to fifty feet because it's not a direct line of drainage, they may.

Chairman Rogan stated you may want to approach that but that potentially would allow some turn around for the dumpster area. The one that you showed, not that alternate site and then if we could get an access where we felt comfortable that deliveries could go to both buildings if its around back you know whatever then I think at least you got closer to meeting those, you know because really those seem to be where its out and of course traffic in and out of the site. Rich, Gene, anything else, any questions you have for us.

Mr. Martin stated it sounds that you really want this plan looked at a little more before you make a recommendation, is that how I'm reading, to the ZBA.

Chairman Rogan stated I can honestly say that I would not give a positive recommendation to the ZBA on this plan, I can't speak for the rest of the Board but I would want to see these issues resolved so that we felt comfortable that it would work before sending it to the ZBA with a positive recommendation but I will defer to the rest of the Board.

Board Member DiSalvo stated I agree.

Board Member Cook stated I agree.

Board Member Pierro stated I agree.

Board Member Montesano stated I agree with it.

Chairman Rogan stated all right, okay.

Mr. Martin stated all right.

Chairman Rogan stated all right thank you, maybe you'll get some more information from DOT also, okay.

Board Member Pierro stated change it.

Chairman Rogan stated we also, I believe we are going to reach out from our office to the DOT to kind of get a little information as to what their concerns are and just to make sure it's not a flip decision that no, we don't want another curb cut.

Mr. Martin stated I think it's that and as I stated, by moving it down here you are improving sight distance this way but not here.

Chairman Rogan stated I understand.

Mr. Martin stated and they are historically, I'm sure you know from your activity here, they just reduce, they just like to see as few curb cuts as possible.

Board Member Cook stated Michelle, do they have a copy of Rich's letter.

Mr. Martin stated even for, we've done residential subdivisions on state highways and I remember one particular they had four lots, kind of a narrow long parcel and we ended up with two curb cuts, two for four driveways so we had pair them up side by side.

Chairman Rogan stated right, right.

Board Member Pierro stated I gotta pee.

Mr. Martin stated okay, thank you.

Chairman Rogan stated thank you very much.

6) DUNNING SUBDIVISION

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

Chairman Rogan stated is anyone here for Dunning Subdivision. Sorry.

Board Member DiSalvo stated (inaudible).

Chairman Rogan stated he didn't understand. Good evening Rob.

Board Member Montesano stated (inaudible) Saturdays (inaudible).

Mr. Cameron stated good evening, Robert Cameron from Putnam Engineering, representing the applicant Danna and Dan Dunning. This project was before the Board about two years ago, received approval about a two and a half years ago, received approval about a year and half ago, the issue with this project was we came to a stopping point with the County regarding their approval for the driveway cuts. As you might remember the issue was the speed limit on Harmony Road, unbeknownst to us was fifty-five miles an hour, as a result we couldn't get the necessary sight distances and that delay just caused the subdivision approval to expire because we just couldn't obtain the approvals. As you know most recently the Town Board and

Putnam County Highways and Facilities has changed the speed limit and the speed limit is now posted at thirty-five miles per hour. I have also made a submission to Putnam County Highways and Facilities and just recently today I spoke to Alexis Hawley and she is pretty much okay with what we have done there, the only issue she has is she wants the trench drains that we have in the driveways taken out, trench drains yes. You probably would have objected to those to, right, right at the front for some reason we had trench drains going across there and they don't want trench drains because of the maintenance issue, so she suggested that we put in a culvert. The reason originally we didn't put in a culvert, was because it was a very flat plane from the edge of the highway across to the.

Rich Williams stated a trench drain is going to allow water to infiltrate in before it gets out onto the road.

Board Member Pierro stated we are going to get out of here early tonight.

Mr. Cameron stated basically the trench drain was to divert the water and keep it in the new.

Rich Williams stated the trench drain runs across the front of the driveway.

Mr. Cameron stated yes.

Rich Williams stated so the water is coming down the driveway into that trench drain and fall out before it flows down to the road.

Mr. Cameron stated yes.

Rich Williams stated now there's not going to be anything unless you (inaudible).

Mr. Cameron stated what we are going to do is we are going to swale down, we are going to come down at a slight gradient off the edge of the highway and that water will flow into, right off the edge of the driveway into the swale, which it will and then it will go down into the culvert on either side.

Board Member Montesano stated does that come equipped with ice skates.

Mr. Cameron stated I don't think we'll need them. The County is pretty good about sanding, right.

Chairman Rogan stated so Rob, we are basically at the point of doing this process over again.

Mr. Cameron stated yes.

Board Member Pierro stated procedurally.

Chairman Rogan stated procedurally, which can be done fairly quickly, have any significant changes been made to the plans since they were last here.

Mr. Cameron stated no, well the only thing that we did is the County, we had a drain that was out in the County right of way, the County didn't want that pipe out in the right of way, I think we had it like two feet outside, so we now moved it two feet inside the property line. There is always a concern about moving anything inside the property line because of the damage to the trees but I think its only an eight inch line or something like that, its only a nominal size line, it was just to address, there was some type of diversion up

here which had a nominal amount of water, so we are just going to move it inside the line but other wise I think we should be right on course and sail smoothly to the finish.

Chairman Rogan stated yeah, procedurally, so that I'm clear.

Board Member Pierro stated we have to declare minor subdivision.

Chairman Rogan stated we can declare minor subdivision, intent to be lead agent and do a coordinated review or we don't have to.

Rich Williams stated we've already done SQERA once.

Chairman Rogan stated yeah.

Board Member Pierro stated we don't have to do SEQR again.

Chairman Rogan stated oaky, so we can do minor subdivision and set a public hearing for the next meeting, okay.

Board Member Pierro stated May 2nd, May 7th.

Chairman Rogan stated do the minor first.

Board Member Pierro stated in the matter of Danna Dunning, I make a motion that we declare the Harmony Management Application for a subdivision on Harmony Road to be a minor subdivision.

Board Member DiSalvo seconded the motion.

Chairman Rogan asks for all in favor:

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

The motion carries by a vote of 5 to 0.

Board Member Pierro stated also, I make a motion that we set a public hearing for May 7, 2009.

Board Member DiSalvo seconded the motion.

Chairman Rogan asks for all in favor:

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

The motion carries by a vote of 5 to 0.

Mr. Cameron stated so you don't have to make any motion about SEQRA because SEQRA's.

Board Member Pierro stated it's already been done.

Mr. Cameron stated already been done.

Chairman Rogan stated we would, I think we would do another SEQRA determination since we are running through another one.

Rich Williams stated the requirements for SEQRA, you know, SEQRA requirements require that you evaluate the environmental impacts of the potential action.

Chairman Rogan stated and they haven't changed.

Rich Williams stated this is the identical action that has already been considered by a previous determination.

Chairman Rogan stated okay so for the record, let's stated that we had previously had declared a negative determination of significance of SEQRA and we'll see you next time.

Mr. Cameron stated okay, very good, thank you very much.

Board Member Pierro stated nice seeing you Rob.

Board Member Cook stated thank you Rob.

Chairman Rogan stated since the gentlemen are out in the hallway and I was going to ask this anyway, can we do. No, actually, can we do Petrillo wetlands/watercourse permit and we'll also do the Carriage House since they are both minor applications, then we'll. Hey Jeff, if you don't mind we are going to do two small applications ahead of you just to get them out of the way, not that we want to get you people out of the way but I think you'd, you know.

Mr. Contelmo stated we have a bunch of (inaudible) do you mind if we just start opening those up to save time.

Chairman Rogan stated not at all.

Board Member Pierro stated sure.

Chairman Rogan stated not at all.

7) OTHER BUSINESS

a. Petrillo Wetlands/Watercourse Permit

Mr. John Petrillo, the applicant, was present.

Chairman Rogan stated okay, so Mr. Petrillo, just asked that you come in because we wanted to see the.

Mr. Petrillo stated the floor plans.

Chairman Rogan stated the floor plans for the revised house that you are going to build. We have already done a wetlands/watercourse permit application on this. The house show two bedrooms upstairs, one and a half upstairs, half.

Mr. Petrillo stated two full baths upstairs.

Chairman Rogan stated oh I'm sorry, oh I see it. Are the areas on the opposite sides of the bathroom, are they walk in closets.

Mr. Petrillo stated yes.

Chairman Rogan stated okay and the attic way is that full height or is that.

Mr. Petrillo stated it will probably be about six or seven feet high.

Chairman Rogan stated so what style of house is this.

Mr. Petrillo stated a colonial.

Chairman Rogan stated it's a colonial.

Ted Kozlowski stated washer, dryer.

Mr. Petrillo stated on the second floor, in the middle of the hall and the reason why we did, why we put the bathrooms back to back, is so that it would be very difficult for somebody, if I sold the house to someone else and they went in there and retrofit it. They would have to rip the whole house apart in order to create (inaudible) and they would have to come back to this Board and the Building Department and that would not be possible.

Board Member Montesano stated can I ask of question of you.

Mr. Petrillo stated sure.

Board Member Montesano stated you've got two full baths upstairs.

Mr. Petrillo stated for each bedroom.

Board Member Montesano stated one for each bedroom.

Mr. Petrillo stated correct.

Board Member Montesano stated could one of them have a shower, two tubs going at the same time, flowing out.

Board Member DiSalvo stated (inaudible).

Board Member Pierro stated there is a shower, I see a shower.

Mr. Petrillo stated I've got a shower, when you walk in bath two, on the right hand side is a shower, there is a tub, two sinks on either side and then when you walk in bath one, there is a two with a, it had a shower, all tubs have a shower and a sink.

Board Member Montesano stated what I'm saying is you have the tub, a tub and a shower.

Mr. Petrillo stated right.

Board Member DiSalvo stated sink.

Board Member Montesano stated and then down stairs we have a half a bath.

Mr. Petrillo stated a pedestal sink and a toilet.

Board Member Montesano stated okay.

Chairman Rogan stated I'm comfortable with the plans, I wanted to ensure that we were looking at a two bedroom and not something that was going to be used a three or a four, greater impact to the property.

Mr. Petrillo stated no.

Chairman Rogan stated to the.

Mr. Petrillo stated the other thing too is the sequence of construction on that particular lot, Rich just left.

Rich Williams stated I'm here.

Mr. Petrillo stated okay, Rich had discussed with us, if you remember in the beginning that this be a three car in the front of the house. So where you approach the house is where the construction will be worked from, meaning that the house will be demolished, the dumpster will be in the front of the house, its, at the furthest part away from the wetlands, which is the front of the house where the three parking spaces go. That is probably the maximum other than where we are going to be putting in the new septic area, so if you go back to the original plan that we submitted. The floor plan will remain the same, okay, as far as the footprint, nothing will change.

Chairman Rogan stated right.

Mr. Petrillo stated the boiler, I couldn't show it on here but I just marked on here, boiler room, on the outside edge because I ran out of paper and really the Health Department was only concerned about the footprint inside. We did have, on our original plan that we submitted was the boiler room which is just outside and that is what was approved and that will still remain. That is not two story, that will be one story and then it is just a question of whether we used forced vent or we put a chimney and I will discuss that with Harry when he designs the plans.

Chairman Rogan stated John, where on the plans, where on the perimeter of the house plan will that boiler room be attached.

Mr. Petrillo stated do you have the original plans that I brought in.

Chairman Rogan stated probably not, no.

Mr. Petrillo stated okay, I have it on mine, if you.

Chairman Rogan stated oh I see, boiler room.

Board Member Pierro stated behind the oven.

Mr. Petrillo stated if you remember where the.

Chairman Rogan stated that is the front of the house right.

Mr. Petrillo stated no, that is the side of the house, that is where the shed was and we put the future patio.

Chairman Rogan stated okay, so its like this, front of the house is here but the bay window.

Mr. Petrillo stated where the bay window is, so there will be a three car parking area in the front of the house.

Chairman Rogan stated understood.

Mr. Petrillo stated the wetlands are to the rear and the wetlands are to the far right, behind the shed, as a matter of fact I think the shed was actually right on the property line which you know, I had said we would change that, to be ten feet away.

Chairman Rogan stated got it, okay.

Ted Kozlowski stated John, is this going to be an underground oil tank, what kind of oil tank.

Mr. Petrillo stated the oil tank will probably going in the shed that is the only place that we can put it above ground. That would be the only place, it's either that or I go with a heat pump system which we may or may not do, I haven't made that decision yet but that will be the place.

Ted Kozlowski stated John I know you're saying colonial but do you have a visual of the house that you can include on the plans.

Mr. Petrillo stated I didn't.

Ted Kozlowski stated some of the resident, do I need.

Chairman Rogan stated please do.

Ted Kozlowski stated when we had the public hearing.

Rich Williams stated turn it on.

Ted Kozlowski stated one resident wrote in about the aesthetics and the residents were concerned, I'm sure you are going to do a nice house John but say somebody comes tomorrow and buys the property from you.

Mr. Petrillo stated I'm moving there, I'm moving in there.

Ted Kozlowski stated I'm just saying, it would be good to just document that it is a colonial and not something else that shows up. We've had this incident once before in the Putnam Lake area, where we told by somebody, I'm not saying you're going to do this.

Mr. Petrillo stated I understand.

Ted Kozlowski stated but we were told by a developer or a prospect or whatever that he was going to do x and y showed up and was totally different and that got a lot of people upset and even though this is a wetlands and watercourse permit, there should be some documentation in the plans, so you know. God forbid you might die tomorrow and somebody else takes, I would just rather that it is documented in the plans so there is no argument and no discussion.

Mr. Petrillo stated the house will be a two story, colonial, I will bring in a full set of plan, I only brought the sketch because, at the time, before I spend the money.

Chairman Rogan stated sure.

Mr. Petrillo stated to draw up a full set of plan, I went to the Health Department with this, I spoke with Mike and Joe and they both agreed that this floor plan, they wouldn't be able, somebody would have to gut the house to make it work as a three bedroom.

Ted Kozlowski stated right and John we also realize that you have to get a building permit and you have to get plans anyway, so we might as well have them.

Chairman Rogan stated right.

Ted Kozlowski stated as an addendum to the wetlands and watercourse permit, so there is no, no problem.

Mr. Petrillo stated I'm bringing in a full set of plans. What is it I'm being requested tonight for.

Chairman Rogan stated only that we wanted to see concept of what you're talking about.

Mr. Petrillo stated oh okay.

Chairman Rogan stated I mean there is not even a motion by this Board required because you already have your permit.

Board Member Pierro stated we already issued it.

Chairman Rogan stated with a change in plans from what we originally issued.

Mr. Petrillo stated right.

Chairman Rogan stated the Board wanted to make sure that the intent of what we had approved was still going to happen, also, for the record there is not a planned garage or carport attached to the house or detached at this point.

Mr. Petrillo stated no, if you remember what we did was, on the, where the shed was, I believe, I wasn't here for that meeting but Harry had said and I hope he did this. That he took square footage that the shed would be there, ten or twelve feet or whatever it was, I forget what the rule was, off the property line, that will be built right there. The patio, I will probably put the patio and I think it was the recommendation of a lot of the people here that we make one permit so that an applicant doesn't have to come back.

Chairman Rogan stated right, that's correct.

Mr. Petrillo stated my intention originally was to build a house and sell it and I just want to make a statement, I moved from Quaker Hill, okay and I sold my house on Quaker Hill. If you remember, some time long ago, we came before this Board and I had said that I was going to be moving to lot number three which is in the Town of Patterson, which was that large ten acre lot by Shalin Lane. Everybody's lives have changed in the last two or three years, mine included. My intention was to sell that house, move from that house and go build on lot three and I made a statement that that is where I would be moving, I don't want somebody to think that I am just saying that I'm moving to these places and I'm not. Things have changed for me like other people around here, I'm sure but the bottom line was I wouldn't have spent 6,000 dollars to, he already left, Paul Lynch to draw up a set of plans, submit a full set of plans and architectural to the Health Department to get my building permit to which I can't build today, my lot is for sale. And today I am in the process of selling the house that I live in and I live at 74 Empire Road, that is where I moved from Quaker Hill to the house on Empire and now I'm going to move from that house because that house is going up for sale in another two weeks and I will be moving into this house, god willing.

Chairman Rogan stated okay.

Mr. Petrillo stated so if there is any question as to where I live or what I do, you know I just want to set it for the record.

Chairman Rogan stated John I don't think anyone, I have not heard any question from this Board about anything related to what you just said.

Mr. Petrillo stated okay.

Chairman Rogan stated and to be honest with you I think that this Board would look at this floor plan and this application, regardless of who is buying it because quite honestly lives in a house forever.

Mr. Petrillo stated it has no bearing, yeah.

Chairman Rogan stated and we've had applicants come in and say this is all we want, its just this and a year later, its for sale, we try to look at things just whether they work or whether they don't work.

Mr. Petrillo stated right, I understand.

Chairman Rogan stated so I appreciate, I don't think your statement, you obviously felt compelled to say it.

Mr. Petrillo stated right.

Chairman Rogan stated nothing that I have heard compelled that statement.

Mr. Petrillo stated okay.

Chairman Rogan stated I hope you are comfortable with the fact that we just wanted to know how the plans had changed. We will be looking for them to be memorialized in the Planning and Building Office by obviously a comprehensive set of plans because you can't get a building permit off of these.

Mr. Petrillo stated no, no, I just needed the okay.

Chairman Rogan stated yeah.

Mr. Petrillo stated and I came in and I spoke to Rich about what I should do and Rich had said to me, he said Johnny, I think its going to be okay but why don't you run it past the Health Department and then get back to me, which I did.

Chairman Rogan stated no and these are a straight forward set of plans, there is nothing in here, I agree with the statement that there is nothing in here that can easily be converted without doing something illegal, which people can do, we can't control that.

Mr. Petrillo stated but that is somebody else's problem.

Chairman Rogan stated and then when they sell it, they have to revert it back, okay, I think, like I said, there is no motion or anything to be made. We've said on the record, I don't want to speak for the whole Board but this seems to be following along the intent of what we approved with the wetlands/watercourse permit application.

Board Member Pierro stated I think its going to be a blessing for the neighborhood.

Chairman Rogan stated and I think we all expected this from the beginning, and to see a floor house where we expected to see a cape or a small colonial, so I think this is appropriate.

Mr. Petrillo stated thank you very much for your time.

Board Member Pierro stated good luck John.

Chairman Rogan stated thank you for your time.

Board Member DiSalvo stated good luck.

Mr. Petrillo stated I appreciate it, bye.

Chairman Rogan stated and I hope things turn around and the market ad the economy so that.

Mr. Petrillo stated we all do.

Chairman Rogan stated okay, thanks.

b. Carriage House

Mr. Steve Lewis, the Applicant was present.

Chairman Rogan stated the Carriage House.

Mr. Lewis stated thanks for putting me in front of Patterson Crossing.

Chairman Rogan stated absolutely, you can stay for it, its going to rather interesting.

Board Member DiSalvo stated if you want, you can stay and watch.

Board Member Montesano stated yeah.

Chairman Rogan stated but we just wanted to give you the option.

Mr. Lewis stated I just went over this; this seems like everything we spoke about the other day.

Chairman Rogan stated and the only thing that I ask is that we add to the, that is not the one, there should be a listing of. The only thing I ask that we add to that memo, there are, no, no.

Mr. Lewis stated I spoke to Mike Luke this morning and he is going to get back to me, probably tomorrow.

Chairman Rogan stated great.

Mr. Lewis stated he thinks there might be plans already there for the septic and that little stream but he's not sure, so who knows.

Chairman Rogan stated all of this of course is for your protection, we hope that the place is so busy and you are using so much.

Mrs. Lewis stated me too.

Chairman Rogan stated that, but we don't want you to end up with a failing septic system, where now you either have to reduce seating or close potentially and that is worse for business, we would rather make sure that everything is approved the way its supposed to be. So all we are looking for is site plan waiver with the conditions met, that are included in the Planning Board's memo which is dated March 31st, with an addition of a copy of Health Department approval for our files.

Mr. Lewis stated you're looking for a letter or a form.

Chairman Rogan stated letter, something in writing that says that the increase for the outdoor seating of x number of seats is approved.

Mr. Lewis stated okay.

Board Member DiSalvo stated so that's a motion.

Chairman Rogan stated yeah, that's a motion.

Board Member DiSalvo stated so I'll second.

Chairman Rogan stated wonderful.

Chairman Rogan asks for all in favor:

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

The motion carries by a vote of 5 to 0.

Mr. Lewis stated thank you.

Chairman Rogan stated thank you.

Board Member DiSalvo stated stick around.

Chairman Rogan stated you might want to stick around, this might be interesting.

Mrs. Lewis stated really.

Board Member DiSalvo stated Patterson Crossing.

Chairman Rogan stated I think we have three dimensional, wonderful, yes Jeff.

8) PATTERSON CROSSING RETAIL CENTER

Mr. Jeff Contelmo of Insite Engineering, Mr. Saul Silverman and Ms. Julie Khomut of DCAK-MSA Architecture and Mr. Paul Camarda and Mr. Fred Koelsh of Camarda Realty.

Chairman Rogan stated good evening.

Mr. Jeff Contelmo stated we have a bunch of boards and a computer to set up.

Board Member Montesano stated we'll make it real easy.

Chairman Rogan stated you want us to take five minutes.

Mr. Contelmo stated if its okay with you.

Chairman Rogan stated can we take a five minute recess for set up.

The Secretary stated you're on.

Mr. Lewis stated can we move the chairs.

Chairman Rogan stated sure, please do.

Board Member DiSalvo stated stand against the wall to, like Gene is doing.

Board Member Montesano stated he's looking to get out the door.

Ms. Coleman stated (inaudible – too far from microphone).

Rich Williams stated okay.

Chairman Rogan stated okay.

Rich Williams stated if we move it back a little bit.

The Secretary stated you're rolling.

Chairman Rogan stated we're rolling.

The Secretary stated you are rolling.

Rich Williams stated that is fine.

Chairman Rogan stated Paul, the floor is yours, we just ask that unless you speak up, we ask that you use a microphone.

Mr. Camarda stated where is the microphone.

The Secretary stated its right there in the stand.

Board Member Pierro stated right behind you Paul.

Chairman Rogan stated he's got the portable.

Mr. Camarda stated right here, okay. Well once again, thanks for giving us the opportunity, we are here tonight just to update the Board, Jeff Contelmo will give you an update where we are in the process, we'll update you on the outside agencies. I'm also here tonight with Saul Silverman and his group who has done all the architecture here; he'll take you through the architecture. We decided about two months ago to do something a little extra here, something that wasn't required by your Board, it's not required by any regulation but we decided to take this project and put it through animation and actually drive you through the project. It is a short presentation, I can tell you, the cost of it, I guess you could buy a pretty decent car a local dealership for what the thing cost but I really think it will give you exactly the picture of what we want to do. I will say this, you will look at some beautiful architecture and remember at the end of the day when Costco comes in here, they are going to compromise with me, they are going to negotiate on some of this stuff, this is a concept that we are going to put forth here. Costco is going to say move that to the left, do this, can we bring this down but what we are showing you today is a concept for the entire site from a landscaping standpoint. I think tonight you will get a great feel for it because you've been working on it

for five years and this is kind of gratifying to see it come through, maybe its six years and with that being said I want to turn this over to Jeff who is going to take you through the process and then I will turn you over after Jeff to Saul.

Chairman Rogan stated thank you.

Mr. Contelmo stated good evening, Jeff Contelmo from Insite Engineering. I'm just going to bring you up to date with where we are with Insite Engineering and then really let Saul Silverman and Julia Khomut from DCAK-MSA Architecture show you guys what we are really here for. As far as the site plan goes, we have made good progress with all of our approval agencies, which of course includes this Board, we've met with Rich and Gene, we've got some small residual comments that we are working with right now. We are also meeting with Kent, we are with them next week, we are pushing our site plan approval process forward with them, we've been working with the outside agencies and I will report to you that with the DEP and our stormwater, we do have a complete application with them, which is a milestone, we are awaiting some final comments from them. With the Putnam County Department of Health, we are basically complete with the sewer and septic design, we are working on the water design right now and with the DOT, we have been through a round of reviews for the highway work permit, which will include all of the improvements along the frontage of the project and the signalization of the ramps. We actually met with the DOT's landscape group today to talk about some of the landscape features that will be done with the gateway treatment and was talked about very early on with the DEIS, so we feel we are very far along and hope that within the next.

The Secretary stated hold on.

Chairman Rogan stated we apologize.

(Side 1 ended 8:34 p.m.)

Chairman Rogan stated thank you.

The Secretary stated okay.

Mr. Contelmo stated so we believe that in the next several months that we will be coming to the end of those permits and be in a very good position. Before I turn it over to DCAK MSA, I am just going to tell you a little bit about what you are going to see in the animation and remind you of a few of the site details. What the animation does is it drives you up the driveway and up into the main portion of the center, down the ring road and then turns into toward the entrance of Costco and what you will see, and to remind you, is the entry drive is in a deep cut as you come up the hill, it has a center median that is landscaped out that median broadens out as you get up into the center. You will not see because of the view, the building which is Kent but what you will see is the rear of this group of buildings, which is two story, that is the only two story portion on the project, then you will come up the hill and then you will be looking back into the one story portion of this building and then along the ring road, looking at the two big boxes and the one story facades with the architectural treatments. So that is what you are going to see and just as a reminder, I won't go on anymore, I will let Saul and Julia get up and introduce you to the architecture, thank you.

Mr. Silverman stated thanks, members of the Board, Mr. Chairman, the public, my name is Saul Silverman, I'm an architect, I'm registered in about twenty-five states, I'm a nationally certified, my home licensing is in the state of New York. I've been doing shopping centers for about thirty-five years and without much adieu, you people are very lucky with Mr. Camarda and Camarda Realty because they understand a good

project and without you know, dwelling on it, let me explain to you what we really have and will be presented to you tonight. These are a series of design elevations that are presented and part of our coming here tonight, the reason for, is because in order to achieve the architectural effects which primarily is to create a village, all right, that is the whole idea behind the concept. The design currently of retail establishment is called lifestyle; the object is to create downtown streets, market squares, placed for people to gather. That is what we've tried very hard, using multiplication of spaces, building forms, movement in the facades, different roof heights and certain of the elements in order to compliment each other and make them useful and get site distance because we have to have sight distance in order to create the retail and make it successful, we will need some variances. I believe that the Board had requested these are revisions of the drawings that you see in front of you, that were submitted, showing primarily the lowering towers, elimination of this, when we did out 3D animation as a matter of fact, we drove around the site on the periphery to try to understand what we were seeing and because of the slopes and the set backs. A lot of the building you can't see, you can't see the signage for the retailers nor for the name Patterson Crossing, which is very, very important. So that is why we had addressed these issues and I think one of the prime reasons tonight is to give you a flavor of it and at the same time request a referral to the Zoning Board of Appeals so that we can go after the few variances. Most of the variances we are asking for will center upon the heights of towers and your code even is explicit that certain things like copulas and towers and architectural features are allowed to be a little bit higher but again we are working with something that has a very large scale and since it has a very large scale, at the same time it has certain requirements of ceiling heights for the stores to be you know say eleven or twelve foot ceiling and then the duct work and then the mechanical spaces and then the structure, the building grows. Most of it is a cosmetic façade that we are asking for as the variance but I think the best thing to do is to start up the trip and let you drive through Patterson Crossing. I do apologize for two things, you're going to have put your seat belts on because this thing is being fine tuned all the way, we've got a couple of maybe dents and bumps in it along the way, we've haven't gotten our people in it yet and people make a shopping center and the accessories like umbrellas that will go in there and extra little planters but it will give you a really good vision of what we are trying to achieve in this center, Julia.

Rich Williams stated (inaudible).

Board Member DiSalvo stated move this away too, move that towards him.

Mr. Camarda stated (inaudible) how its going to roll because it happens quick. Show the Board how this thing is going to roll again, then it comes back Jeff at the end to the little village area.

Chairman Rogan stated how long is the loop, what time frame, like a one minute loop.

Mr. Koelsh stated one minute.

Chairman Rogan stated all right so we can play it more than once if.

Mr. Koelsh stated oh definitely.

Chairman Rogan stated we can get some mileage out of it.

Board Member Montesano stated I thought it would be (inaudible).

Mr. Contelmo stated it ends here.

Mr. Camarda stated and then.

Mr. Silverman stated it actually comes down internally.

Chairman Rogan stated okay.

Mr. Camarda stated you're going to come up.

Mr. Contelmo stated I haven't seen that version.

Mr. Camarda stated you'll see this drive coming in here, which will be our truck loading drive, then you'll come around and see these buildings. You're going to come up across, you'll see these buildings, across, you'll see Costco and then we come back across into these building.

Chairman Rogan stated okay.

Board Member Montesano stated (inaudible).

Mr. Silverman stated excuse me.

Board Montesano stated where are my mouse ears.

Mr. Silverman stated then we have a few stills at the very end of the presentation to give everybody a better orientation.

Chairman Rogan stated great.

Mr. Camarda stated just set it up.

Board Member DiSalvo stated move it over a little (inaudible).

Mr. Camarda stated turn the lights down.

Board Member DiSalvo stated maybe a little bit back.

Rich Williams stated down the other.

Chairman Rogan stated that's perfect.

Board Member Pierro stated oh wow.

Board Member Montesano stated there you go, now we can (inaudible).

Board Member Cook stated keep going.

Board Member Pierro stated it looks like my GPS.

Chairman Rogan stated some screensaver you have there, the colors.

Board Member Montesano stated those Irish people will get to you every time.

Mr. Silverman stated we are going from here to the Sundance film festival.

Board Member Montesano stated foreign films

Mr. Camarda stated that is the entrance to the site, making a left hand turn coming into it, off [Route] 311.

Mrs. Lewis stated who is going to mow that grass.

Mr. Camarda stated coming up to a form now, to left you will see a loading road for your loading trucks right there, there are your two story buildings, plaza between the two buildings, you can sit outside and eat in between buildings when you come up there. On that ring road, back towards the corner there where all the small shops will be, more shops, now to your second anchor, the building anchor, you can see the attention to landscaping along the intersection. There is your Costco, a little nicer than your average Costco, they will have to get over because that's going to be a battle folks, now we are coming back around, you are driving in front of the stores, the home improvement, back to the smaller stores here, it could be a Bed, Bath and Beyond, it could be electronics a Best Buy. Coming down to the corner, where the smaller shops will be, once again the plaza out there, in between, there will probably be a coffee shop, a sandwich shop for everybody to eat. I wish that we were in the ground two years ago when people were buying Cadillac's and Mercedes, right, now corporate America wants Chevrolets, we are hoping the time will come when it will get better, when people are a little freer with their money.

Chairman Rogan stated that's a neat view.

Board Member Pierro stated interesting.

Mr. Contelmo stated that is the two story façade on the north side.

Mr. Silverman stated and these are all non-maintenance materials, stone, metal roofing, asphalt shingles.

Mr. Contelmo stated that is the same façade from a different angle, that is the truck loading road that (inaudible).

Mr. Camarda stated that is that whole corner village area, we are using about four or five different surfaces, we are using stone, we are using metal roofs, its going to have a lot of different feels to it. The colors, we think are tasteful, they are not too bright, not to jump.

Mr. Contelmo stated like that Volkswagen.

Mr. Camarda stated true.

Mr. Camarda stated there is your Costco.

Board Member Montesano stated you've seen that.

Board Member DiSalvo stated (inaudible).

Mr. Silverman stated that's it.

Mr. Camarda stated you want to run it one more time, you want to run through it one more time.

Chairman Rogan stated sure, definitely.

Board Member Cook stated yup.

Board Member Montesano stated you get that high (inaudible) go right over the other side.

Board Member Cook stated I feel like I'm driving with Dave.

Chairman Rogan stated he drives fast like that huh.

Board Member Pierro stated are you kidding me, Mike Montesano passed us on [Route] 22 going to the site walk.

Board Members laugh.

Board Member Pierro stated who are you kidding.

Board Member Montesano stated gee whiz, I'm a little older than you and I can't drive that slow.

Board Member Pierro stated Charlie is only kidding, I'll take him for a ride.

Mr. Camarda stated once again we are [Route] 311, making a left hand turn right into.

Board Member Pierro stated that is a cut.

Chairman Rogan stated those stone walls are nice.

Board Member Pierro stated that is a retaining wall on the right there, that brown wall.

Chairman Rogan stated see the faces in the trees.

Board Member Pierro stated yeah.

Mr. Camarda stated the small island in the middle is to dress up the entrance.

Board Member DiSalvo stated (inaudible).

Mr. Contelmo stated once you get around this corner, that island (inaudible) thirty-five feet because of the serpentine wall and the landscape elements, really (inaudible).

Board Member Pierro stated twenty feet is two lanes.

Mr. Camarda stated that is a great look as you come around, the side of something and in some case loading docks.

Chairman Rogan stated yeah.

Mr. Contelmo stated and there is actually going to terrace out on that wall (inaudible).

Mr. Camarda stated (inaudible).

Mrs. Lewis stated look the Carriage House two.

Mr. Camarda stated that is a great look, all different types of architecture, the towers and.

Board Member DiSalvo stated that's right.

Chairman Rogan stated (inaudible).

Mr. Camarda stated you'll notice the site is gently rising.

Gene Richards stated Paul, will Costco be able to see this simulation at some point that is a great looking building. I understand how companies are big on corporate identity.

Mr. Camarda stated I just wanted to add some loading for your home improvement right there. Will Costco see it, yes, they will see it, at the right time.

Gene Richards stated I would think that this would give them.

Mr. Camarda stated when we start feeling happier.

Gene Richards stated okay.

Mr. Camarda stated they say timing is everything in life.

Gene Richards stated sure.

Mr. Camarda stated Costco is anxious to be here, I have to tell you, very anxious to be here, I think it will do very good actually.

Mr. Contelmo stated to answer Gene's questions I think some of their identity will come in their sign.

Gene Richards stated sure.

Mr. Camarda stated let me say this, they want signage, they will trade signage for architecture budget, can't ask them to do is give you all the bells and whistles and tell them their sign is going to be in the corner, this big.

Mr. Contelmo stated that terraced area there, will be embellished with pavers and some sitting walls, there will be a lot more going on in that, that details (inaudible).

Mr. Camarda stated (inaudible).

Mr. Contelmo stated right that's it.

Ms. Khomut stated paver, umbrellas (inaudible).

Board Member Cook stated someone say they are looking.

Mr. Camarda stated we want to make sure that wall we are feeling is difficult for these stores (inaudible) interesting, it will all come from boxes, the cheapest thing to build, box.

Chairman Rogan stated right.

Mr. Camarda stated just build a rectangle.

Chairman Rogan stated right.

Board Member Cook stated did someone say they are looking to put a restaurant or two in the complex.

Mr. Camarda stated we are limited in our sewer capacity, by having Costco they are a big sewer user because you buy fish there meat and produce, they are going to use about 5,000 gallons a day, we are sacrificing restaurants for a Costco. We will have some eating spots, a sandwich shop, coffee, your Starbucks, that type of situations, I don't think you'll have a Friday's here, I would have liked to put one but believe me, it won't work.

Chairman Rogan stated can you run that one more time please.

Rich Williams stated Paul, you haven't reconsidered a Friday's with a standalone septic over in Kent.

Mr. Camarda stated excuse me.

Rich Williams stated you haven't reconsidered putting like a Friday's or something similar to that with a stand alone septic you are going to get, over in Kent.

Mr. Camarda stated I'm working on a teepee in Kent right now. A teepee with two stools.

Board Member DiSalvo stated a porta-sans.

Chairman Rogan stated the stonewalls are a nice touch into the landscape.

Mr. Camarda stated just enough where it doesn't break the budget, it's a big site so you try to spend your money where its going to have impact.

Mr. Contelmo stated this is all in the Town of Kent by the way, as I think the Board knows, we are in the Town of Kent until this corner here and then everything on the right side will be in the Town of Kent, there is that small two thousand square foot building, which may be.

Mr. Camarda stated except this one, all the buildings are in the Town of Patterson.

Gene Richards stated Jeff.

Mr. Camarda stated one building on the other side of the road, two thousand square feet.

Gene Richards stated is there any movement on the sidewalk that this Board wanted to see at the entrance, up along the entrance way.

Mr. Contelmo stated we haven't got, I don't think to that detail yet with them, we did bring it up to the DOT when we spoke to them, they really didn't have interest in it or well they said they would yield to the local municipality on that. So, they are neutral sidewalk from [Route] 311.

Mr. Camarda stated unless it's an Olympic runner, no one is going to walk up there.

Mr. Contelmo stated from [Route] 311.

Board Member DiSalvo stated the walk ability within.

Board Member Pierro stated yeah but that's what the emergency access is going to provide for.

Board Member Montesano stated that is your business, the cars come up to the hill.

Mr. Camarda stated we have plenty of sidewalks in here, we have wider sidewalks as you can see in front of stores, we made it pedestrian friendly, but to spend more money on sidewalks.

Chairman Rogan stated Paul; sorry to interrupt but this is the loading area to the right that you said would be for the home improvement.

Mr. Camarda stated right.

Chairman Rogan stated the one concern I would have and I think it would take away from the architecture of the site is if whoever the home improvement store is. Does a typical Home Depot and they put all the junk out on the front sidewalk to sell and I hope that you can figure out a way to keep that all inside because I think that really pulls away, I know that people have to sell their product but that really, I think takes away from the job that you are trying to do here.

Mr. Camarda stated I'm hoping there will be a balance there but remember a Home Depot company got themselves in trouble because they had a guy that wasn't a merchant running their company. So, they brought the guy in on (inaudible), he was not a merchant, he was a bean counter, these stores now want to return to be merchants, part of being merchants is having goods in front of your store.

Chairman Rogan stated yeah.

Mr. Camarda stated we are going to control it a little bit, this is a great looking spot, I think they are going to be smart about it but they have to sell good.

Chairman Rogan stated I understand.

Mr. Camarda stated they have to pay good.

Chairman Rogan stated yeah.

Mr. Camarda stated you compare this and nothing against it, to the Home Depot center right down the street.

Chairman Rogan stated you can compare it to that because we have been comparing it to that, we didn't want that.

Mr. Camarda stated (inaudible).

Chairman Rogan stated I understand.

Board Member Cook stated all perspective tenants should see this.

Mr. Camarda stated (inaudible) okay.

Chairman Rogan stated you know this is a nice perspective too because one of the things that the Board was concerned about is the parking layout and how you maneuver within the site because we've seen some developments recently over the last ten or fifteen years that they parking lots are horrendous. They have a lot of dead end corridors and areas you get into that you don't know how to get out of. This seems, I know we have been talking to Jeff about this quite a bit over the last couple of years, making sure that this has a real good flow to it.

Mr. Camarda stated you know who has been a very big input in that, the home improvement people and Costco. They have gone over these parking lots with a fine tooth comb, just to make sure it works because they want it to work just like you do.

Board Member Pierro stated I even enjoy the contours of the site because this, as far as I'm concerned there is nothing more ugly than flat parking lots in south Florida, even in Boca and some of those great communities, this is much better.

Mr. Camarda stated thanks.

Board Member Pierro stated this I like better.

Board Member DiSalvo stated some contours.

Board Member Pierro stated its got some character, with the raise, the height and grade, the change in the grade and moving about the site, there are different hills there, very nice job.

Mr. Silverman stated run through it again.

Chairman Rogan stated one more time, why not, we have to get their monies worth out of this.

Board Member Montesano stated I hope you have enough gas for this.

Chairman Rogan stated the more you watch it the more you.

Board Member Pierro stated Saul, you forgot the popcorn though.

Board Member DiSalvo stated its like one of things at the arcade, you sit in the car.

Board Member Montesano stated I have to say this is economical place I haven't seen any SUVs yet.

Gene Richards stated the emergency entrance.

Mr. Contelmo stated one of the things (inaudible) this ingress lane, the fire code officer in both towns asked us to make it (inaudible – muffled microphone sounds) widening that, we are also going to be looking at the width of the island coming up the driveway there.

Mr. Camarda stated you are going to end up with twenty feet on each side which is really four lanes so god forbid a car gets stuck, everyone will have room to get around it.

Chairman Rogan stated right, each time you watch it, I think you pick out different elements that you've added that.

Board Member Montesano stated (inaudible).

Chairman Rogan stated that you don't catch the first time.

Mr. Camarda stated remember this is a concept okay.

Chairman Rogan stated sure.

Board Member DiSalvo stated soon they'll be skateboarding.

(Inaudible – too many speaking at one time).

Board Member Pierro stated wear sport jackets to eat lunch at Costco.

Chairman Rogan stated right.

Mr. Silverman stated you know you like with all shopping centers, as it gets rented adjustments will be made, adjustments and changes.

Chairman Rogan stated right.

Mr. Camarda stated there are going to be some benches out there for seating, we are going to have benches, especially down at the far end.

Board Member Montesano stated when do you put the big plastic bubble over it Paul.

Board Member DiSalvo stated its like a whole city.

Board Member Pierro stated oh boy, when NASA drops one in.

Mr. Camarda stated (inaudible).

Mrs. Lewis stated it looks really good.

Mr. Camarda stated it brightens it up a little bit.

Mr. Cameron stated the towers add a very nice architectural feature at the corners of the plaza.

Board Member Montesano stated you know (inaudible).

Mr. Silverman stated yeah and what we had was it shows on the revised drawings that when we lower these towers to try and force the current, we lose it, we lose the architecture and it looks stunted.

Board Member Montesano stated I like it the way it is.

Board Member Pierro stated how much of a variance is needed for the towers, I thought that was, I thought we discussed the briefly at the meeting.

Ms. Khomut stated (inaudible).

Chairman Rogan stated its like sixty or seventy feet.

Board Member Pierro stated yeah, what is our forty.

Mr. Camarda stated hopefully we'll be taking the box out of big retail.

Chairman Rogan stated I think you have certainly done that.

Board Member DiSalvo stated can't see big box stores now.

Mr. Camarda stated I want to personally thank this Board for dumping a lot of pressure over the last five years and the hard work and thousands of pages of documents.

Chairman Rogan stated well you're welcome, we appreciate the process.

Board Member Pierro stated okay, let's get to you.

Chairman Rogan stated thank you.

Board Member Pierro stated thank you very much.

Mr. Silverman stated we have to turn it off.

Board Member Montesano stated we are getting to know every square frame in it.

Mr. Camarda stated it will be one of the legacies that you'll watch.

Mr. Silverman stated are there any questions that I can answer for the Board.

Chairman Rogan stated we have a lot of questions. Paul, what I did want to say while this was not as you're right, it was not a requirement of the process, we did ask for this early on as something to consider because I think this helps sell the project in terms of what we are trying to create, what you've been trying to create, even these architectural renderings are fantastic to get a flavor of the project. So we appreciate all that effort. Let's talk for a little bit about the specific Zoning request that you are going to have to make for the ZBA.

Board Member Pierro stated good night Steve.

Chairman Rogan stated thank you very much.

Mr. Lewis stated good luck, thank you.

Chairman Rogan stated I know that Rich has said that the Code specifically removes from the height variation, the variance, the architectural features, things like copulas and certainly we are not talking about those, so in some areas what are we talking about a twenty or twenty-five foot height variance, I mean are you going to have to go to ZBA and say that our variance ranges from five feet to twenty-five or are you going to have to identify each individual issue.

Mr. Silverman stated what we intend to do is identify each and every area on the drawing.

Chairman Rogan stated okay.

Mr. Silverman stated okay and then we will incorporate the relationship to the revisions to show them what will happen, they are the overall architectural concept, if in fact we can't get but we intend to go around mark, it won't be red line outline but it will be clearly shown. Most of it relates to the towers, especially on the upper facades.

Mr. Camarda stated Julie, (inaudible), if you were to take this tower and reduce it to this, it would like an imitation, they would say you know what cheap try, you know what I mean, he tried but there was no substance to it.

Chairman Rogan stated right.

Mr. Camarda stated you've got to keep these things to scale and you are dealing with some big buildings, we have another situation here, I'm going to ask the Zoning Board to look at this because realize those towers can move, they may not stay exactly in the spots you see them because if our store comes in and its Best Buy and its 20,000 square feet, as opposed to a spread on this tower where its thirty now, we may move the tower out to signify that's Best Buy between two towers. So that will give them identity because you have a tower here, so we are going to have to have a little bit of flexibility on the variance so that when we put up these towers, they are visual but they also identify the stores.

Mr. Silverman stated you are looking at an architectural library in essence.

Chairman Rogan stated understood.

Mr. Silverman stated okay, these are the elements that will be utilized and adjusted and changed.

Mr. Kolesh stated to get back to your question, we did identify the specific height variances that are required for the Zoning Board, we gave them this attachment which is a table that goes through each building and each element.

Chairman Rogan stated when did you give the Zoning Board this.

Rich Williams stated if I might there is an application right now that has been submitted to the Zoning Board.

Chairman Rogan stated so they haven't seen this.

Rich Williams stated (inaudible – too many speaking).

Chairman Rogan stated okay but this is part of their application.

Mr. Camarda stated we are there.

Rich Williams stated just, you're looking for a recommendation.

Mr. Camarda stated got ya.

Chairman Rogan stated got it. Okay, so in essence what you are looking for is a positive recommendation from this Board on the library, the flavor, the concept of this. We are not looking at one particular area versus another because they might potentially change, they might be moved. So to say that a tower anchors a part of a story but then maybe six months from now or when you go to build the project it might move and not be an anchor, it might be moved down a hundred feet.

Ms. Khomut stated well it isn't.

Mr. Camarda stated well not a hundred, it would move twenty feet or forty feet, not a hundred.

Ms. Khomut stated but there is a specific example, we can look at Costco, I mean this is very identified façade, a very identified entrance for the tower this is tower is tall and there is an example of how its going to look without the tower, its completely different and its killed it to be very blunt. Right here, this is without it, you know this is the example and the relationship this is what it does with the accent of the tower and this is without it. Can we do it, we can do it but it loses that beauty.

Chairman Rogan stated it loses the definition.

Ms. Khomut stated the flavor of the country and the flavor of the entrance and the whole anchor. This is one example.

Chairman Rogan stated can I ask.

Mr. Camarda stated (inaudible) appreciate it.

Chairman Rogan stated can I ask, how this concept relates to the, when you had brought in, are you from the same firm that you initially brought in, when you did the, remember the concept you did when you brought in an architectural firm.

Mr. Camarda stated they are more of a planning firm.

Chairman Rogan stated okay.

Mr. Camarda stated Streetworks is a company that lays out things to make it pedestrian friendly, they are working with me on the village concept now. They are architects, they lay it out so it sits right, the buildings sit right then they turn it over to an architectural firm.

Chairman Rogan stated okay.

Mr. Contelmo stated they also, just to add, they also did some architectural elements and styles that we were pursuing that was really more equestrian concept came up.

Chairman Rogan stated right.

Mr. Contelmo stated and part of their planning exercise was needing to find some of the elements which then DCAK-MSA picked up on and further developed into real architecture.

Mr. Silverman stated they went into the sub schematics, we've taken it now into schematic design.

Chairman Rogan stated okay.

Mr. Silverman stated we've moved to the next step.

Mr. Camarda stated plenty of doctors in this project.

Mr. Koelsh stated and the difference between the two is really the requirements for SEQR and Street-Works as a master planner coming up with that concept and the general vocabulary but now that we are in site plan, we need more specific architectural drawings and that is why we brought in Saul's firm to bring it to the next level.

Chairman Rogan stated okay and just so that we are comfortable and the Board is clear, other than the height variances that are currently required, you've already been to ZBA for a special use permit. Is there anything else coming up, I mean, cause, what I'm afraid of, of course is segmentation, you were just at Zoning Board a month or two ago and now you are going back and I'm sure that they are going to be concerned that, hey let's do this all in one shot.

Mr. Camarda stated we felt the special permit that was one thing to put in front of them, do it and now we are coming back with our height.

Chairman Rogan stated okay, are we done.

Mr. Camarda stated are we planning on going back to them.

Mr. Koelsh stated no.

Mr. Camarda stated is this a one shot down from the Zoning Board.

Mr. Koelsh stated for the building height related variances yes, provided that they give us some flexibility with the variances, if they aren't comfortable with that and give us some but not enough you know, when we come in with a specific tenant we may have to go back in for a different height variance.

Chairman Rogan stated and that is height variance, that is one issue, are there any other issues.

Mr. Koelsh stated that's, the other variance that we may need do and this is our, and to be honest it's probably likely on the signage. Right now your Town Board is looking at revising the signage requirements for this type of.

Chairman Rogan stated regional retail center.

Mr. Koelsh stated development and that will help but whether or not it gives us everything we need without the need for a variance I'm going to say probably not but what we are going to do to move this forward is to give you a site plan that conforms to that signage program that is revised by the Town Board, that you can go forward. You know with the site plan approval and then at a later date the signage is really tenant specific, when we get a more defined signage program we will evaluate it against that zoning, if need be, we will be going back to Zoning Board for sign variances.

Chairman Rogan stated questions, comments, anybody have anything they want to.

Board Member Pierro stated is it premature to ask how many individual variances we would need.

Mr. Koelsh stated no it's a good question, it is in this chart.

Board Member Pierro stated right, okay.

Mr. Koelsh stated we can do a couple buildings, we can do all of them if you want but building A for example, requires one variance.

Chairman Rogan stated building A is the Costco.

Mr. Camarda stated why don't we just. Here is building A right here, Costco.

Mr. Koelsh stated for tower one.

Mr. Camarda stated tower one would be this tower right here.

Mr. Koelsh stated a variance of thirteen feet on that.

Chairman Rogan stated okay, now let's stop you right there for a second, I think it is worthwhile to look at the architectural renderings and see how the variance allows a complimentary design to what we are looking at. Where if we dropped it down I agree with what the lady said, you lose some definition to the building, you end up with a box.

Mr. Koelsh stated each building, each element.

Board Member Pierro stated lose the scan.

Mr. Camarda stated without the hat.

Board Member DiSalvo stated okay, that's building A.

Ms. Khomut stated building A, this is with the tower but there is another way to look at it, this tower it's a percentage of the building, it is only a tower.

Chairman Rogan stated got it.

Board Member Pierro stated yeah.

Ms. Khomut stated from here, this is side.

The Secretary stated can you pull the microphone off the stand please and use the microphone.

Rich Williams stated if you want, use the mic.

Chairman Rogan stated sorry, thank you Michelle.

Board Member Pierro stated are these towers architectural alone, is there any use for them.

Ms. Khomut stated no, this is pure architectural feature.

Chairman Rogan stated you mean this particular tower.

Ms. Khomut stated this particular and actually all of them.

Mr. Silverman stated all of them.

Ms. Khomut stated all of them are purely architectural, decorative features.

Rich Williams stated there won't be useful space in these towers.

Chairman Rogan stated not office space or anything.

Ms. Khomut stated not in the towers, the only useful space in some portion of the tower would be building, in the corner tower, hold on.

Board Member Pierro stated it's a great surveillance location.

Mr. Camarda stated here we go.

Ms. Khomut stated there is this tower, only, this is portion of the office space back here, this is offices and this is continuation of it but everything about, is purely architectural decorative feature plus this tower is going to use like a focus.

Chairman Rogan stated like what.

Ms. Khomut stated you know, identity of the shopping center, identity of the Patterson Retail Center.

Mr. Silverman stated only from the north on [Interstate] 84, you eliminated the tower, camera view for these animations, you couldn't see anything, and once we get the tower up so we could serve the signage for Patterson Crossing or for the retailer you could see it. Once it was down below at half length.

Mr. Camarda stated the Board is talking about something we showed you way back when Street-Works was doing the presentation, its this building right here.

Chairman Rogan stated yeah.

Mr. Camarda stated it gave us an angle to interstate, it also angles this whole corner and this is where we will have some second floor management offices and offices. That is the only tower that is going to be used for occupancy, all the rest of them are architectural features.

Ms. Khomut stated as we are looking at this style and then let's look to what is going to happen without it. Without it.

Mr. Silverman stated what happens many times, just so the Board knows, when I give the design to the designers and they have to layout a thirty foot by four hundred and fifty foot long building and now they say okay how do we find the entrances. The only way you can do that is you have to break that plane.

Chairman Rogan stated sure.

Mr. Silverman stated to be able to identify them.

Ms. Khomut stated and here we are looking at (inaudible) same tower, without the tower. So let's go building by building, that was building A, building B. Building B is home improvement center, tower identifying, we just broke it down, its not interesting but this is a new (inaudible) this is this lower.

Mr. Camarda stated loading area, main tower for the building to give it some presence, get a sign on it in the front.

Ms. Khomut stated and this is main entrance to garden center, loading area, this is, they are asking for variance for this and this is revised version.

Mr. Silverman stated this loading area.

Chairman Rogan stated sir, you just need to speak up a little because you're not using the microphone.

Mr. Silverman stated I'm sorry, the loading area you see in the front of the home improvement, it is basically a contractor pull up.

Mr. Camarda stated as you check.

Mr. Silverman stated its not the loading and unloading of tandems, that happens at the rear.

Board Member Pierro stated right.

Mr. Camarda stated this is just for.

Mr. Silverman stated its contractors.

Mr. Silverman stated exactly.

Chairman Rogan stated we understand.

Mr. Camarda stated they are familiar with it.

Rich Williams stated most of us live at Home Depot.

Ms. Khomut stated also the towers in the back which are basically utilized for their sign, I mean, well they are taller and bring them down like this, they aren't using them other than the sign, if its not just the billboard but incorporate into the architecture of the building.

Mr. Koelsh stated that is something goes back to the strong principals that Street-Works advocated and that is what this signage, make it part of the architecture, make it part of the building rather than you know, a stand alone sign or something that screams sign.

Mr. Camarda stated the sign on the back of a building that has absolutely now architecture.

Board Member DiSalvo stated and that is how the building B will be wide enough it looks like a little like lighthouse.

Ms. Khomut stated which one, this one.

Board Member DiSalvo stated that will be wide enough for a store that goes there.

Mr. Camarda stated let me see how wide it is.

Mr. Silverman stated well again this is (inaudible).

Board Member DiSalvo stated this is the beginning.

Mr. Silverman stated this is the face of the store, this is an identifying element its part of.

Mr. Camarda stated how wide do you think it is.

Mr. Silverman stated how wide do I think it is.

Board Member DiSalvo stated where would you put the name of the store. You would have the name of the store above the doors and then up on top too.

Mr. Silverman stated yet.

Ms. Khomut stated and this here, the entrance physically will be on both sides of this little pavilion.

Mr. Silverman stated yeah they have it (inaudible).

Ms. Khomut stated if you saw on this drive through when you are, from the distance from the parking lot, you (inaudible) your focus, that is your focus that is where you are going to shop.

Mr. Silverman stated that's right.

Chairman Rogan stated can I ask one question from the front view that you have, what is the height of that tower.

Ms. Khomut stated this is fifty-five feet three inches from the average grade elevation.

Chairman Rogan stated so that is the tallest element on the front side of all the buildings from them.

Ms. Khomut stated no, no, from the average grade, this particular building is fifty feet.

Mr. Camarda stated the lowest element is the corner element that it should be because it stands to anchor the entire center.

Chairman Rogan stated yeah but not on the front side, that is on the back side, the back, the highway side, and so you are catching elevation.

Ms. Khomut stated on the front side, this is fifty five, this is fifty two four, this is also relative to average grade to that particular wall.

Chairman Rogan stated that corner store from the, let's say from the residents side, will not appear to be the tallest element, it will be in line with everything else.

Mr. Silverman stated that is true.

Chairman Rogan stated that is what really I was asking.

Ms. Khomut stated okay, that's good.

Chairman Rogan stated okay.

Mr. Contelmo stated I actually have a question for Rich, the corner element on this building, where your office is, do you know how high that is.

Rich Williams stated yes I do.

Mr. Contelmo stated how high is it.

Rich Williams stated higher than thirty-five feet.

Mr. Contelmo stated because I was noticing and I thought it was.

Mr. Koelsh stated see how attractive it looks.

Mr. Contelmo stated the corner element on this town hall is really a similar architectural treatment of what we are talking about and I was just curious because the building does look to be about thirty-five in general height.

Rich Williams stated about forty-five or forty-eight feet.

Board Member Montesano stated Jeff, you're going to put a clock in it too.

Mr. Contelmo stated I don't do.

Chairman Rogan stated the difference is that these towers seem to fit better in the architectural.

Ms. Khomut stated there are a lot of plaza elements here, besides the clock, I mean so.

Board Member Montesano stated you don't need the clock because it never runs right.

Ms. Khomut stated okay, so let's move on.

Chairman Rogan stated okay.

Ms. Khomut stated okay don't (inaudible) those architectural elements and we change to the grade (inaudible) that elevation to make it a little bit more interesting results for when (inaudible) now.

Mr. Camarda stated go to C now, C and D now.

Ms. Khomut stated C and D now, this is B, let's go to C and D. Well C and D presents a little village, you know to break the monotony of the very long, very large buildings. You need the little accents and towers point to entrances and elevations, basically.

Mr. Camarda stated my gut reaction when I saw that and I still sometimes think it may have a little too much too it.

Board Member DiSalvo stated it looks like Newport.

Mr. Camarda stated I saw it and thought it looked like the Magic Kingdom at Disney, there are so many little gingerbreads on it. This and these and this and the awning and this and this and I almost said to them maybe we can take a few out because it can become a little busy, so we will look at that.

Rich Williams stated can I just interject one quick comment here, what I like about the drawings that they've done as opposed to the video that they done, that they did, was that the drawings have more contrast in them and I like that about the drawings that I saw a lot of the contrast was missing from the video and that just made me ify on the video, right.

Mr. Silverman stated all new materials were not put on the walls; it's a lot of work, detail.

Ms. Khomut stated its just sunny everyday.

Mr. Camarda stated okay.

Ms. Khomut stated okay, same concept in the rear elevation, same elements, same towers.

Mr. Camarda stated the towers break up the rural; you are not just looking at an old factory building.

Ms. Khomut stated okay E and F buildings.

Board Member Pierro stated (inaudible).

Chairman Rogan stated C and D.

Ms. Khomut stated are, this is the view from the plaza from the majority of the center.

Mr. Camarda stated you are right here, looking into this plaza, between the buildings, that is what, right there is where the video stops.

Ms. Khomut stated well it goes from the entrance into the (inaudible) which is this corner, this is essential, when you are driving long drive around the buildings, just a stopping point. An anchor so you jump in and that is where your experience begins.

Mr. Camarda stated that tower that we spoke about is right here at the end.

Chairman Rogan stated right.

Mr. Camarda stated so when you are coming around, that cut has to have some substance to it.

Ms. Khomut stated we can look at the elevations are solved, is how the tower, the tower is right here. This is the elevations of the towers, still gives this three little stands but the exits are gone, the (inaudible) are gone and the future is just diminished.

Mr. Camarda stated what happens is it gets very linear, no matter how you dress it up with awnings it still looks like this.

Chairman Rogan stated right.

Board Member Montesano stated I think it gives it character.

Chairman Rogan stated it looks nice.

Mr. Camarda stated that is the whole idea.

Ms. Khomut stated that's the whole idea.

Board Member Montesano stated and I like to be a character.

Chairman Rogan stated Rich, I have a question and maybe its an interpretation that the Zoning Board will look at, if all but one of the towers are architectural in nature, can they look at an interpretation that if the are architectural that they don't need to get variances.

Rich Williams stated our code.

Chairman Rogan stated is that something they should.

Rich Williams stated is fairly specific and says that architectural features less than six feet in height.

Chairman Rogan stated okay.

Mr. Camarda stated six foot architectural feature and this thing will be lost.

Chairman Rogan stated yeah.

Board Member Pierro stated yeah.

Chairman Rogan stated okay.

Rich Williams stated well it's designed for copulas and dormers.

Mr. Camarda stated this will be the main sign for the center, right here on this tower right here and it will also be management offices in here and that is sitting right here on the corner.

Ms. Khomut stated and as you saw, a lot of the building disappears when you are driving from down the hill, you almost don't see anything only glimpses of the roof and this tower brings identity that is like a tower from the distance.

Chairman Rogan stated well I think, just like we are talking about a new sign ordinance to address some of the issues that come up at the regional retail center that maybe the normal sign ordinance does not accomplish, I think the design elements that are needed for such large scale development may be the justification for the Zoning Board granting a variance for this. On one standalone building to have a tower that is sixty or so feet tall, may not be appropriate but I think given the scale of this, it may be very appropriate and I think that is what they are going to have to take into consideration. Does anyone from the Board have anything they would like to say about the plans or anything at this point.

Board Member Pierro stated I haven't seen anything that really worries me, at this point I will study the plans a little bit more when I get home but do we need to do this variance this evening, the recommendation.

Board Member DiSalvo stated (inaudible).

Board Member Montesano stated when are they doing.

Rich Williams stated there is no requirement that you do a recommendation at all, I don't know how the Zoning Board is going to approach this, it is on the Zoning Board's agenda for April 16th.

Mr. Koelsh stated the 15th

Rich Williams stated they haven't told you yet.

Mr. Camarda stated okay.

Board Member Pierro stated so do we have time to kick this around and discuss it before the next Planning Board meeting and make a recommendation.

Rich Williams stated I can't tell you because I don't know what the Zoning Board is going to do.

Board Member DiSalvo stated it will be after, our next meeting is after theirs.

Board Member Montesano stated it will be after.

Rich Williams stated its possible.

Board Member Pierro stated we will meet before the next Zoning Board meeting, correct.

Board Member DiSalvo stated no.

Board Member Montesano stated no.

Board Member Pierro stated the 16th.

Board Member DiSalvo stated today is the second.

Rich Williams stated April 16th.

Board Member Montesano stated today is April 2nd Dave.

Chairman Rogan stated two weeks from now.

Board Member Pierro stated when is our work session.

Board Member DiSalvo stated the 30th.

Board Member Pierro stated oh boy.

Chairman Rogan stated the 30th, Charlie, what are your thoughts.

Board Member Cook stated I haven't seen anything that I dislike.

Board Member Montesano stated I agree, I prefer this if we look at that original there, this has a heck of a lot more character, breaking up that roof line so you don't have that headache and I think it looks very good.

Board Member Pierro stated want a recommendation yet.

Chairman Rogan stated Maria

Board Member DiSalvo stated well being a shopper, I like to travel around and visit shopping areas and this looks like it took a little from everywhere. You know there's, I've seen buildings like this, not just around here but a little bit here and a little there, the tower, the little carousel bump out over there, it looks like you took a lot from a little bit from a lot of shopping areas.

Mr. Silverman stated we are working in a genre, that genre is to put in the retail establishment that the shopper will be attracted to and yes you do try to do that.

Board Member DiSalvo stated so I don't see any problem.

Mr. Camarda stated copy success, that is the bottom line here right.

Board Member Pierro stated right.

Board Member Montesano stated architectural endeavors artistic.

Board Member DiSalvo stated it makes it very inviting to shop there, is what I'm saying, people will be, just to go look at the buildings would be a day out, you know.

Board Member Cook stated I think the village concept is unique for around here and I like it.

Chairman Rogan stated and I think what I'm hearing from everyone is that these design elements are appropriate given the scale and the size of the project and I think that is an important consideration that I'm sure the Zoning Board is going to consider. Again, on a smaller stand alone building, probably not appropriate but given the scale of this and trying to create something other than a box, I agree I think they are appropriate, so I think we are all kind of in agreement of this.

Board Member Pierro stated absolutely.

Chairman Rogan stated does anyone want to make a motion for a recommendation, positive.

Mr. Camarda stated can I just add one more at the risk of being pushy.

Chairman Rogan stated yeah, sure, be careful.

Mr. Camarda stated I don't want to be pushy, we are going to need stuff on signage too, I just want the Board to understand that, you could give us a little help from a recommendation standpoint because I am really trading the fact that 49,000 cars a day are driving past this. These stores are right on the highway and the retailers are going to value signage and with that signage, I twist their arm for more money into architecture and that is how it works. So if you could help on the signage situation, it will help us in the end to paint a better picture.

Chairman Rogan stated well again I think how the signage relates to the scale of the buildings is very important because this sign regardless of the square footage. When you put it on a building, if it looks right, its right and if it doesn't look right, its not right and I think at the end that is what, you know, from a lay persons perspective, it either fits or it doesn't fit and I think that will.

Mr. Camarda stated your signage ordinance would be like putting a postage stamp on these buildings, I hate to tell you.

Ms. Khomut stated it definitely is not designed for this scale of development.

Rich Williams stated can I ask the question, when you say that, are you talking about the existing or the proposed.

Mr. Camarda stated the existing.

Chairman Rogan stated oh, okay, that makes me feel better, we've been working hard on the proposed.

Mr. Camarda stated okay, we're not there yet.

Board Member Pierro stated we're working on it.

Mr. Camarda stated that is why I'm saying (inaudible).

Chairman Rogan stated that does make me feel better.

Board Member Cook stated we're not there yet.

Chairman Rogan stated I thought you were talking about the proposed regional retail signage because that is quite significantly different than what is existing.

Mr. Camarda stated yes, I don't know if the Planning Board has chimed in on that already.

Board Member Pierro stated we're working it.

Chairman Rogan stated we've been working on it for months.

Mr. Camarda stated good, perfect.

Chairman Rogan stated every month we're working on the signs.

Board Member Cook stated our recommendation to the ZBA then has to be that we agree concept wise with what we've seen here tonight and that the ZBA has to deal with the applicant relative to the individual variances that they are going to be requesting.

Board Member Montesano stated I second.

Board Member Cook stated the fact is that we like the towers, we like if you want to call them copulas, I mean whatever, we like the village concept but that the height, this is going for a height variance.

Chairman Rogan stated right.

Board Member Cook stated that, that is between them and the ZBA.

Board Member Montesano stated second.

Chairman Rogan stated Mike was just saying that was in the form of a motion. Charlie, was that in a form of a motion.

Board Member Cook stated why not.

Chairman Rogan stated a positive recommendation.

Board Member Cook stated why not.

Chairman Rogan stated Mike you seconded.

Board Member Montesano seconded the motion.

Chairman Rogan asks for all in favor:

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

Motion carries by a vote of 5 to 0.

Chairman Rogan stated any opposed, okay. The sign obviously issue isn't before us, we haven't even adopted a final.

Mr. Koelsh stated we will have to come before you with a specific sign program and for the.

Chairman Rogan stated I wanted to put on record, the reason I asked about the height of the towers from the main parking lot side was because of the residential area and wondering whether there was anything that was going to stand out you know, visually. I think given the buffer materials that we've talked about, none of these elements are too concerning of that. Okay, we certainly appreciate the amount of time that you put into this but I think that given what you are looking to do, without this it would have been hard pressed, so I think it was time and money well spent, Rich.

Rich Williams stated I do have one last issue I would like to bring to everybody's attention and that is something that I heard from the applicant tonight in that you know, they are looking to approve a concept but as they get specific tenants in they are going to need some sort of flexibility on how to do the architecture, as the Board is away, typically in Patterson, when we approve a site plan.

Chairman Rogan stated yeah.

Rich Williams stated that is what we expect to get built and not changed significantly and the ZBA looks at it fundamentally the same way, when they grant a variance that is what they are looking to get built.

Chairman Rogan stated it's a comfort level.

Rich Williams stated I certainly recognize where the applicant is coming from that you know, until he starts negotiating with the individual tenant, he's not going to know how some of this is going to work and I'm sure the Board can appreciate that.

Chairman Rogan stated sure.

Rich Williams stated my question then is how is the Planning Board and the Zoning Board going to handle the flexibility that is needed for the individual tenants when they come in. Do you want to create the standards and then let it go to an administrative review, are you going to expect them to come back to the Board each time there is a significant change and you don't have to answer that tonight.

Board Member Pierro stated right.

Rich Williams stated and the applicant doesn't have to answer that tonight but I think we need to talk about the process after there is an approval given, where they need to make some changes.

Chairman Rogan stated right.

Board Member Pierro stated well I like the idea of putting the flexibility so that these towers can be moved, depending on the particular tenant that takes place, yeah.

Mr. Camarda stated stores, you're not talking moving it eighty feet.

Board Member Pierro stated right.

Mr. Camarda stated maybe some.

The Secretary stated hold on.

(Side 2 ended at 9:30 p.m.)

Board Member Pierro stated I like the idea of an administrative review, this way we can put the blame where its deserved.

Rich Williams stated I do not have a problem with taking on that responsibility.

Board Member Pierro stated okay, all right.

Rich Williams stated as long as there are good clear guide lines set up.

Board Member Pierro stated right.

Chairman Rogan stated Rich, I actually was just before Dave said what he did, was thinking just the opposite, the given a project of this magnitude, that when there is a significant change, I mean, we are here all the time, you send in a quick revision, we do a modified site plan, its an open and closed, there is not public hearing needed it's a site plan modification.

Rich Williams stated and that is fine also.

Chairman Rogan stated and at least then there is the review of five people and potentially Zoning Board or whatever need to be done, I don't personally, if it's a matter of shifting an element down I wouldn't mind taking a quick look at it. You have to design it out anyway to build it, its not, I don't foresee that being any kind a slow down in your process because I can assure you that given the concept that you've put forth. Its just re-affirming and memorializing okay, here is what we are building now, now we've confirmed it and now its on paper and everybody agrees with it and I actually think that it is something that should be taken off of your shoulders administratively. So, given that we've gone through all this.

Board Member Pierro stated right.

Chairman Rogan stated does anybody disagree with that.

Mr. Camarda stated remember the buildings are not moving.

Chairman Rogan stated I understand.

Mr. Camarda stated the buildings are all there, its how you divide it up because that store, eighty feet wide or a hundred feet wide.

Board Member Montesano stated it is a unique project, it is something that we, I don't anticipate running into twenty or thirty times a year and I think we have to give the leeway that is needed because if we are going to allow this to be put in, I would like to make it as unique as we can and when it gets approved maybe other people will come and take a look at this and see how we worked it out and then we become the examples to match up to.

Board Member Cook stated Jeff, there is a March 5th letter from Rich which we would appreciate your response to, as well as the access road discussion, can you put something to us on the file for that, to Rich.

Mr. Contelmo stated we fully plan on doing that, we are right now assembling a host of final comments from outside agencies.

Board Member Cook stated right.

Mr. Contelmo stated the Town of Kent as well, we are going to roll that all into revisions. So we are very clear that we still have comments open with Rich and also with Gene, so we will take care of that.

Chairman Rogan stated okay.

Mr. Contelmo stated I just wanted to share a thought with what you were just discussing in terms of administrative relief versus coming before the Board and having worked in literally dozens of towns. I've seen it done probably one both ends of the spectrum and I've seen communities that have said you make any little change, you come back before the Board and on a project like this where there will be tenants moving in and out, there are dynamics that that would make that almost crippling in my opinion. By the same token there has been a very defined flavor and detail put out such that, you start burying all of the parts and then all of a sudden the whole house of cards comes tumbling down. I think, I'm only suggesting this as food for thought that if there are some very minor changes and you can some how put limits on that that could administratively be dealt with and then if you exceed them, then come back to the Board, I think in the long run that may work best for everybody and its only for consideration.

Chairman Rogan stated I couldn't agree with you more Jeff, I think that there has to be some kind of a threshold of this change is significant because it meets a certain threshold, send it over for a quick review and a vote.

Mr. Contelmo stated right.

Mr. Camarda stated give us a short leash.

Board Member Pierro stated yeah, normally in this kind of a situation, Rich, if there were to be an administrative review would you normally just handle that on your own or would you consult the Chairman and the Vice Chair, to see.

Rich Williams stated it depends, again, Jeff makes the point that I was trying to make, is that if you create the criteria that I need to review it, if they go outside of that, then I go back to the Board, if they stay within that, we need to move a tower ten of fifteen feet.

Chairman Rogan stated yeah.

Rich Williams stated or whatever the criteria is, then I just do it administratively. When they come in to pull a building permit, you know I look at it and say I send a letter over to the Building Department and say you know this meets the criteria that the Board set forward you know, you're okay to issue a building permit and cc the Board always.

Board Member DiSalvo stated right.

Board Member Pierro stated I think.

Chairman Rogan stated the issue would be though, if you wait until someone submitted something for a building application, we've probably lost somewhat of an opportunity of the applicant reaching out and saying hey, just so you're FYI, you know this is coming down and these are the changes we're planning and they has to be some understanding of what that threshold is ahead of time. So you can say I already know they are going to flag this, let's do it earlier before we spend a whole lot of, so that its as smooth as possible.

Rich Williams stated and that may happen and that has happened in the past when they realize they need to make this change. They bring it back in but certainly the end of the line for any administrative review to make sure that the planning conditions have been met is just prior issuance of the building permit.

Chairman Rogan stated I mean, I think an example would be, you show on a plan where you've got one particular element in front of a store and then you come back and say we are going to take the one and we are going to put three or we are going to put two. That is something that I think the Board should take a look at. We've looked at the elements and you are probably going to get a decision from Zoning on a particular element but I think the number of these elements and how they relate to the site is something that we need to take a look. You've shown us nothing tonight that I think anybody objected to, so you know.

Board Member Cook stated I would just add like, if you look at this like a thoroughbred. We don't want the changes to come back to the old camel okay, and by that I mean, if you are going to move a tower or some little thing ten or twenty feet fine. If you go to close off where those two towers are like right there, that has to come back.

Board Member Pierro stated of course, that's major.

Board Member Cook stated yeah.

Board Member Pierro stated that really is major.

Board Member Cook stated what were you going to say.

Mr. Camarda stated I would totally agree with you.

Board Member Pierro stated that's major.

Chairman Rogan stated its great when we are all in agreement. What else does anyone have on this.

Board Member Pierro stated I'm fine with it.

Chairman Rogan stated oh, the sidewalk issue, from what its worth I had heard from some people in the Town of Kent that there have been organizations over there looking to extend from the park district side walks out to [Route] 311. Whether or not that will ever happen but there is a movement and a thought, again, promoting walk ability, we can get that out that far, it isn't that abstract to think about having a side walk that goes down to the end of the property line or to the end of the entrance. That people I mean we are seeing people again, every time we are out and about, we are seeing people walking and one these roadways around here, they are taking their lives in their hands, you know when they are out and about. So I know we don't have control over that, that is Kent's issue but again I think that is something that should be considered.

Mr. Contelmo stated we are meeting with Kent next week, as I said earlier, we've had a difficult time getting them to focus on some of the details, we are dealing still.

Chairman Rogan stated okay.

Mr. Contelmo stated with some larger issues.

Chairman Rogan stated okay.

Mr. Contelmo stated but we will make an effort to get them to think about that, they have made comments actually, more relating to the width of the divider island and matching landscape which you know, becomes difficult for a number of reasons but we will bring it up with them. It's on our radar, like I said, we did bring it up to the DOT to see if they had a preference which they did not, they said they would appeal to the local municipalities so it is still an open issue as far as we are concerned.

Chairman Rogan stated thanks.

Mr. Camarda stated just remember we are dealing with Kent, we have sixteen and half acres of property and only have one two thousand square foot building, sixteen acres are available and a building the size a little bigger than this (inaudible). It's a tough road over there.

Chairman Rogan stated understood, okay.

Board Member Pierro stated okay.

Chairman Rogan stated we're all set, thank you very much.

Mr. Silverman stated thank you.

Ms. Khomut stated thank you.

Mr. Contelmo stated thank you.

9) MINUTES

Chairman Rogan stated does the Board want to approve minutes, so we can get out of there.

Board Member DiSalvo stated do you Mike.

Board Member Montesano stated I don't know.

Chairman Rogan stated I'll make a motion that we approve December 20th, January 8th, January 29th, February 5th and February 26th.

Rich Williams stated you said so, yeah so.

Board Member DiSalvo seconded the motion.

Chairman Rogan stated 2009, excepting the December 20th is 2008.

Mr. Camarda stated once again, thank you for looking at the project.

Chairman Rogan asks for all in favor:

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

Motion carries by a vote of 5 to 0.

Chairman Rogan stated motion, I'm sorry.

7) OTHER BUSINESS

c. Project Updates

Board Member Cook stated I really, if you don't want to do it tonight, that's fine but I really have to ask, this project update, can we discuss it at the work session, the next work session because there are too many of these outstanding applications that are not being. The applicant is not addressing the issues and.

Board Member DiSalvo stated some of them dropped off.

Board Member Cook stated and we, I think we are obligated to do something.

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

Board Member Montesano stated Over the Rainbow.

Board Member DiSalvo stated that ones gone, well they were through.

Board Member Pierro stated remember the fill permit.

Board Member DiSalvo stated see (inaudible – too many speaking).

Board Member Pierro stated the one that's not there, is the fill permit on Farm, on Big Elm.

Chairman Rogan stated the one we just did.

Board Member Pierro stated yeah.

Chairman Rogan stated I think this was written I think around the same time we did it.

Board Member Pierro stated yeah but there were some issues that were supposed to be inspected and there were some letters that were supposed to be provided.

Chairman Rogan stated okay.

Board Member Pierro stated I just want to make sure that they get into the file. Rich, have they.

Rich Williams stated I have had conversations, the Applicant is fully aware of what he needs to provide and discussions are on going. He knows exactly what he has to provide, we haven't dropped that one at all.

Board Member Pierro stated have any inspections been done on the drainage that is going to be put in.

Rich Williams stated to my knowledge he has done nothing.

Board Member Pierro stated okay.

Rich Williams stated I was going to reach out to him again next week just to confirm but I did talk to him last week, he hasn't brought any new fill in.

Board Member Pierro stated has the erosion control been installed.

Rich Williams stated yes, silt fence is in.

Chairman Rogan stated well item number three on the update.

Board Member Montesano stated get tired of it.

Chairman Rogan stated Over the Rainbow is out of it, they are not pursuing that that I heard eight months ago from the owner.

Board Member Cook stated what do we want to do about people like, you know, Boniello, who hasn't met the conditional approvals or the tanning salon who.

Board Member Pierro stated Boniello hasn't done the bond, it's more of a issue.

Rich Williams stated more importantly, their approvals have lapsed at this point, they need an extension to stay alive.

Chairman Rogan stated which they haven't even requested.

Board Member Cook stated Powe, all of these what do we do as a Board.

Rich Williams stated Charlie, Powe is in, the mylar is on my desk to be reviewed and signed.

Chairman Rogan stated oh yeah.

Board Member Cook stated all right.

Chairman Rogan stated is Mystic Bronze Tanning Salon still in business.

Rich Williams stated yes.

Chairman Rogan stated okay. So can we, on mystic, can we just give them a quick a call and let them know the status.

Rich Williams stated can I send a letter, I'd rather do it in writing.

Chairman Rogan stated yeah, that's fine.

Board Member Pierro stated can you do the same with Boniello, tell them to come in for an extension.

Chairman Rogan stated well in fairness Dave, if they want an extension, they can send it in writing.

Mr. Camarda stated good night folks.

Chairman Rogan stated good night, we don't require people come for an extension, if that is the only issue.

Board Member Pierro stated okay.

Chairman Rogan stated you know.

Board Member Pierro stated you know, we just wanted to get you know; make him aware, he may not even know he has to do an extension.

Chairman Rogan stated yup. Eurostyle Marble, that one that is the one that we made quite a few concessions on with the building, the siding on the building.

Board Member Pierro stated right, what is he waiting for, what.

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

Chairman Rogan stated correct.

Rich Williams stated they've never finished the amended site plan process.

Board Member Pierro stated okay.

Rich Williams stated as far as the site improvements I don't know where they stand but I'm sure he hasn't really done anything over the winter.

Board Member Pierro stated right.

Board Member Cook stated why don't have Rich send a letter to each of these folks, saying you haven't met the conditions of your approval, come in with the appropriate information or get yourself on the Planning Board agenda and let's.

Board Member Pierro stated so moved.

Board Member Cook stated no, I mean, it's not a resolution.

Board Member Pierro stated not a motion.

Rich Williams stated no, well, if we could, Charlie, I mean you can't really do that for every one, IO Wellness, they put up a sign that they were told not to put up twice.

Board Member Cook stated okay.

Rich Williams stated I don't know that you don't want a violation issued on that, Frantell you just gave an extension to.

Chairman Rogan stated yeah that ones done.

Board Member DiSalvo stated right.

Rich Williams stated Green Chimneys is about to wrapped up also.

Chairman Rogan stated Justin's we are waiting for them to come in.

Rich Williams stated Justin's, Dave Raines has just issued violations on that.

Board Member DiSalvo stated violations issued by David Raines.

Board Member Pierro stated is this why he was in.

Chairman Rogan stated and Meadowbrook Farms we're working on.

Rich Williams stated yeah.

Board Member Cook stated all right, how about Green Chimneys.

Board Member Pierro stated we are working on them.

Rich Williams stated they are wrapping up.

Board Member Pierro stated they are finishing up their site plan.

Chairman Rogan stated so all we are talking about is Lea Rome.

Board Member Cook stated Lea Rome.

Board Member Pierro stated Lea Rome was violated.

Rich Williams stated no, have they been.

Board Member Pierro stated I thought they.

Rich Williams stated they were violated for trash, I don't think they were violated for (inaudible).

Chairman Rogan stated the pile of stuff.

Board Member Pierro stated pile of stuff, junk cars.

Rich Williams stated okay, I stand corrected.

Chairman Rogan stated there were like three violation notices, at least, right with Lea Rome.

The Secretary stated I believe it was three, yes.

Chairman Rogan stated yeah, they were all different things that they were violated for.

The Secretary stated or was that Justin's.

Chairman Rogan stated okay, so how about this Rich.

Rich Williams stated they got violated for the site plan, I think Lea Rome was trash, I could be wrong.

Chairman Rogan stated so it's only four of these of are really the stragglers that aren't in some type of process where they should be, we have Boniello, Mystic Salon, Eurostyle Marble and Kent Supply, are those the four.

Rich Williams stated Kent Supply is a problem.

Chairman Rogan stated yeah.

Rich Williams stated Kent Supply, the remaining issues are cleaning the pond and paying inspection fees and it does not appear that he is going to do that at this point.

Board Member Cook stated so what's the recourse.

Chairman Rogan stated what is his option other than paying, I mean can he hold off a year and then post that or is everything expired at that point.

Rich Williams stated well certainly the Board has the ability to extend the time in which he needs to meet the conditions of his site plan. The issue you have to wrestle with is what improvements are legitimately needed to operate out there, considering that he already in operation.

Chairman Rogan stated right.

Board Member DiSalvo stated that is why we need to go to that seminar on April 30th, that pamphlet.

Board Member Montesano stated we can't.

Board Member DiSalvo stated about how to deal with hard times with applications. We have a work session that night, I'm sure we're not the only town having these problems.

Chairman Rogan stated where is it being held.

Board Member Montesano stated New Paltz from four o'clock in the afternoon until nine o'clock at night.

Board Member DiSalvo stated New Paltz, (inaudible) do anything around here.

Chairman Rogan stated the only other thing I was thinking was, I haven't read through the pamphlet but if it was something that the entire Board felt was valuable, then we could decide to go to that and not have a work session.

Board Member DiSalvo stated I would go for that.

Rich Williams stated or move a work session.

Chairman Rogan stated or move a work session.

Board Member DiSalvo stated I would go for that.

Board Member Pierro stated what date is that.

Board Member DiSalvo stated it's the day of the work session.

Chairman Rogan stated the date of our work session.

Board Member Montesano stated April 30th.

Board Member DiSalvo stated the pamphlet is in there, I mean, it sounds like it's a great seminar, addressing issues that we are facing today.

Chairman Rogan stated let's take a look at it and I can always send an e-mail around in a couple of days and see everybody take a look at that and we can always.

Rich Williams stated Maria, is there a cost with that.

Board Member DiSalvo stated I didn't get that far.

Board Member Pierro stated I think there was.

Board Member Montesano stated yeah.

Board Member DiSalvo stated I don't care, I'll pay for it.

Rich Williams stated well no, I asked so that we can put a voucher in.

Board Member DiSalvo stated I think it would be great for us to go there.

Chairman Rogan stated I haven't even read it, so I won't even comment, I'm sure it is.

Board Member DiSalvo stated talks about foreclosures and bankruptcies and applications and.

Rich Williams stated I don't know that I got a copy of it, if you want pursue it.

Board Member DiSalvo stated okay. (Inaudible) a seminar for all of us to go to.

Chairman Rogan stated all right, motion to adjourn.

Board Member DiSalvo seconded the motion.

Chairman Rogan asks for all in favor:

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

Motion carries by a vote of 5 to 0.

Chairman Rogan stated thank you everyone.