

TOWN OF PATTERSON
PLANNING BOARD MEETING
April 3, 2008

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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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PLANNING BOARD

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

**Planning Board
April 3, 2008 Meeting Minutes**

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

Present were: Chairman Rogan, Board Member Pierro, Board Member Montesano, Board Member Cook, Rich Williams, Town Planner, David I. Raines, Town of Patterson Building Inspector, Ted Kozlowski, Town of Patterson Environmental Conservation Inspector, Anthony Molé from the Town Attorneys Office, Curtiss, Leibell, Herondes & Molé P.C.

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

Michelle Russo was the secretary and transcribed the following minutes.

There were approximately 11 audience members.

Chairman Rogan led the salute to the flag.

Chairman Rogan stated thank you, please be seated.

1) MCINTYRE W/W PERMIT APPLICATION – Public Hearing

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

Chairman Rogan stated I ask the Secretary to read the first public hearing for McIntyre.

The Secretary read the following notice in to the record:

NOTICE IS HEREBY GIVEN by the Town of Patterson Planning Board of a public hearing to be held on Thursday, April 3, 2008 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 **“Bruce McIntyre Wetlands/Watercourse Permit Application. Applicant is requesting permission to install an in ground pool within the 100’ buffer. The property is located at 11 Teal Lane,”** Patterson, New York. All interested parties and citizens will be given an opportunity to be heard in respect to such application.

Chairman Rogan stated Mr. McIntyre, could you and your friend please.

Mr. NeJame stated good evening, for the record.

Chairman Rogan stated for the record, thank you.

Mr. NeJame stated Tom NeJame, swimming pool builder.

Mr. McIntyre stated hi, good evening, Bruce McIntyre.

Chairman Rogan stated do you just want to tell the audience, specifically what you are looking to do, I know that you mentioned some of it in the public hearing.

Mr. McIntyre stated it is just basically just installing a pool in the back yard and the only place to put it there is an existing buffer area that runs along the back of the house and specifically that is the only place that I can put the pool, along the side there is septic and there are other restrictions so that's the goal.

Chairman Rogan stated do we have any questions or comments from the audience on this application. Seeing no questions, can I have a motion to close the public hearing.

Board Member Montesano stated motion to close the [public] hearing.

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 okay, Mr. McIntyre, the main thing after our site walk was we were waiting, we just want to make sure that the pool filter wasn't going to interfere with the expansion area, did you get a copy of the memo from Mr. Budzinski.

Mr. McIntyre stated yes, we just got it.

Mr. NeJame stated we just got it today.

Chairman Rogan stated so did we.

Mr. NeJame stated and I think its absolutely no problem, we can actually put that, the filter and the heater system before the actual generator.

Chairman Rogan stated okay.

Mr. NeJame stated and then screen that area, the big thing is that you want it look nice so, it will be well outside that area.

Chairman Rogan stated well the big thing is that we want it not interfere with the possible use of that expansion area.

Mr. NeJame stated absolutely.

Chairman Rogan stated the plans that we had seen when you were showing us the location, the proposed location, we sketch plans of the septic area, they weren't official plans. What I would ask is that you take a copy of your official plans and show the location of what you are proposing and get approval from Mr. Williams prior to any start of construction staked out, at least so we know you aren't going to be installing.

Mr. NeJame stated yup.

Chairman Rogan stated is Dave here, Dave do you want to weigh in on this one, this is McIntyre.

Dave Raines stated (inaudible – too far from microphone).

Chairman Rogan stated the generator pad, is there any problem with that.

Dave Raines stated nope.

Mr. NeJame stated excuse me, that gentleman's name again.

Chairman Rogan stated Building Inspector, Dave Raines.

Mr. NeJame stated hey Dave, if we put it forward, the filter forward of that, we should be fine right, from the generator.

Dave Raines stated I want it away from the expansion area.

Mr. NeJame stated exactly.

Dave Raines stated yeah.

Mr. NeJame stated yeah.

Dave Raines stated in line with what Health Department, that is from the Health Department.

Mr. NeJame stated okay, yeah, yeah.

Dave Raines stated you don't want to cross over that expansion area that was the gist of that memo.

Mr. NeJame stated no problem.

Dave Raines stated the utilities coming out of the filter would have to be (inaudible).

Mr. NeJame stated the opposite side.

Dave Raines stated I'm not sure the orientation by the way of.

Mr. NeJame stated got it.

Dave Raines stated and I would like you to flag that out before we (inaudible).

Mr. NeJame stated no problem, thank you.

Chairman Rogan stated so Dave, you were able to confirm that the existing generator pad and electrical lines from that to the house are not in the.

Dave Raines stated they are not in expansion area.

Chairman Rogan stated okay, thank you very much.

Dave Raines stated again, we want to make sure we want to maintain that outside area.

Chairman Rogan stated okay.

Mr. NeJame stated I will stake it all off.

Chairman Rogan stated any other comments from the Board.

Board Member Pierro stated the only comment I had was we discussed at the work session about Dave going out and looking at that window well and some of the other Board Members and Rich, were happy with a pad or platform but I would like to see a fence or a gate around that window well because it defeats the whole purpose of having a window well to add light into the basement and having emergency egress. If that is okay with you.

Dave Raines stated we will take a look at it before we issue the building permit on it.

Board Member Pierro stated because I would rather not see a panel over the top of it.

Dave Raines stated I can talk to the applicant and we can come up with a plan so we can (inaudible).

Mr. McIntyre stated because I use that for access, whether a fence goes up or a platform, it needs to have some type of access, so that is not a problem.

Board Member Pierro stated I would hate to see you lose ambient light by a pad over the top of it.

Chairman Rogan stated Ted, do you have anything you would like to add at this time or just discuss on this application.

Ted Kozlowski stated just I will work with you on the plants that you want to put in there, I know the Board asked me to even put. You want something that is going to be shade tolerant and not too tall so that it doesn't interfere with your sunlight.

Mr. McIntyre stated right.

Ted Kozlowski stated and you don't want the deer to eat it.

Mr. McIntyre stated right.

Ted Kozlowski stated you've been very cooperative, so please respect the trees that we have remaining and please tell your nephew to stop shooting my signs.

Board Members laugh.

Mr. McIntyre stated okay.

Chairman Rogan stated you'll probably want to supply a couple of new signs.

Ted Kozlowski stated you'll probably have to put that in the permit.

Board Member Pierro stated for the record we taped off all the scrub trees that are going to be removed and only those will be removed.

Mr. McIntyre stated correct.

Board Member Pierro stated and I believe that we had said that you could trim a couple of those over hanging branches and then anything other than that you will have to meet with Ted.

Mr. McIntyre stated right.

Board Member Pierro stated once the trees leaf out.

Chairman Rogan stated I think that makes sense.

Ted Kozlowski stated just call me Bruce, so you know, May, let me know when (inaudible).

Mr. McIntyre stated right.

Ted Kozlowski stated the leaf expansion on the trees.

Mr. McIntyre stated alright.

Chairman Rogan stated Rich, anything else on this, okay. Can I have a motion on the wetlands/watercourse permit application.

Board Member Pierro stated you're quiet Charlie. In the matter of McIntyre, Teal Lane, 11 Teal Lane, Patterson, New York, I make a motion that the Town of Patterson Planning Board grants a wetlands watercourse permit to install a pool adjacent to the buffer area in the rear of that residence.

Board Member Cook seconded the motion.

Chairman Rogan stated do you just want to add the conditions of record for the on site inspection of the window well that you talked about.

Board Member Pierro stated right.

Chairman Rogan stated and you have to add SEQRA to that also.

Board Member Pierro stated and in the matter of McIntyre wetlands/watercourse permit, I make a motion that we make a negative determination SERQA.

Chairman Rogan stated so we have two open motions, can I have anyone second on those.

Board Member DiSalvo seconded the motion.

Chairman Rogan stated on both.

Board Member DiSalvo stated yeah.

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 okay.

Ted Kozlowski stated Bruce, we do ask that (inaudible) to flag out the location of that pool before you start digging, so we can verify.

Dave Raines stated we'll have you move the hole.

Mr. McIntyre stated move the house.

Dave Raines stated either that or move the house.

Chairman Rogan stated okay you've been very cooperative, we appreciate your compromise on this and working with the Board, good luck to you.

Mr. McIntyre stated great, thank you for your help, I appreciate it.

Mr. NeJame stated thank you.

Chairman Rogan stated thank you.

2) **POWE SUBDIVISION – Public Hearing**

Mr. Jack Karell was present to represent the application.

Chairman Rogan stated okay, could you please read the public notice for Powe Subdivision.

The Secretary read the following 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 3, 2008 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 **“Powe Subdivision. Applicant is requesting to subdivide property, creating 3 lots. The property is located at 11 Cushman Road,”** Patterson, New York. All interested parties and citizens will be given an opportunity to be heard in respect to such application.

Chairman Rogan stated good evening Jack.

Mr. Karell stated good evening.

Chairman Rogan stated okay. He's got colors. Could you just please stated your name for the record and give a brief description of the application.

Mr. Karell stated my name is John Karell, I am the engineer for Mr. Powe and this is a. The Powe's own a twenty-two acre piece of property on Cushman Road, at the intersection of Route 311, they are subdividing this into two new building lots, four acres a piece and they are leaving fourteen acres with the main house. The intersection of Route 311 is here and Cushman Road is here, two houses with driveways off of Cushman Road with septic systems in the front served by well. The wetlands have been flagged and agreed to by Ted [Kozlowski] and the green line is one hundred foot wetlands setback which we have kept the development away from.

Chairman Rogan stated do we have any questions of comments from the audience.

Mr. Smith stated what is the proposed size of each other the houses.

Chairman Rogan stated sir, could I just please ask you to come up and state your name for the record and use the microphone so we can get this on the record.

Mr. Smith stated my name is John Smith, I live at 78 Red Shutters Farm, which is over here and my question is what is the proposed size of each one of the houses.

Mr. Karell stated they are either going to be four or five bedrooms depending on the size of the septic system, its about a fifteen hundred square foot, footprint.

Chairman Rogan stated it would be three or so thousand square foot.

Mr. Karell stated three or four thousand square feet.

Mr. Smith stated and that is sufficiently far away from the wetlands area because the section which is identified as the wetlands is truly a swamp and looking at where the green line is, I guess that is the furthest you can.

Chairman Rogan stated sir, I'm sorry but you do have a pretty loud voice, but if you don't need to use the microphone, we might not be able to get.

Mr. Smith stated sorry, okay so, this area over here is a swamp, part of the wetlands and then over here is.

Board Member DiSalvo stated downhill.

Mr. Smith stated downhill and from here to here is sufficiently far away from the wetlands.

Chairman Rogan stated do you see the green highlighted line, that is the hundred foot buffer.

Mr. Karell stated the green line is the hundred foot set back, which is the closest you can come and this house is maybe sixty or seventy feet away from the buffer line and this house is maybe one hundred or one hundred and twenty feet away from the buffer line. This is the woods line, if you are familiar with the property.

Mr. Smith stated right.

Mr. Karell stated the field is here, these houses are up pushed up back against, almost up against that wood line, this one is right up against it. There is plenty of distance between the houses and the wetland buffer.

Mr. Smith stated and the proposed property line is this section right here.

Mr. Karell stated right, one property line here and one property line here.

Mr. Smith stated okay, no more questions.

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

Board Member DiSalvo stated I make a motion that we close the public hearing.

Board Members Cook and 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 it sounded like everybody seconded. Okay, so Jack, one thing that we were asking that I think you have done a fairly good job at addressing, is moving the houses as close to the road as possible and that was just, especially on the lot immediately to the left to make sure that we maximize that distance away from the buffer, so that we don't run into the problem where the first, the person that was here before you and they were running into the buffer with that. It looks like on that lot, you have maintained your minimum distances, so I don't know what else you could do to pull that further forward, so I guess I am just confirming that that's where we are with these house and if the Board is comfortable with that.

Board Member DiSalvo stated and we have enough room in the back if they do want to put a pool in, we.

Board Member Pierro stated it seems to be.

Chairman Rogan stated yeah.

Board Member DiSalvo stated so they are not coming for variances.

Chairman Rogan stated sixty or eighty feet.

Board Member Pierro stated yeah.

Chairman Rogan stated yeah.

Board Member Cook stated do you anticipate that these house will be built like with decks on them.

Chairman Rogan stated thank you.

Mr. Karell stated I can't answer that, I don't know that, Mr. Powe had communicated to me that he is subdividing this property so that in the future in case his sons want to build a house and live on this property they can but I couldn't answer whether or not they will be built with deck. If they do they have plenty of room.

Board Member Pierro stated they have plenty of room there.

Chairman Rogan stated yeah, okay, Rich, how are we doing with their design issues, are they wrapping this up.

Rich Williams stated they are very close to being complete, there are some outstanding technical issues we identified in the memo, procedurally the only real outstanding issue is the submission of a bond calculation by the engineer to our Town Engineer to be reviewed.

Chairman Rogan stated so you wouldn't be opposed this Board issuing a SEQRA determination tonight.

Rich Williams stated no not at all.

Chairman Rogan stated do you want to do that.

Board Member DiSalvo stated I'll do that. In the matter of Powe subdivision, I make a motion that the Planning Board find the proposed action will not have a significant impact on the environment and hereby issues a negative declaration of significance.

Chairman Rogan stated can I have a second.

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 asks for any opposed.

Chairman Rogan stated anything you need from us Jack.

Mr. Karell stated an approval.

Board Member Montesano stated I knew that was coming.

Mr. Karell stated you don't want to see me again.

Board Member Pierro stated sure we do Jack, we like you.

Chairman Rogan stated we like seeing you. Get the bond stuff up, a couple of clean up issues and we will wrap it up, sounds like we are.

Mr. Karell stated next meeting.

Chairman Rogan stated sure.

Mr. Karell stated alright, thank you.

Chairman Rogan stated thank you.

3) THE PLAZA AT CLOVER LAKE – Public Hearing

Mr. Jeff Contelmo of Insite Engineering was present to represent the application.

Board Member Montesano stated we have a public hearing.

Chairman Rogan stated we lost our Secretary.

Rich Williams stated yeah.

Chairman Rogan stated she ran out on us. Well next up is Plaza at Clover, Jeff if you have something you want to put up, our Secretary will be back in a second to get this public hearing going.

Chairman Rogan read the following 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 3, 2008 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 “**The Plaza at Clover Lake Subdivision. Applicant is requesting to subdivide existing vacant parcel. Applicant is also requesting a lot line adjustment for the proposed new parcel and existing parcel, creating 3 lots. The property is located at 838 Fair Street,**” Patterson, New York. All interested parties and citizens will be given an opportunity to be heard in respect to such application. By order of the Planning Board.

Chairman Rogan stated good evening.

Mr. Contelmo stated good evening, I'm Jeff Contelmo from Insite Engineering.

Chairman Rogan stated hi Jeff.

Mr. Contelmo stated how are you.

Chairman Rogan stated good, how are you.

Mr. Contelmo stated we are here this evening as mentioned for the subdivision entitled the Plaza at Clover Lake. The subdivision actually is a subdivision and a lot line adjustment, the property right now consists of two parcels, the two parcels are fifty acres and eighty-eight acres, the fifty acre parcel contains the senior citizen complex and the eighty-eight acres is currently vacant, the eighty-eight acres is south of the senior housing complex. The proposal is to adjust the line between the Plaza at Clover Lake and the vacant parcel such that, the Plaza at Clover will remain on fifty acres, the parcel to the south will be diminished from eighty-eight acres to eighty-two acres and we would create a six acre parcel along the northerly side of the existing drive to Clover Lake. I have highlighted in darker color the proposed lot lines so that the Plaza at Clover Lake facility was still on fifty acres and the central portion, splitting the lake, the eighty-two acre vacant parcel will be to the south and the new vacant six acre parcel will sit to the north of the access drive.

Chairman Rogan stated do we have any questions or comments from the audience. Susan, please come up and use the microphone.

Ms. Bay stated I'm Susan Bay, I'm the executive director at the Plaza at Clover Lake, just clarification, [Route] 311 is here.

Mr. Contelmo stated this is Fair Street.

Chairman Rogan stated Fair Street.

Ms. Bay stated Fair Street rather, okay, so this is.

Mr. Contelmo stated your driveway.

Ms. Bay stated okay, so the lake is part of the subdivision and the other parcel, is this the area that previously, that now has the barn out there.

Mr. Contelmo stated yes.

Ms. Bay stated so that is a separate parcel that is being created.

Mr. Contelmo stated correct.

Ms. Bay stated are there any plans right now for developing that parcel.

Mr. Contelmo stated no there are not.

Ms. Bay stated okay and how about this area, okay. Is this zoned in any particular area, are there things that can or can't go in those area.

Mr. Contelmo stated that is a good question, the zone line actually runs through the property such that the rear portion of the property R-4 residential and the front part of the property is I industrial. So lot three the six acre lot being created is primarily located within the I zone.

Ms. Bay stated so there is potential business or professional business and this would be residential.

Mr. Contelmo stated right, correct.

Chairman Rogan stated Susan you should know in reviewing this application the Board was very concerned with what would ultimately what will occur on the small lot because of the mixing of traffic. The potential for that with the sensitive nature of your facility but because we don't have an application before us on that, we were just expressing concerns so.

Ms. Bay stated is access to this lot down this driveway or is access to the lot other areas as well, I mean can there be.

Mr. Contelmo stated that is actually an interesting zoning question that I think was discussed earlier, I wasn't here, the Patterson Code, as I understand it, requires access from your frontage, so if this were to be developed in a pure conforming way, a new access from the frontage on Fair Street would be developed, more practically speaking when that comes in, it is highly likely whoever were to develop that, would look at the option of sharing a driveway but would need special consideration from I believe the Zoning Board, is that correct, to allow that to be shared.

Rich Williams stated yes.

Ms. Bay stated now we have, the residents that live there are about 100, average age 80, God bless them, a number of residents in their 80's and 90's that actually walk up that drive in the morning and down again. So my biggest concern would just be level of traffic increase if that were to be a shared drive down to that point.

Chairman Rogan stated Susan we actually also brought up and spoke quite a bit about putting sidewalks in from the facility back up because we see the walk ability of that out to the bus.

Ms. Bay stated right.

Chairman Rogan stated so we have been considering that also.

Ms. Bay stated thank you.

Chairman Rogan stated thank you for your comments.

Mr. Fishman stated my name is Ron Fishman, I'm a neighbor of the property, this is the first time I've seen this. You said this is lot one, does that mean that eventually you will fill in part of that lake.

Mr. Contelmo stated no, not at all, there is no proposal to touch the lake, the lake will stay in its current form, just that portion of the lake will lie in part on lot two and a portion of the lake lies on lot one but there is not proposal to do anything, just the property line, its an imaginary line running through it.

Mr. Fishman stated is there a purpose for drawing that line.

Mr. Contelmo stated well really the purpose was to keep the senior citizen facility on fifty acres, which is the zoning requirement in the Town so the lines were, really the line used to come through the lake anyway we are just moving to.

Mr. Fishman stated there is going to be any change as it effect these properties.

Chairman Rogan stated and actually Ron, the Board requested that the property line go through the center of lake so that any future property owner of lot two, the vacant parcel would have some potential for use of that waterfront, instead of the property line being right at the edge of the water, so that was one thing that we had discussed. Any other questions on comments. Close the public hearing.

Board Member Pierro stated I make a motion that we close the public hearing.

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 okay. So Jeff, how is everything going.

Mr. Contelmo stated everything is fantastic, we would like you guys to consider a SEQRA determination this evening and also conditional final approval if you feel that is in order.

Chairman Rogan stated what are, Rich what are we waiting on.

Rich Williams stated well there are some easement agreements that we need to take a look at.

Chairman Rogan stated Charlie do you want to jump.

Board Member Cook stated no, I just, I was going to say the same thing, there is an easement.

Board Member Pierro stated an easement.

Board Member Cook stated legal administrative issues that need to be resolved.

Board Member Pierro stated it looks like four.

Chairman Rogan stated do you want to do SEQRA tonight and hold off until some of these legal issues are resolved to do conditional to get a resolution done.

Board Member Pierro stated I would feel comfortable in waiting until next month when we have a resolution present and have all these easement issues taken care of and then we will react to it at that time.

Board Member Cook stated I agree.

Board Member DiSalvo stated so do I.

Chairman Rogan stated does someone want to do SEQRA.

Board Member Pierro stated in the matter of Plaza at Clover Lake, I make a motion that the Town of Patterson Planning Board makes a negative determination of SEQRA.

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 okay.

Mr. Contelmo stated thank you very much.

Chairman Rogan stated Jeff, do you have anything else on tonight's agenda.

Mr. Contelmo stated yes I have Tojant Subdivision and Tractor Supply.

4) ANNA'S GOURMET – Sign Application

Approved at Work Session.

5) MEADOWBROOK FARMS – W/W Permit Application

Mr. Harry Nichols was present to represent the application.

Chairman Rogan stated Harry, Meadowbrook Farms, that's you isn't it.

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

Chairman Rogan stated make a note what, just for the record, Anna's Gourmet is on the agenda and we had approve a sign application at the last work session, it is the old lost lake café in Putnam lake and they were looking to open, so we approved that sign application. It makes sense, I had it crossed off my list already.

Board Member Pierro stated Rich, explain to me what the addition was on this map.

Rich Williams stated survey quality invert pipe that the stormwater basin (inaudible – not using microphone).

Chairman Rogan stated hello Harry.

Board Member Pierro stated hello Harry.

Board Member Montesano stated (inaudible).

Chairman Rogan stated okay Harry, bring us up to speed.

Mr. Nichols stated well we have responded to the memos that were provided to us by the Engineer and the Planner and I see that we have a few items to take care of here. I think most of these, a lot of these were conflicts between what the Code was when the project was started and basically what it is right now.

Chairman Rogan stated sure.

Mr. Nichols stated and therefore we certainly have to come to some determination on it and one in particular is the sight triangles at the intersections brought up by Gene Richards. Right now they require a 75 foot tangent and at one of two locations, I believe its this corner here, it might hit the edge of the house.

Chairman Rogan stated explain to the Board what that 75 foot means.

Mr. Nichols stated it's a sight triangle, so that when you come to an intersection you can see around the corner.

Chairman Rogan stated okay.

Mr. Nichols stated so like shrubs or any permanent fixtures in there are at a low enough elevation that they have sight distance over them.

Chairman Rogan stated okay.

Mr. Nichols stated so we will certainly have to sit down and discuss that. I know that the plan, apparently the subdivision plan was recorded in total for the lots and what that would mean I don't know.

Chairman Rogan stated okay,

Mr. Nichols stated so.

Chairman Rogan stated so you are saying a corner of one the buildings, exists or proposed.

Mr. Nichols stated one of the buildings, I believe this one right here, when you draw in the sight triangle it basically will just about clip the edge of the house.

Chairman Rogan stated and that is an existing house.

Mr. Nichols stated no, that is proposed but the lot, I believe the lots were established when the subdivision plat was filed.

Chairman Rogan stated okay, so if we can't resolve that we might have to adjust the delineation of a lot.

Mr. Nichols stated yeah, maybe, just things like that we have to sit down and go over.

Chairman Rogan stated okay.

Mr. Nichols stated I really think there are too many things in here to try and address them now.

Chairman Rogan stated that's fine.

Mr. Nichols stated is there anything in particular that.

Rich Williams stated it probably should be driven to a meeting between myself, Gene and Harry to sit down and work out some of these issues and bring back some recommendations to the Board.

Chairman Rogan stated make a recommendation that Harry Nichols meets with our Town Planner and Town Engineer to discuss these issues.

Board Member DiSalvo stated do you need a second.

Chairman Rogan stated sure.

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.

Board Member Cook stated Shawn.

Chairman Rogan stated yes.

Board Member Cook stated I had this note from some previous meeting about how there are open areas, there is no defined recreation space, is that prevalent to the discussions or does there have to be, Phase I, Phase II, a defined recreation.

Rich Williams stated I would have to go back and check but I believe the applicant paid a recreation fee at the time the plat was filed in addition to providing the open space under the old open space provisions of State law.

Board Member Cook stated thank you.

Chairman Rogan stated okay. Where do we stand on the wetland delineation is all set Ted, or is there one or two points that were lacking.

Ted Kozlowski stated there is a line that is kind of, that needs to be connected Harry when I looked at the plans its stops there, you need to connect the dots.

Mr. Nichols stated from there I believe it follows the edge of a watercourse similar to what it does back here.

Ted Kozlowski stated do you show the buffer line on this thing.

Mr. Nichols stated we are showing, yeah, its here, we established it.

Ted Kozlowski stated okay, so you are saying.

Mr. Nichols stated I believe that there is no other impact on that, it just follows right along the edge of the watercourse and once you get beyond here there is no impact. It was really this point right here was critical.

Chairman Rogan stated (inaudible).

Ted Kozlowski stated okay, alright.

Chairman Rogan stated okay, anybody from the Board have anything else.

Board Member Pierro stated no comment.

Chairman Rogan stated okay, alright Harry.

Mr. Nichols stated alright thank you.

Chairman Rogan stated thanks.

Board Member Montesano stated I'm keeping my garters up.

Board Member DiSalvo laughs.

6) TRACTOR SUPPLY SITE PLAN

Mr. Jeff Contelmo of Insite Engineering was present to represent the application.

Chairman Rogan stated okay, we have Tractor Supply Site and Tojant Subdivision, we'll group those together.

Board Member Pierro stated Tojant.

Chairman Rogan stated hi Jeff.

Mr. Contelmo stated good evening, Jeff Contelmo from Insite. Which one do you want to do first, the subdivision first.

Chairman Rogan stated let's do Tractor Supply Site Plan first because its on the agenda first. Okay, why don't we start, if the Board doesn't mind, why don't we start with the issue of the parking and waiver of the spaces since that is a fairly large issue. Jeff, at the work session we discussed that what the applicant is looking for is a fairly substantial waiver in the number of parking spaces, I think its close to fifty spaces that, how many.

Mr. Contelmo stated actually I believe its 114 to 86, so its 30 or 28 I believe.

Chairman Rogan stated okay, we acknowledge that the Applicant doesn't think that the use necessitates the number of spots and its driven by Code and the size of the building, what I think we felt would be a fairly nice compromise is if they could show the outdoor storage on the left side of the building as future parking in case this business goes, we could show that we can set that parking for whatever future tenant would be there and then I think the Board was pretty comfortable with the number of spaces shown.

Mr. Contelmo stated that is what you are suggesting, the outdoor display area, we show potential future spaces that can be accommodated, that is no problem.

Chairman Rogan stated yeah.

Mr. Contelmo stated just for the record, Tractor Supply as you know is a national brand retailer, their needs according to their statistics is 75 parking spaces, certainly they don't want to be under parked that would be bad for the business, so they feel 86 is more adequate and we certainly can accommodate that as a future banking parking spaces to 114.

Chairman Rogan stated yeah and would that be good from the standpoint of this site doesn't have enough parking, it's something to look at. But more, I was thinking for the next tenant if that happens.

Mr. Contelmo stated right, which is a good idea.

Chairman Rogan stated we have that already set up.

Mr. Contelmo stated the area will be the area is more then wide enough to accommodate two bays so that should be no problem.

Chairman Rogan stated okay, a main issue that we have been struggling is obviously the architecture for this building, recognizing the sensitivity of the site, that it is a prominent location, it will be visible from just about anywhere on the roads around here. We struggled a bit because none of us are architects.

Mr. Contelmo stated (inaudible – too many speaking).

Chairman Rogan stated I wish you were because we would be asking for your help. The applicant had brought in some photos and many different members of the Board have gone around and tried to get ideas from other buildings, taken photos.

Board Member DiSalvo stated other Tractor Supply's.

Chairman Rogan stated other Tractor Supply's, we have directed them to look at some of the surrounding architecture, we've got New England Equine, right across the street, George Apap, one of those, just different buildings just so this fits into the character of the community and to this point we haven't really seen anything that the Board has been to comfortable with. We have some of the photos, do you want to, now certainly they are just design elements but we see this as a, there are a lot of equine structures and a lot of farming and barn type structures and this seems to lend itself toward that style very well, the type of business certainly.

Board Member Montesano stated look at these or make copies and send them to our client.

Mr. Contelmo stated okay.

Board Member Montesano stated tell them, they want a direction, tell them I think we are giving them quite a bit.

Board Member DiSalvo stated we've included the store in New Milford on Route 7, the façade in the front, the copulas the fake windows.

Chairman Rogan stated the plan we have in front of us, we appreciate that they are taking a step forward but we are looking for something a little more substantial.

Mr. Contelmo stated do you want me to return there.

Board Member Montesano stated they have to go in the file.

Mr. Contelmo stated okay.

Board Member Pierro stated the plan.

Rich Williams stated just so we are clear, that's.

Board Member Pierro stated the plan that you have in front of you Shawn, that was done my Liscom, Vanvorhies.

Chairman Rogan stated who is that.

Board Member Pierro stated that is the Town's architect.

Chairman Rogan stated okay, I apologize for saying that.

Board Member Pierro stated it may look like the one that showed up here in January but that's.

Chairman Rogan stated thank you.

Board Member Pierro stated that's not.

Board Member Montesano stated (inaudible – too many speaking).

Mr. Contelmo stated can we get a copy of that as well.

Board Member Pierro stated yeah, I'm sure Maria will give you that. That was the same.

Board Member DiSalvo stated jazz it up a little.

Board Member Pierro stated that is the same block building with an overhang in the front with.

Mr. Contelmo stated my understanding in talking with our office and discussions with Tractor Supply representatives is that they understand your concern and certainly whatever solution is delivered, is has to work for both the Town and for them. They really were looking for direction and I think that these elements give them a direction, at least a starting point or point of departure and we will deliver that to them.

Chairman Rogan stated okay.

Mr. Contelmo stated I don't know, Liscum, McCormick and Vorhes did this, are they going to be commenting on architecture on this or is it.

Rich Williams stated that I am not sure of, how far the Town intends to use them, I think they are going to.

Mr. Contelmo stated the.

Chairman Rogan stated I have a feeling that if they come up with a design that the Board all says this is great, their level of comment is going to be less needed then what we've. At this point we get very frustrated because we are not architects and so to just send someone out and say we don't like, come back with something else, really isn't fair.

Mr. Contelmo stated we want to avoid that as well.

Chairman Rogan stated of course, we don't want to waste anyone's time.

Mr. Contelmo stated but I do think that have to start by presenting something and certainly these elements should be tried to be incorporated and we'll give them that direction and see what they come up with.

Chairman Rogan stated and also please bring the point forward that this site is more then just the from view, that from [Route] 22, that one side is very visible.

Mr. Contelmo stated the east side.

Chairman Rogan stated so we do want to take into account, not only just the front but the sides.

Mr. Contelmo stated okay.

Board Member Pierro stated I snapped some photos today Jeff of the east side view, Michelle if you could, they are upside down on the desk in there, there are two black and white photos.

Mr. Contelmo stated you mean the view from Route 22.

Board Member Pierro stated the east side, part of the building is blocked out by an existing barn.

Mr. Contelmo stated right.

Board Member Pierro stated which is also in poor shape but that may be going, if I am correct Rich, that barn is possibly going to FrOGS.

Rich Williams stated well that is a question that I raised in the memo that I did to the Planning Board. Currently it is shown on the parcel with the Tractor Supply building and it is shown to be removed. Certainly the Tractor Supply business would have no real use for it, the question is if it gets put on the open space parcel, how does FrOGS feel about that. I know there has been some talk internally around Town about the need to preserve that barn if at all possible, so its you know, where everybody wants to go with it.

Board Member Pierro stated it's a very real issue that even if the FrOGS does get it, it's a liability and there is a cost factor involved in maintaining a property like that and taxes.

Rich Williams stated they may not want it.

Board Member Pierro stated right.

Rich Williams stated and again there (inaudible).

Board Member Pierro stated and it could be a liability.

Board Member DiSalvo stated we should still you know, insist that the building look good without the barn or with the barn there.

Chairman Rogan stated oh absolutely.

Board Member DiSalvo stated for Tractor Supply, you know we are not going to keep the barn there to hide the white building up there.

Board Member Pierro stated they may not want it.

Chairman Rogan stated I agree with you.

Board Member DiSalvo stated so.

Mr. Contelmo stated I certainly can bring that issue up with Tractor Supply, my understanding to date is that they have absolutely no interest in any of that and in fact if it was on their parcel, it would have to come down for corporate reason and I also believe that some of the improvements in and around the barn area, which encroach into the wetland buffer are being removed as some mitigation for some other slight encroachments for some other softer elements like grading and landscaping that we are doing in and around those edges but certainly we can bring that issue to Tractor Supply and see if they are willing to consider keeping it.

Rich Williams stated the other issue is, is it possible to re-draw the lines to put the barn on the FrOGS parcel and then, you know is that something that FrOGS and whoever else is going to be involved in this, is that something that they would be interested in.

Board Member Montesano stated another point I would like to note is, for conversation sake, if FrOGS take over that building and the condition of the building and such, do they have a time limit as to when they can make that into a safe building or would it just continue to deteriorate until they come up with a plan.

Dave Raines stated (inaudible – too far from microphone). It really depends on the use and what we are preserving it for; from an occupancy standpoint we are talking about a significant project. From a secured walk through, hey this is it type thing, maybe have an antique tractor in basement type thing, no access to the upper level, it really would depend on what we are doing out there.

Board Member Montesano stated what I'm afraid of, I realize FrOGS, I don't want to have the Town get, if they get it, does the Town have to accept any responsibility in case an incident occurs, we are allowing it.

Board Member Pierro stated you are turning over a piece of property, there would be a conveyance, how can you make the Town liable.

Board Member Montesano stated I've heard of what they call the shot gun effect, we can't be held liable.

Rich Williams stated if I might, these are all issues that need to be wrestled with the parties that are involved in this.

Board Member Montesano stated okay.

Rich Williams stated how the Town becomes liable is the FrOGS, the barn is certainly a liability to whoever takes it.

Board Member DiSalvo stated right.

Rich Williams stated there is no doubt about that and it is very likely that FrOGS in and of themselves, a land conservation organization is interested a barn but there are other satellite organizations the Town being one of them that may be interested in doing something with the Board, so long as it is on FrOGS property.

Chairman Rogan stated maybe even the historical society.

Rich Williams stated the Town may willingly take on that liability to ensure that that barn does not come down.

Anthony Molé stated its sometimes up to the Town Board.

Board Member Pierro stated right, not our decision.

Chairman Rogan stated okay.

Mr. Contelmo stated as far as we are concerned, we will come back with an answer as to whether that would even be entertained from Tractor Supply's perspective. I don't know if there are issues from their end and we will let you know that one way or another and then if they are interested you can guys pursue some other avenues for that.

Chairman Rogan stated okay.

Board Member Montesano stated a head ache.

Chairman Rogan stated Ted, what is your forecast for time frame wise for them completing the functional analysis and the bog turtle study.

Ted Kozlowski stated the spring.

Chairman Rogan stated so probably by summertime they would have.

Ted Kozlowski stated (inaudible – not using microphone).

Chairman Rogan stated by May or June, they would have.

Mr. Contelmo stated my understanding is the functional analysis of the wetland, I thought had been completed, the bog turtle habitat assessment has to take place through the, I think late April, May and early June, there is very specific time period and it is my understanding is that that will be completed in June.

Chairman Rogan stated okay, that seems about right.

Mr. Contelmo stated I thought the consultant said (inaudible).

Chairman Rogan stated and the functional analysis is.

Ted Kozlowski stated the functional analysis is dependent on if they find the bog turtle.

Chairman Rogan stated right, that would ultimately change.

Ted Kozlowski stated that will change it.

Chairman Rogan stated okay.

Mr. Contelmo stated another waiver we did request were the large trees and rock outcrops and I think in terms of.

Chairman Rogan stated there aren't any.

Mr. Contelmo stated yeah, there really aren't many.

Chairman Rogan stated you mean from showing on the.

Board Member DiSalvo stated (inaudible).

Mr. Contelmo stated from the plan.

Chairman Rogan stated are you talking about the subdivision application now or the site plan.

Mr. Contelmo stated I may have that, that may cross over to both I think.

Rich Williams stated it might, that is a requirement of a subdivision code, as well as the subdivision plat.

Mr. Contelmo stated so that would be that application.

Chairman Rogan stated it doesn't serve any real purpose, we have certainly waived some of those requirements in the past. Does anyone want to make a motion to waive the requirements for rock outcrops and large trees to be show. I will make that motion.

Board Member Pierro stated in the matter of Tractor Supply that the Town of Patterson Planning Board waives the requirement for rock outcroppings and trees, large trees to be shown on the maps.

Chairman Rogan 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 question, the other question came about public hearing on this. I am still kind of stuck on this architectural business, I would really like to have, to me that seems like a component of what you would want the public to be able to comment on, we don't really have anything yet.

Board Member Montesano stated toed off.

Chairman Rogan stated so I'm hesitant about that.

Board Member Montesano stated I would like to hold off until we get some kind of commitment from Tractor Supply with what they are putting up, this way the public can comment.

Board Member DiSalvo stated yeah.

Chairman Rogan stated can you remind me of the time frames from that are enacted by having the public hearing.

Rich Williams stated from the time you close the public hearing, you can hold it and keep it open for a short duration of under Town Law but from the time you close the public hearing you have 62 days in which to render an action on the application unless the applicant and the Planning Board will agree to waive those time frames.

Chairman Rogan stated okay.

Board Member Pierro stated I don't see any problem with that.

Chairman Rogan stated okay, do you have anything else on the site plan.

Mr. Contelmo stated no, so if I understand correctly, we will try to get some architecture together at least as I said a point of departure back to this Board for the next meeting and we will also find out about that barn situation and we'll take it from there.

Chairman Rogan stated alright.

Mr. Contelmo stated okay.

Board Member Pierro stated do SEQRA.

Chairman Rogan stated do you have anything on, we already did it.

Board Member Pierro stated we did.

Chairman Rogan stated yeah, SEQRA, we made a SEQRA determination on this. This is on Insite's memo.

Board Member Pierro stated its not the Town's memo, its not on Rich's memo.

Chairman Rogan stated he is pointing out you.

Mr. Contelmo stated was there a SEQRA determination made on this.

Board Member Montesano stated no, yeah its still pending.

Mr. Contelmo stated our letter I think incorrectly stated that.

Board Member Pierro stated we can declare our intent can't we.

Rich Williams stated we did not because we just did lead agency.

Mr. Contelmo stated yeah.

Board Member Pierro stated we did lead agency.

Board Member Cook stated why do we want to do it, why don't we just wait and keep getting the information.

Chairman Rogan stated well this actually brings up a real good question, can we make a SEQRA determination until we have this bog turtle thing done because that is a point of potential.

Rich Williams stated they've identified that there is an environmental issue out there with the bog turtle, the applicant has gone to great lengths to design a project that stays out of that 300 foot Federally mandated buffer area so, I would be very surprised if we find that the bog turtle in areas that are not already identified on the plan.

Chairman Rogan stated okay.

Rich Williams stated and I think its been adequately addressed.

Mr. Contelmo stated our only need to move forward with SEQRA is really with the outside agencies and we are going to talk about that I think probably a little bit with the subdivision and going to the Town Board for a 280 A and some of the timing issues. So we will be around, we plan on being around between now and June, so I guess there is not an immediate need to take care of SEQRA but certainly it does allow us to have complete applications with outside agencies.

Chairman Rogan stated Rich, can we do a SEQRA though considering the time frame for lead agency has not elapsed.

Rich Williams stated you could if you had heard from all other agencies, we are still waiting for DOT and DEP.

Chairman Rogan stated okay, so we either need to hear from them or thirty days to elapse which would be April 17th or 18th, something like that, okay alright.

Mr. Contelmo stated so we will wait and talk about that again next time, very good.

Chairman Rogan stated okay.

Mr. Contelmo stated subdivision.

7) TOJANT SUBDIVISION

Mr. Jeff Contelmo of Insite Engineering was present to represent the application.

Chairman Rogan stated yeah.

Mr. Contelmo stated put that up.

Chairman Rogan stated sure.

Mr. Contelmo stated can I have these pictures as well.

Chairman Rogan stated yeah.

Board Member Pierro stated I don't know.

Chairman Rogan stated have you gotten them yet.

Board Member Pierro stated as long as they are negative. Thank you.

Mr. Contelmo stated I think the Board is familiar with this subdivision. It creates an 10.8 acre parcel, which would be the Tractor Supply parcel, the remaining acreage which is 40.8 acres would be remain as vacant land and be deed restricted that no future development would take place on it. I do believe that we also requested a waiver on this for trees and rock outcrops.

Chairman Rogan stated well considering the motion that we did, we were taking into account both, we just.

Mr. Contelmo stated okay.

Board Member Pierro stated extend that motion to the rear parcel.

Chairman Rogan stated that's actually.

Board Member DiSalvo stated its Tojant.

Chairman Rogan stated in the matter of Tojant Subdivision, I make a motion that the Planning Board waives the requirement to show the large trees and rock outcropping.

Board Member Pierro 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 okay.

Mr. Contelmo stated now the issue we believe that we next to have to address here is the 280 A, Rich Williams pointed out that that is the way the Town, he has suggested I believe that the Town deal with the fact that we have frontage on lot two on Route 22 but it really is not functional frontage because you would have cross the DEC wetland to get to lot two.

Chairman Rogan stated does that go to, 280 A to Zoning or the Town Board.

Rich Williams stated Town Board.

Chairman Rogan stated what.

Rich Williams stated its actually an open development area.

Chairman Rogan stated okay, so for a 280 A, dependent on what relief they are seeking under the 280 A as whether they go to Zoning or the Town Board.

Rich Williams stated if it is an individual lot, it needs to be referred to the Zoning Board of Appeals under 280 A subsection 3, if it's a subdivision such as this it needs to go to the Town Board under 280 A subsection 4.

Chairman Rogan stated that makes sense, okay, thank you.

Mr. Contelmo stated and in order, do we need a referral from the Planning Board typically to do that, I'm not familiar with your procedures on that.

Rich Williams stated generally that is the way the Town handles it, there is not statutory requirement that you get a referral, that is general the way it works, the Town Board is open for some sort of recommendation from the Planning Board.

Chairman Rogan stated do that recommendation.

Board Member Pierro stated in the matter of Tojant Subdivision, I make a motion that the Patterson Planning Board refers the lot two, the subdivision of lot two to the Town Board for review as a open development.

Board Member Montesano stated 280 A.

Rich Williams stated do you want to make any.

Board Member Pierro stated 280 A subsection 4.

Rich Williams stated do you want to make any sort of recommendation.

Board Member Pierro stated yes, that they grant to it, that they grant the relief sought.

Chairman Rogan asks for a second.

Board Member Cook seconded the motion.

Chairman Rogan asks for all in favor:

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

Motion carries by a vote of 4 to 1.

Chairman Rogan asks for any opposed.

Board Member DiSalvo stated opposed.

Chairman Rogan stated motion carries.

Rich Williams stated just so everybody is clear, the procedure is it goes to the Town Board for an approval, the Town Board either approves it or denies, it comes back and at which time the Planning Board through their approval process can establish whatever conditions are relevant to that 280 A.

Mr. Contelmo stated okay, that's it.

Chairman Rogan stated Maria, do you want to put anything on the record as to why you're opposed.

Board Member DiSalvo stated I just think that we should straighten out what is going on with the other lot before we subdivide the property.

Chairman Rogan stated we are not subdividing.

Board Member DiSalvo stated no but you are making the recommendation for the 280 A for that larger piece. If the Tractor Supply doesn't materialize then he is left with two lots, one which he can't use and one which there is restrictions on.

Mr. Contelmo stated the open development really doesn't give a subdivision approval, it only gives us the ability to come back and further discuss the subdivision with this Board and I believe all along the belief has been if the two applications are going to move together, so, if one dies, the other can be killed. We'll be back to see. Thank you very much.

Chairman Rogan stated thanks.

Board Member Pierro stated thank you Jeff.

Chairman Rogan stated Jeff do you have anything else this evening.

Mr. Contelmo stated no I'm done.

Chairman Rogan stated can you please carry our sincere condolences to Theresa.

Mr. Contelmo stated will do.

Chairman Rogan stated thank you.

8) BEAR HILL ESTATES

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

Chairman Rogan stated okay, Bear Hill Estates.

Board Member Pierro stated pick up a condolence card and mail it to Theresa, I will give you the money.

The Secretary stated okay.

Chairman Rogan stated we can send something to her.

Board Member Pierro stated a card or something.

Board Member DiSalvo stated that's nice.

Chairman Rogan stated I think that is a nice idea, we will talk after. Good evening Rob.

Mr. Cameron stated good evening, Robert Cameron, Putnam Engineering, representing the application Bear Hill Estates. This has been before the Board previously, it's a two lot subdivision on eight acres of land on Bear Hill Road. The most recent addition to this application are an indication of the proposed stormwater plan. What we have proposed is a retention pond located on lot one with a swale along the property line between lot one and lot two. Also propose on lot two is a smaller stormwater system to address the increased stormwater flows on lot two which consists on an organic infiltration filter and some changes to a pipe that is presently crossing Bear Hill Road, which had an outfall of stormwater in the vicinity of our septic system which for Department of Health regulations we could not have that and due to the location of the septic system we could not do an piping or swales along the, I guess that would be the west side of Bear Hill Road. As a result of that, you will notice that there is a crossing further up of a pipe on Bear Hill Road and a pipe running down the easterly side of Bear Hill Road which gives us our necessary separation from the septic system. That is terminating, there is presently a swale located along the easterly side of Bear Hill Road, it goes down to the wetland area, designated as A.

Chairman Rogan stated is that area that vernal pool.

Mr. Cameron stated yes, the vernal pool, yes.

Chairman Rogan stated Ted's vernal pool.

Mr. Cameron stated yes and basically what we are doing is the one hundred year storm event would not be able to infiltrate into the organic filter, there would just not be enough capacity and that is one of the reasons that there is pipe coming across Bear Hill Road and running down along this vicinity and it is also presently collecting there is a yard drain or a drain in this vicinity which was basically collecting the water from a small portion of this driveway that is here and it was directing it, I don't know for some reason, across Bear Hill Road, instead of down the same side where there is swale, I just didn't understand why that pipe was there and unfortunately due to Health Department regulations I couldn't terminate the pipe on that side. Basically what we did was we collected that present catch basin and brought it down on the easterly side as well.

Chairman Rogan stated the practice that you were just referring to closer to the lot two, lot two is the lower lot.

Mr. Cameron stated yes.

Chairman Rogan stated will that be open at grade or is that something that when its finished will be buried, in other words is that like an open stormwater practice.

Mr. Cameron stated well there is a gravel berm there, it is similar to a rain garden.

Chairman Rogan stated its awful close to that house.

Mr. Cameron stated well the only thing that is actually going, it is basically a depressed area and in the depressed is going to be like a catch basin because this particular rain garden can't handle the one hundred year storm event in fact very few structures and impoundments can and that is why they typically have the overflows and all like that on the ponds. So what that is going to do in that event it would pipe it across the street so that it wouldn't fill up an overflow down towards the septic system.

Chairman Rogan stated Rob, what drove the size of this basin on lot one because of treating just the water off that driveway.

Mr. Cameron stated um, yes.

Chairman Rogan stated or are you also dealing with road water.

Mr. Cameron stated what actually drove it was my stormwater engineer but I don't know what drives him but.

Chairman Rogan stated tell him we don't like him. We appreciate that you have to treat that water but boy this changed this drastically.

Mr. Cameron stated well actually it looks like a large area but because of the slopes that are in this vicinity when we have to grade this, because we need access to clean out that impoundment and right now we don't believe that there is enough soil up there to do an infiltration system, actually this is one of the few areas on the site, this is a fill system, all the other septic systems that we have are fill systems, this is the only septic system on the entire subdivision that doesn't require fill because the soils happen to be deep here but unfortunately I can't infiltrate in the amount that I need to infiltrate and still keep my separation distance to the septic.

Chairman Rogan stated yeah.

Mr. Cameron stated and I would have a huge pond right in front of this house which that is not going to make that lot marketable.

Chairman Rogan stated I think what I would like to see on this lot too, is have you overlay the topography, what your finished grade will be behind that house and then show what the available area is, you know from areas that will be available to this homeowner because it doesn't look there is much area behind that house that they are going to.

Mr. Cameron stated what we did.

The Secretary stated wait.

Chairman Rogan stated wait.

(Side 1 Ended – 8:29 p.m.)

Chairman Rogan stated it just doesn't seem like there is a lot of usable area for the back of that house and we wouldn't be too in favor of that.

Mr. Cameron stated I just looked at my scale, this is one inch equals thirty.

Chairman Rogan stated okay.

Mr. Cameron stated and I don't have my scale with me but I would.

Chairman Rogan stated maybe forty feet behind the house, thirty feet.

Mr. Cameron stated fifty-two feet is what it shows in the site plan.

Board Member Montesano stated will that water run off, is that running off onto their property.

Mr. Cameron stated I guess you should have been here when I was explaining that. As I had indicated.

Board Member Montesano stated what I want to know (inaudible).

Mr. Cameron stated we are, there is a swale that is coming down this side of the street which is actually discharging towards the vernal pool, what I have added to that is I have a rain garden in this vicinity. The rain garden can not, basically it is an infiltration system, it can not handle a one hundred year storm event. I can not let that overflow down towards the septic system, so I need to capture the excess and then bring it across the street and hook it up to there is an existing storm drain located in this vicinity and I am piping all that down towards this area.

Ted Kozlowski stated why do you have to be within in the buffer of that vernal pond why can't you exit it before that.

Mr. Cameron stated end it up here.

Ted Kozlowski stated yeah.

Chairman Rogan stated and then what, have the water sheet flow.

Mr. Cameron stated it would go into the existing swale.

Ted Kozlowski stated you want to try to maintain the integrity of the buffer of the vernal pond for its function.

Board Member Montesano stated can we direct.

Board Member DiSalvo stated do we (inaudible).

Board Member Montesano stated excuse me, what I want to know is can we direct water from one property to another persons property.

Chairman Rogan stated currently they are all one.

Mr. Cameron stated they are all the same property at this time.

Board Member Montesano stated that's fine.

Board Member DiSalvo stated until it goes under the street.

Board Member Montesano stated its what I'm worried about later on, I'm not worried about, right now fine, I've got a piece of property that I'm not going to use, I'm going to flood it out.

Ted Kozlowski stated so lot one, the vernal is part of lot one.

Chairman Rogan stated no.

Mr. Cameron stated lot two.

Ted Kozlowski stated lot two, I see. I would just rather you respected the pond.

Chairman Rogan stated the vernal pond is part of lot two, excuse me Ted, I thought on the other side of the road that is part of a lot that is down below.

Mr. Cameron stated no, the, oh I'm sorry.

Chairman Rogan stated the vernal pool.

Mr. Cameron stated the vernal pond is part of the old lot three.

Chairman Rogan stated lot three.

Mr. Cameron stated I thought he meant rain garden.

Ted Kozlowski stated so you are directing someone else's water onto someone else's property.

Chairman Rogan stated not currently but in the future that is what will be the effect of it.

Mr. Cameron stated well the, ultimately effect is that is done all the time with drainage systems, just as long as we are doing it at this point while this property owner controls all of the properties and when this property gets sold, this person is going to be aware that there is drainage coming down into that vernal pond onto his property.

Chairman Rogan stated yeah.

Mr. Cameron stated and in reality that house is significantly.

Ted Kozlowski stated (inaudible – not using microphone).

Mr. Cameron stated we would do that if necessary.

Board Member DiSalvo stated (inaudible).

Chairman Rogan stated well its not present at all.

Ted Kozlowski stated the biology, the ecology of the vernal pond is one that has become a vernal pond over time because of flows (inaudible) and now you put (inaudible). You change the dynamics of that pond, I don't know how to make it clear, so now you are in a realm where you are triggering a wetland permit by going into that buffer and I would submit that you are going to do a functional analysis to determine if that function is going to effect the ecology of that vernal pond.

Board Member Pierro stated all of this.

Ted Kozlowski stated that vernal pond I know for a fact is an amphibian breeding pond so my suggestion to you is not to go into that buffer.

Mr. Cameron stated I can end this further up, that really is not a problem.

Rich Williams stated the effects are the same you still have to channalize flow going through there.

Ted Kozlowski stated you do, you do.

Mr. Cameron stated I talked to my design engineer and right now.

Ted Kozlowski stated what do you anticipate going in there, a lot.

Mr. Cameron stated its one point two four cfs at this point and we are actually taking out some of this area up here, so in the stormwater, I don't have the stormwater report completed yet but it would indicate what the increase to this area is if any.

Board Member Cook stated Rich.

Rich Williams stated I can't say until I look at the stormwater report, nor can Gene.

Mr. Cameron stated right.

Board Member Cook stated we are still bringing water from one property to another.

Ted Kozlowski stated Robert, there is a wetland to the left, can you go that way with it.

Mr. Cameron stated he had looked at that and right now.

Rich Williams stated I would submit that you are disturbing a much greater area.

Mr. Cameron stated by going down.

Rich Williams stated currently, no.

Mr. Cameron stated by going across there.

Rich Williams stated by going across, its all forested in there, its across the steep slopes, you have ledge in there, to get the grading in and then you are still discharging into a wetland which may or may not be able.

Ted Kozlowski stated you don't necessarily have to go into the wetland.

Board Member Pierro stated right.

Rich Williams stated everything goes out to the wetland, its just which wetland.

Mr. Cameron stated yeah we, actually talked about that today.

Ted Kozlowski stated I.

Mr. Cameron stated and my question was, why did we go this way, which I was out the week of submission so, to go this way, take this, instead of going across, as I understand Rich's point, instead of why am I going down here, why don't I just go this way and we are going to have to look at that and see, he in the brief conversation I had before I came the meeting with him tonight because I just got back yesterday, he had given an explanation that there was an elevation issue and that we couldn't get it away from the septic but its something that I think we could study a little bit more.

Rich Williams stated I think you can but my point was that I would rather you go down along side the road, which is already somewhat disturbed.

Chairman Rogan stated its already disturbed.

Rich Williams stated rather then having to cut a forest down to get the pipe over to the wetlands.

Ted Kozlowski stated well I don't know about cutting the forest down and I don't know, its not a field, but we know that vernal pond is nothing.

Rich Williams stated yes.

Ted Kozlowski stated and we are changing the dynamic of that pond.

Board Member Montesano stated you are going to flood it out.

Board Member DiSalvo stated that's right.

Rich Williams stated but without seeing the stormwater report I don't know you will change the dynamic.

Ted Kozlowski stated well but have the potential to do that.

Rich Williams stated yes but we have to see what they are going.

Ted Kozlowski stated well that is a rain garden now but what if something spills in it.

Rich Williams stated then it's a rain garden with pollution.

Ted Kozlowski stated right, I mean I would just rather not be introducing something to a system that's.

Mr. Cameron stated your preference is to go this way.

Ted Kozlowski stated yeah, well I think we have to look at it is what I'm saying.

Chairman Rogan stated so at least you have something to compare.

Ted Kozlowski stated yeah.

Chairman Rogan stated I'm actually.

Ted Kozlowski stated this is all new, we were going along whistling and saying okay we saved the vernal pond and now you know.

Rich Williams stated but before we get there I think the Board needs to make a decision about whether the amount of disturbance on those slopes is acceptable.

Chairman Rogan stated you are leading me right into the next point is that I am less concerned about your previous conversation about piping that water and what is going on down gradient of the house then I am what going on above that house and again the usability of that lot, this lot has in some case, less usable area that appears then what we were looking at on N.R.A. on some of those steep slopes.

Ted Kozlowski stated yeah, there is a lot of nothing here.

Chairman Rogan stated its got almost no back yard. When you take out the grading off the top right hand corner, you know you can use that area the way it is graded out for anything, you certainly couldn't put a pool or anything in that area. And going up into the slope I don't know what the existing grad above the house is but its probably ten percent or better.

Mr. Cameron stated that looks like maybe ten or fifteen percent, something like that. Existing grade, I mean now I am grading it off so its level.

Chairman Rogan stated now you're what.

Mr. Cameron stated now I'm grading it off so its basically level behind the house.

Chairman Rogan stated oh.

Mr. Cameron stated the next contour from here is over there and the next contour from here is way up there.

Chairman Rogan stated okay so you're finished grade up there is relatively flat.

Mr. Cameron stated yes I'm putting a flat area behind the house, basically with the exception of this swale, I could probably tweak a little to get it further up I mean I probably have forty some odd feet of level area.

Chairman Rogan stated so the distance from the back of the house to the base the toe of the slope on the, on your berm for the down side of the stormwater pond would be about what, you said about forty feet.

Mr. Cameron stated yes and actually a slope from here could be changed.

Board Member Montesano stated would that be (inaudible).

Mr. Cameron stated he could continue this wall from here towards the edge of the house and eliminate all this area and that could level as well, I mean it.

Chairman Rogan stated can we pull the house closer down to the septic and gain some space somehow.

Rich Williams stated now we are putting that (inaudible).

Mr. Cameron stated yeah I have to maintain at least fifty feet and again the other concern is I am 1.99 acres of disturbance, I'm really trying not to.

Rich Williams stated Rob, don't even worry about it.

Mr. Cameron stated because.

Rich Williams stated in two to three weeks its dropping to 5,000. There is no way you're going to (inaudible).

Board Member Montesano stated that forty feet of space (inaudible).

Chairman Rogan stated explain what that means.

Mr. Cameron stated they said they were going to draft it January, now April, now.

Chairman Rogan stated or a different.

Rich Williams stated yeah I haven't heard anything different but the new general permit for construction and regulated for MS-4's, let's back up, the first permit, the five year cycle, ended in January, that permit had a requirement that anybody who disturbed more than an acre of disturbance had to do a stormwater pollution prevention plan, had to look at nutrient loading, gluten of concern. The new general permit and we believe that it is going to come through like this which the last I talked to anybody up at DEC, they were still planning on issuing this in April because the old permit has expired now January, so we've gone three months still under the old permit when they should have already done the new permit. The new permit is dropping the level of disturbance from one acre down to five thousand square feet, so if you break five thousand square feet, which is a really large garden, it's a septic system, it's the house with disturbance, you need to do now a stormwater pollution prevention plan, we are not exactly sure what the elements are going to be but probably there is going to be requirements in there you know to look at pollutant loading and some of the other things.

Mr. Cameron stated I think it was phosphorous and the TMLD basin, which we have looked at but this, New York City, still has the two acre requirement, now I, this still has to get a DEC permit, now the DEC permit is different.

Rich Williams stated I thought you were talking about the (inaudible).

Mr. Cameron stated now the DEP has the nutrient loading and that is a different set of criteria, I don't want to go to the DEP.

Rich Williams stated okay.

Mr. Cameron stated I just want to deal with the DEC, they have a different set of criteria. If I stay under the two acres I'm not making a separate submission to the DEP.

Rich Williams stated I'm sorry, you're right, I misunderstood.

Mr. Cameron stated I understand that I am going to, whether I have the regulations in effect or not, I still realize that I have to go the DEC.

Rich Williams stated have you talked to them at all yet about this project.

Mr. Cameron stated yes I have the draft regulations.

Rich Williams stated because I got a call from somebody at the DEP who essentially said yeah but they've already done three lots out there, we are going to consider this all as one project and I said well you have to take that up with them, so.

Mr. Cameron stated so. We are actually going to be crossing the bridge soon when I go to the Health Department because the Health Department is going to.

Rich Williams stated refer it down.

Mr. Cameron stated right.

Rich Williams stated okay, so you haven't actually talked to anybody at DEP yet.

Mr. Cameron stated no.

Rich Williams stated they may tell you regardless of the amount of disturbance that you've already crossed that threshold.

Mr. Cameron stated that is going to be an interesting topic to breach with them.

Rich Williams stated yes.

Chairman Rogan stated I can't because I'm not an engineer, I can't fathom where all this water is coming from, from this house and that little bit of driveway to necessitate all this stormwater just for the second lot.

Mr. Cameron stated it is a change of the impervious areas and it results in the increase, there is a massive difference in forest versus grass and pavement and roof area, if I had this as an open field and I was changing it to grass and roof and some paved area, my increase in water would be much less but because I am changing it from forest area to what you have shown here, this big grass area here, I have a house and permible area, I have all the driveway, I have what was once forest now as that, as the grass swale, the grass side slope of the driveway and with slope that is on the site, if I had a shallow slope in sight, my increase would be nominal because all the water wouldn't quickly get to one point at one time and this area is all very steep and all that is factored in to the design of the stormwater pond and because of the change in the terrain and because of the slope of the site, basically what happens is all that water gets to that point at a very quick rate and it results in an increase that I have to deal with somehow, that I am not able to infiltrate

at the rate that it would get there and the best design is a pond to hold the volume and then release it slowly. I mean I, if this were a commercial property I would have much different options, I could probably design like a concrete tank or something like that being that it would require maintenance and all like that but for a residential lot, like if I design an underground stormwater system, it would just, it would never get maintained.

Chairman Rogan stated right.

Mr. Cameron stated I mean I could put big buried pipes under the ground here but who is going to take care of it.

Chairman Rogan stated right. I'm not comfortable at all with the amount of disturbance to put in this second lot because of the back, mostly because of the usable area that is going to be left around this house. I would like to hear from the rest of the Board, I want to hear what everyone is thinking.

Board Member Montesano stated alright, well I would like to know one thing, you are talking about behind the house there is going to fifty-two feet.

Chairman Rogan stated forty-two.

Board Member DiSalvo stated forty-two.

Mr. Cameron stated yeah.

Board Member Montesano stated forty feet.

Mr. Cameron stated its fifty-two to the property line, its forty to the swale.

Board Member Montesano stated so you are going to have forty feet, exactly what is that going to be, is it going to be three inches of dirt, eight inches of dirt or is it going to be if you dig down with a shovel you end up hitting rock.

Board Member DiSalvo stated (inaudible).

Chairman Rogan stated its about the length of this room.

Board Member Montesano stated what I'm saying is if I put the shovel in and I hit shale or a mountain or whatever, I can't put a pool a there unless I am going to spend six million dollars to blast it out.

Board Member Pierro stated sure.

Board Member Montesano stated unless I am going to put an above ground one and then I don't have to worry about it sinking into the ground.

Chairman Rogan stated you'll remember Mr. McIntyre's lot that was in here earlier, he had much more distance to the lines were looking at then forty feet, look at the problems he had.

Board Member DiSalvo stated well he had more usable space on the side too.

Chairman Rogan stated yeah you're right.

Board Member Montesano stated what is the usable space anyway.

Chairman Rogan stated you're absolutely right, you don't have as much here.

Mr. Cameron stated I don't have a section through this property right now.

Chairman Rogan stated right.

Mr. Cameron stated but just looking at it, my finished floor elevation is 851.

Chairman Rogan stated okay.

Mr. Cameron stated you see 850 farther back.

Chairman Rogan stated okay.

Rich Williams stated what is the change in grade, just pick a spot in the center of the yard, what is the change in grade.

Chairman Rogan stated you've got 6 foot over the course of the top to bottom of the house.

Mr. Cameron stated that is 850 right now and I think have 850 over there.

Chairman Rogan stated just from this elevation.

Rich Williams stated what is the change in, what is the existing grade in the middle of yard.

Mr. Cameron stated its at 850 and it looks like I am about 851 so I have about a foot.

Rich Williams stated so whatever you've got there now, basically you are going to have there when you're done, there wasn't that much to begin with when we were out there.

Board Member Montesano stated that is what I mean, I mean you're going to bring in 75 loads of top soil or something and dig a hole.

Board Member DiSalvo stated say in a bad rain storm, is there a chance that the house could leak, the foundation could be effected by it.

Mr. Cameron stated no, there is only one level, this is almost like a walk out basement, this side would be walk out and that side would be buried.

Chairman Rogan stated yeah.

Board Member Montesano stated walk out, flow out.

Chairman Rogan stated right.

Rich Williams stated it depends on the house construction if they are going to have a subsurface basement, they are going to have to put in footing drains.

Chairman Rogan stated footing drains.

Mr. Cameron stated yes, that's common.

Chairman Rogan stated at least its only getting the sheet flow from whatever comes between the basin of the house.

Mr. Cameron stated that is the other thing that has been alleviated here with this swale behind the house is there really is nominal, there is only forty feet of water accumulating behind the house.

Chairman Rogan stated so certainly it is getting less water directed at the back of the house then what it would have without all this.

Mr. Cameron stated yes, then this slope that came all the way down from up here towards the back of the house.

Board Member Montesano stated they had that in New Orleans, behind the house.

Board Member DiSalvo stated what is the size of the lot Rob.

Mr. Cameron stated each one is four acres.

Board Member DiSalvo stated so then four acres, you've got forty feet usable.

Chairman Rogan stated wow, that's tough.

Board Member Pierro stated I think the amount of.

Mr. Cameron stated there are actually a lot of lots that are like that, you know the terrain.

Chairman Rogan stated yeah but we aren't trying to create one.

Board Member DiSalvo stated we are trying.

Board Member Montesano stated we aren't trying to create them.

Chairman Rogan stated you know.

Mr. Cameron stated and this really, I mean he has forty feet in the back yard.

Board Member DiSalvo stated the house in the woods somewhere (inaudible).

Mr. Cameron stated and the whole front yard and when I bought my house, there were trees right up to the, there was no yard.

Board Member Montesano stated you have to be like George Washington.

Board Member DiSalvo stated how many acres you have.

Mr. Cameron stated four.

Board Member DiSalvo stated in the back yard.

Mr. Cameron stated then we cut down all the trees in the back yard.

Board Members laugh.

Mr. Cameron stated but actually that was because we had to install a septic system, that is why that happened but it wound up being beneficial.

Board Member Montesano stated do you give advice too.

Chairman Rogan stated Dave, Charlie.

Board Member Pierro stated I would like to see an alternative to them crossing the road and taking Ted's suggestion about looking to send that water in the other direction.

Board Member DiSalvo stated but we are still going to have a lot of disturbance.

Board Member Pierro stated I agree and I know you guys don't like to economics but I don't think the amount of money and effort that is going to be spent to do all of this remediation is really, when its all said and done, I don't think the lot is worth the value, I don't think a single family building lot in that area is going to be worth the amount of money he is going to spend to make it work. He can do whatever he wants with his own dollars but.

Mr. Cameron stated I don't see that the ponds are the least expensive solution. Basically he is just doing a grading exercise up in this vicinity and now if this is fifty-two feet, there is probably another fifty feet on this pond up here, so its not that huge, this is an enlarged plan. It looks like a lot of disturbance but like I said, the total amount of disturbance for all of this, is I'm trying to keep under two acres and that includes the septic systems, the driveways.

Chairman Rogan stated Charlie.

Board Member Pierro stated don't be quiet Charlie.

Chairman Rogan stated hold it real quick.

Board Member Cook stated well as I said before, I agree with Dave on the run off with the water I think that is one and you take Maria's point too, is that forty feet, its like I don't know.

Board Member Pierro stated four acres and all they have is forty feet.

Board Member DiSalvo stated we have been saying about quality of life (inaudible).

Mr. Cameron stated if you look at all the other houses that are up there, they are not horrible houses, they just have small lots.

Board Member Montesano stated if everyone jumps off the bridge, are you going to follow.

Mr. Cameron stated I'm not saying that.

Chairman Rogan stated Rob, you're a good man and you are doing a great job for the applicant, I will say that.

Mr. Cameron stated I try.

Chairman Rogan stated so you are saying that if pulling the house down gradient can't be done because by doing that you moving the stormwater practice down gradient also and it can't be too close to the house.

Mr. Cameron stated there might be some room that I can pull that down and I can look into that. Basically we are trying to keep the plan compact, so.

Chairman Rogan stated keeping it what.

Mr. Cameron stated to keep the plan compact to keep my disturbance at a minimum.

Chairman Rogan stated will, based on what Rich said though, that you are going to be probably addressing the impacts of the phosphorous and the TMDL.

Mr. Cameron stated that swale actually helps out a lot by doing that.

Chairman Rogan stated I guess what I'm looking at is it is a lot of disturbance, I want to maximize the room that these people are going to have behind the house that is usable land of course and if its fifteen percent or greater, its not but you said it is going to be fairly level. I'm having a hard time with the amount of disturbance, taking out the economic impact that Dave talked about but the amount of disturbance to really put in this lot, when we've got an existing parcel that they build on, there is a use for the property. The amount of disturbance, I am having a hard time justifying the creation of this lot.

Board Member DiSalvo stated I agree.

Board Member Montesano stated third.

Chairman Rogan stated but you are saying regardless of lot two, that we are going to have this stormwater basin, stormwater pond PD 1 for the existing lot.

Mr. Cameron stated yes.

Chairman Rogan stated so we are going to have this disturbance already, it is a matter of whether we want to do that.

Mr. Cameron stated yes, if you look at it just based on lot two, if you just look at lot two and take the rest of this away, there is very little disturbance on lot two.

Chairman Rogan stated its just a swale.

Mr. Cameron stated it has its little rain garden, it has the building, it has, I mean.

Chairman Rogan stated you know what it is Rob, its because its so close to the property line (inaudible).

Mr. Cameron stated I wish I could have put that some place else but unfortunately because of the grading, my elevations, at this elevation this is where I'm collecting the base of the driveway, I can't move this pond any further up the hill, I can only move it down.

Chairman Rogan stated but if the lot line were further up hill, he would still have that stormwater basin so it would still be a cramped lot, even if the lot line were thirty or fifty feet further up hill, you would still be looking at a cramped area where the house is surrounded by impact, you know what I mean, right now you've got the lot line basically forty feet behind the house, if that lot line were eighty feet behind the house there still wouldn't be any more room behind the house because your stormwater practice is there.

Mr. Cameron stated the lot one stormwater practices would be on lot two, which I didn't want to do.

Chairman Rogan stated right, no I understand that and we can't change these lot lines because of the area required.

Mr. Cameron stated we are right at four acres.

Chairman Rogan stated the problem I have is really with the location of the house in the proximity to the significant impacts. If those impacts occurred and the house was surrounded by three quarters of an acre of property, I probably wouldn't think twice about it, anyway.

Mr. Cameron stated I can talk to my design engineer and see if there is anything we can do besides the pond but I really don't think that there is and I don't know if I have much choice for that location. I can look further west on the property but then I am sure I am going to the DEP because I'm going to exceed the two acre, if I move that from any place again because all the disturbance is in one area, it makes the disturbance more compact and I am not exceeding my two acres but if I were to look at putting this pond farther out over in this vicinity, I am going over the two acres, so that's, my goal was not to do that but I understand your concerns.

Board Member Pierro stated yours is right there.

Mr. Cameron stated the only thing I can say is I will look at that and see what that impact will be.

Chairman Rogan stated personally, you definitely need to look at some alternatives, you don't have to kick them down to the DEP before we have at least had a chance to look at them because I don't want you going through any extra leg work but I am not in favor of this particular layout or plan, I am going to give it some consideration and thought over the next couple weeks between now and the next meeting but right now I am not a big fan of this layout and certainly not through any fault of yours its just the situation the way it is. Do we have anything else that anybody wants to talk about on this, no, okay. Alright.

Mr. Cameron stated thank you.

Chairman Rogan stated thanks Rob.

Board Member Montesano stated thanks you, now you have to take another few days off.

9) KENT SUPPLY CO.

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

Chairman Rogan stated okay, anyone here for Kent Supply, Rob, I thought we were getting rid of you, not that we want to, don't get me wrong you are pleasure to work with, this is a little more straight forward.

Board Member Pierro stated (inaudible).

Chairman Rogan stated actually we were doing pretty well.

Rich Williams stated if people go home.

Board Member DiSalvo stated we made through last week.

Chairman Rogan stated through a monkey wrench into it.

Board Member Pierro stated yeah.

Chairman Rogan stated well Rob, we promise that this one is going to be a lot quicker. Okay we site walked the property.

Mr. Cameron stated yes.

Chairman Rogan stated we obviously had concerns that there be safe area for turning radii for vehicles around the back of the building once the addition is put on but that seems to be self correcting once the propane tank are removed and we can extend that pavement out a little way.

Mr. Cameron stated we actually we did increase that area.

Chairman Rogan stated okay.

Mr. Cameron stated indicating the 24 feet.

Chairman Rogan stated great. There was another issue about the parking lot.

Mr. Cameron stated trees.

Chairman Rogan stated up front, the lot that they don't intend to use for parking.

Mr. Cameron stated you were concerned it would be used for outdoor storage.

Chairman Rogan stated we actually had a lot of different discussion on this, it was unanimous but the Board generally felt that the area should be striped, that it is not a big imposition to be done, since there are other areas that have to striped on the lot as well.

Mr. Cameron stated would he need to re-pave that, he didn't want to re-pave that area.

Chairman Rogan stated no, I don't think we, as long as the drainage works on that.

Rich Williams stated that whole site the pavement is in very poor condition including up in that upper area, in certain areas, its cracked its broken, the catch basin is (inaudible).

Chairman Rogan stated that was bad.

Rich Williams stated you know the drainage is kind of working but.

Chairman Rogan stated but it was undermining in that area.

Rich Williams stated in that area, the catch basin, the drainage is actually by passing the drain inlet and going down through the side, so he is probably going to have to pave regardless.

Chairman Rogan stated the pavement had dropped probably two to three inches from the top of the catch basin.

Board Member Pierro stated the catch basin cover.

Mr. Cameron stated on the upper lot.

Chairman Rogan stated on the upper lot, closest to the drive aisle, when you walk right up through the grass there was a catch basin, the pavement had dropped, you could see where the water was going and infiltrating, instead of going over the top of the basin, it was going down through and undermining.

Mr. Cameron stated I think that he could easily correct that without having to pave the whole lot.

Chairman Rogan stated probably so.

Board Member Pierro stated let him take a stab at it.

Chairman Rogan stated okay.

Mr. Cameron stated okay.

Rich Williams stated he could but again the whole lot, the lot as a whole was in rough condition.

Chairman Rogan stated yeah.

Rich Williams stated the question is, if it going to be used for anything, you know what I'm saying.

Mr. Cameron stated I spoke to him about that and I asked him are you going to store and he said he is not planning on storing anything in front of the building because he doesn't want it there, if you want me to put a note on the plan that says no outdoor storage for this area, he'd more then happy to oblige that.

Board Member Pierro stated if he is going to do the proper thing and he wants to come back to us to amend the site plan to put storage outside and put a fence up.

Board Member DiSalvo stated and do the blacktop.

Board Member Pierro stated and do the blacktop, I would be fine with that at a later date.

Mr. Cameron stated he just doesn't want to pave that portion of the lot right now, he doesn't need it.

Board Member Pierro stated he has to try to dress up those catch basins and.

Mr. Cameron stated yes, we will do that to get the drainage to work, I didn't realize that that had happened.

Board Member Pierro stated everyone on the Board was beating me up because I was going to waive the striping. I understand everybodys concern so I think that we ought to have it striped.

Board Member Montesano stated do we need that area, he is saying that they are not using it for storage, do we need that area for this particular application.

Chairman Rogan stated we need it for the.

Mr. Cameron stated for the parking count is the only reason that you need it.

Rich Williams stated for the parking requirements otherwise, if, I think I know where you are going about taking it out, the problem is if the business changes and a business comes in there that.

Board Member Montesano stated could we put down for future parking, if he wants to remove that and re-grow it, then you don't have to stripe it, it will be green, it won't be impervious and its got to be marked on the final approved plans as future parking if needed.

Board Member Pierro stated that is an option that Rob can bring back to him.

Board Member Montesano stated I mean, if we don't need it and we don't want it for storage area, take it out and get rid of the impervious surface.

Mr. Cameron stated I don't think he wants to do that.

Chairman Rogan stated but by doing that you creating a waiver and it just doesn't sound like he wants to spend any more money.

Mr. Cameron stated because he doesn't want to spend anymore money and that is exactly what it would be.

Board Member Montesano stated then he is going to end up striping it.

Board Member Pierro stated fine.

Mr. Cameron stated its less expensive to stripe it then to remove it so if that is the choice, I can answer for him, he'll stripe it.

Board Member Montesano stated (inaudible) with a stripe and have the clack top crumble away either.

Board Member DiSalvo stated there is nothing (inaudible).

Chairman Rogan stated Dave, you mentioned something about trees.

Dave Raines stated yeah Ted, had some concerns about the trees that were cut down in the back along the border with National Fire Sprinkler.

Chairman Rogan stated he disappeared though.

Rich Williams stated do you want me to go get him.

Chairman Rogan stated I suppose so.

Board Member DiSalvo stated (inaudible).

Board Member Cook stated we had discussed that along the part of the property that faces [Route] 22, right that the trees had been cut.

Mr. Cameron stated they trimmed back the trees too much along this property line.

Board Member Pierro stated they cut them down at the root, at the ball.

Mr. Cameron stated well they needed to, the access to the pond is this way, its out here loops around and goes down and they were supposed to clear a path to get down there but from what I understand, they cleared the path too wide near the property line.

Board Member Pierro stated right.

Board Member Cook stated we are going to look for planting recommendations from Ted to go in that area.

Mr. Cameron stated back over here.

Board Member Pierro stated we don't need mature trees right Ted.

Ted Kozlowski stated no we need something to stabilize it.

Board Member Pierro stated the bank was rolling down, the bank was starting to roll down the hill.

Mr. Cameron stated okay.

Rich Williams stated that was a different issue, you aren't going to trees in that bank, you are going to have to feather it.

Mr. Cameron stated this bank, right where the.

Chairman Rogan stated yeah, that was steep.

Rich Williams stated yeah.

Mr. Cameron stated near the dumpster where the catch, yes.

Rich Williams stated (inaudible).

Mr. Cameron stated they just dumped the fill, that needs to be correct. It needs to be graded out, either stabilized or more fill put in there so it's not that steep.

Rich Williams stated and the fill was put in there (inaudible).

Board Member Montesano stated yeah.

Rich Williams stated I don't know that even if you (inaudible) it would remain stable.

Mr. Cameron stated okay.

Ted Kozlowski stated a stop work order was issued to stop the tree cutting and they continued to cut.

Mr. Cameron stated I'm not even aware that a stop work order was issued for the tree cutting.

Ted Kozlowski stated so my feeling is after that happened, replace the trees.

Rich Williams stated if I might just interject, that is along the side, the perimeter of the property, it's the whole issue with the tree clearing, not on the embankment.

Ted Kozlowski stated right.

Board Member Cook stated two issues in the same area though.

Rich Williams stated yeah.

Mr. Cameron stated yeah I realize that this embankment has to be stabilized and I can speak to Ted and find out what he wants for plants.

Ted Kozlowski stated probably what was there, pines, spruces.

Mr. Cameron stated unfortunately I don't know what was there because tree survey was never done before the cutting.

Ted Kozlowski stated (inaudible) neighboring business called me, he was very upset, put the trees back.

Mr. Cameron stated they didn't cut and trees on their property.

Ted Kozlowski stated no.

Mr. Cameron stated okay.

Ted Kozlowski stated but I know they were upset and then they continued to cut after they were told to stop. I get a lot of that.

Mr. Cameron stated do you have a limit or an idea that you could indicate as to, is it fifteen feet from the property line, twenty feet, do you happen to know, unfortunately I don't have a survey that shows the trees before and after.

Ted Kozlowski laughs.

Dave Raines stated I was just wondering if this was a public hearing or design session, it seems like we are going on here talking about design and there are plenty of other clients that are waiting, just an observation.

Chairman Rogan stated actually we were waiting because we wanted to ask you a question.

Dave Raines stated oh me, I'm sorry.

Chairman Rogan stated that's alright.

Dave Raines stated I was working on some important stuff.

Chairman Rogan stated that's alright.

Board Member Montesano stated oh, you don't consider us important enough.

Dave Raines stated I was falling asleep, (inaudible) so should I do this or should I do that. I'm sorry Mr. Chairman, was there a question for me.

Board Member DiSalvo stated we were talking about the stop work order when they were cutting the trees around the pond on [Route] 22.

Board Member Montesano stated Kent Supply.

Board Member DiSalvo stated Kent Supply, Ted was saying that they continued to cut after the stop work order was issued.

Board Member Pierro stated I don't think the stop work order was because of the trees was it, it was because of another issue.

Dave Raines stated no, the stop work order was issued, I addressed this on record at the last Planning Board meeting, was that they still have a stop work for any work outside of the footprint of the building, any and all work outside of the footprint. The only work they are doing right now is interior, Fire Code work and the rack storage, so they still can not do any. I issue it based on, I asked Mr. Williams to go and take a look at the area that was being and he did go out and the client came in immediately and I believe that situation was somewhat rectified but that stop work order is specific to any and all site, including the parking lot repairs, they were not to do anything until they received full approval from the Planning Board.

Rich Williams stated if I could just interject, Mr. Raines had sent me out to take a look, I went out there and looked they were doing site work outside of the normal scope of what they should be doing out there. At the time I was out there, they had a survey crew out there, the survey crew asked if they could clear out the

trees within the stormwater basin, that had to be done regardless, I gave them my okay to clear out the trees in the stormwater basin and when I came back they had cleared out most of the trees on the peripheries as well, along Route 22 and I said don't do anymore and they went a little bit further up the line but not that far, that has been taken care of.

Dave Raines stated so the net of any problem would be of Mr. Williams doing.

Chairman Rogan stated for the record.

Board Member Pierro stated for the record, sold you right down the river.

Rich Williams stated I love it.

Board Member Pierro stated okay.

Board Member Montesano stated what was that done, friendship.

Chairman Rogan stated does anyone have anything else.

Board Member Pierro stated that's it.

Mr. Cameron stated my cover letter, is it possible, okay we don't need to do SEQRA this is a type two.

Chairman Rogan stated a type two, correct.

Mr. Cameron stated is it possible we could get a public hearing set, I'm just really.

Chairman Rogan stated we also, the referral, the GML referral, that is to Plan.

Rich Williams stated the Department of Planning, we take care of that.

Chairman Rogan stated yeah I was going to say, we don't usually.

Rich Williams stated no, I do it automatically, generally when we do lead agency, there is no lead agency on this one, so I've already got a note on it that it has to go out this week.

Chairman Rogan stated okay. Make a motion for a public hearing.

Board Member DiSalvo stated I make a motion that schedule a public hearing in the matter of Kent Supply for our next meeting.

Board Member Montesano stated May 1st.

Board Member DiSalvo stated May 1st.

Board Member Pierro 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 its already April.

Mr. Cameron stated thank you.

Chairman Rogan stated thanks Rob. Cipriano.

Mr. Miller stated with your permission I would rather move down in the line up one because I have the last one also.

Chairman Rogan stated you got it.

10) PFISTER SITE PLAN

Mr. Robert Pfister and Mr. Ramirez were present to represent the application.

Chairman Rogan stated Pfister Site Plan, who is here for Pfister.

Mr. Pfister stated I just want to introduce you to Mr. Ramirez, (inaudible) to do the project.

Chairman Rogan stated what is your name sir.

Mr. Pfister stated Robert Pfister.

Chairman Rogan stated hi Robert.

Mr. Pfister stated how are you doing.

Board Member Pierro stated how are you doing Robert.

Board Member Montesano stated he hangs out (inaudible).

Board Member DiSalvo stated you can a sunburn from all that (inaudible).

Mr. Pfister stated if you guys do have free time, I did bring DVD's of this (inaudible). To answer any questions that you guys did have about it, so you'll need a little time for that (inaudible).

Chairman Rogan stated we, I have to get my bearings on this for a second, this is the application for the rodeo and I think we get a generally idea of what you are looking to do, what we are a little concerned about is can you safely and adequately do that you are proposing on this site in a way that doesn't impact negatively on the business that is existing, the restaurant. By the plans, all we really see is a parking area,

an area that is sketched in as the rodeo area, PP is porta potty and some bleachers. I think we need to get out to site and get a sense of what is going on.

Mr. Pfister stated yes, that is not a problem.

Board Member Montesano stated is that the only access.

Mr. Pfister stated it is either the driveway that is.

Board Member DiSalvo stated do you have anything to put up Robert.

Mr. Pfister stated this one here is bigger but its not printed out (inaudible).

Board Member Montesano stated over here in case anyone out there wants to look it.

Chairman Rogan stated Mr. Ramirez, Mr. Ramirez, that is your name.

Mr. Ramirez stated yes.

Chairman Rogan stated how many people do you anticipate if things were going well that would come to an event like this on this site.

Mr. Ramirez stated up to five hundred.

Chairman Rogan stated up to five hundred.

Board Member DiSalvo stated that would be just on a Saturday or Sunday or both days.

Mr. Pfister stated its once a month from like two in the afternoon until eight or nine at night.

Board Member Pierro stated is there any anticipated application of a temporary liquor license.

Mr. Pfister stated oh no, no, we are not going to take away from here. At least not now, there isn't anything in our minds about that.

Board Member Montesano stated what is the duration of time.

Board Member Pierro stated Mr. Ramirez do you intend to hire any.

Mr. Pfister stated two in the afternoon until eight at night.

Board Member Montesano stated are you starting July 4th and run it until when.

Chairman Rogan stated wait, we have too many conversations going on here.

Mr. Pfister stated probably May until October would be the last one.

Mr. Ramirez stated yes.

Chairman Rogan stated you were interrupting more than one person.

Board Member Pierro stated I wanted to see who he was.

Board Member Montesano stated lighting available, a generator, you are going to have people trying to walk back to their cars and then trying to get them out.

Mr. Pfister stated I think that is the whole idea to stop it in October before the time changes or something like that, so there is reason to have lighting.

Board Member Montesano stated emergency lights wouldn't be a bad idea.

Board Member DiSalvo stated the lights from the driving range too.

Mr. Pfister stated we can light that whole place up if we had to.

Chairman Rogan stated Dave you had a question.

Board Member Pierro stated do you plan on hiring any professional law enforcement security for this program.

Mr. Pfister stated that is one thing we did discuss, if we need it maybe, down the line if it turns out to be a bigger thing.

Chairman Rogan stated we are just scratching the surface on this, at this point.

Mr. Pfister stated yeah.

Chairman Rogan stated what we want to see is if the site can adequately handle something like this, we don't deal with everyday.

Mr. Pfister stated I think so, the whole idea is, we had my property coming through the front of the restaurant and then down through the driving range, this is two hundred and something feet away, another two hundred feet, we thought we could part two hundred and something cars here if we had to and possibly across the front across the grass in front of the restaurant, to the north end, I think we will end up with enough parking down here and then we have a walk path from here to the event itself.

Board Member DiSalvo stated walking.

Chairman Rogan stated Rich, the lot lines that are shown on this plan that was submitted, looks like going from the parking area to the rodeo area, you have to cross over another lot, are they indeed separate lots.

Rich Williams stated they are indeed separate lots both owned under the same ownership.

Chairman Rogan stated okay.

Board Member Pierro stated is that roadway, that road bed in within the wetlands buffer.

Chairman Rogan stated yes.

Rich Williams stated yes.

Mr. Pfister stated it has been a truck and tractor path for 50 years that I know of.

Chairman Rogan stated okay.

Mr. Pfister stated I'm sure it's a lot more years that I know.

Chairman Rogan stated okay.

Board Member DiSalvo stated have you done other similar events locally, in this area.

Mr. Ramirez stated no.

Board Member Pierro stated where is the closest one you have done in this area.

Mr. Ramirez stated I was partners with somebody in Marlboro.

Chairman Rogan stated Marlboro.

Board Member DiSalvo stated so what kind of events will you have as far as rodeo events, bare back riding, steer/calf roping, bull riding.

Mr. Ramirez stated bull riding.

Board Member DiSalvo stated just bull riding.

Mr. Ramirez stated yes.

Board Member DiSalvo stated its getting to be a popular sport lately, almost as good as NASCAR.

Mr. Pfister stated we may use the entrance to my parents driveway actually, I may make it to come in and come out, make that loop right out, that's possible.

Board Member Cook stated where do the participants of the rodeo park their trailers.

Mr. Pfister stated this path here, as well as a walk path, they would be here earlier then the event itself but they would come in here and park here, anywhere back there, it's a twenty or thirty acre lot anyway.

Board Member Montesano stated you don't want those bulls sitting to close to the restaurant.

Mr. Pfister stated we don't want to be walking them back there.

Board Member Montesano stated unless you are making hamburgers.

Board Member Cook stated is that a pedestrian path or a vehicle path.

Mr. Pfister stated like I said, we've been using it for tractors and trucks for fifty years, this is a big hay field back in here.

Chairman Rogan stated oh okay.

Mr. Pfister stated that is where the hay comes from, still do actually, we use just a small portion of that hay field.

Board Member DiSalvo stated and then after every event the bleachers and the chutts are dismantled and its like sort of like.

Chairman Rogan stated a carnival, when they bring it all in and set it up.

Board Member DiSalvo stated at the carnival at the fire house, is that what you do.

Mr. Ramirez stated yes.

Board Member DiSalvo stated and then you move to another location so you have a little circuit with a couple towns. Where else do you think you are going to have the circuit besides Patterson, where else would go after Patterson.

Mr. Pfister stated he is going to be with this, now they move on to find different locations with different people.

Board Member DiSalvo stated oh the bull riders.

Mr. Pfister stated yeah.

Board Member DiSalvo stated and the live stock.

Mr. Pfister stated right.

Chairman Rogan stated and is this a once a week, once a month, for the duration of the season.

Mr. Pfister stated once a month.

Chairman Rogan stated once a month, so you are looking at having like four of these over the course of the summer into.

Mr. Pfister stated hopefully next year we can start sooner because he says its April to October.

Chairman Rogan stated okay.

Board Member Montesano stated is this DVR (inaudible).

Board Member DiSalvo stated the bull riders.

Mr. Ramirez stated yes.

Board Member DiSalvo stated it is.

Mr. Ramirez stated yes.

Board Member Montesano stated it used to be RCA, he got killed for going over that one.

Board Member DiSalvo stated I used to go to National Finals Rodeo when it was in Oklahoma City.

Chairman Rogan stated there is nothing really to stake, so we don't need anything like that.

Board Member Pierro stated I think we just ought to go and take a look at it anyway.

Chairman Rogan stated you know what it is, I think its just so vaguely shown that I think.

Board Member DiSalvo stated now Dave, would he need an assembly permit.

Dave Raines stated yes because it's a guesstimate, there is no way to cap it, we can't say the next person you have to stop. I would like after walking this to provide the Board with a list of Code requirements.

Chairman Rogan stated that would be appreciated.

Dave Raines stated emergency egress, lighting, things like and Code from an assembly standpoint as far as monitoring of the site and security and things like that.

Chairman Rogan stated great.

Board Member Pierro stated not only am I concerned about law enforcement personnel I am concerned about emergency medical on staff.

Mr. Pfister stated oh I'm sure they have them there.

Board Member Pierro stated make.

Board Member DiSalvo stated do you plan on closing the driving range that day.

Mr. Pfister stated we'll see how busy it, if it profits or it doesn't profit, its all good.

Board Member DiSalvo stated maybe take one or two.

Mr. Pfister stated if it does get busy we can use the driveway for parking.

Board Member Montesano stated do we need a bleacher inspection or anything of that nature, is that our responsibility.

Dave Raines stated that is part of the permit. We have to ensure that the bleachers or stands whatever they, there is a section of code, right in the amusement park section, I think we would probably setting it up once versus taking it down, it will tax the resources of the Town if I have to go out there each time to ensure that its set up properly each and every time and again I'm not stipulating, that is something moving forward we might want to think about before it gets to that point.

Chairman Rogan stated and also Mr. Pfister, you own the actual the restaurant, you don't own the business but you own the property.

Mr. Pfister stated yes.

Chairman Rogan stated I would at, when we get to this point, I would be looking for something from the restaurant owner, seeing if they have a problem with his because that seems like, the direction that you are going right now on the days that these occur is going to be a big impact for that restaurant with all those vehicles going, I just see that is creating a hazard right in front of that restaurant, so I think we just want to make sure, yeah you've got two hundred cars plus all the horse, you know, the different vehicles going past the.

Mr. Pfister stated Sunday afternoon.

Chairman Rogan stated Sunday afternoon.

Mr. Pfister stated its going to be on a Sunday.

Chairman Rogan stated so then its going to be all day Sunday because of the set up factor, it might even be Saturday.

Mr. Pfister stated well they may be setting up Saturday evening or part of the day but.

Chairman Rogan stated okay, that is something that we are going to look into.

Mr. Pfister stated alright.

Chairman Rogan stated they have worked hard over there to build a business and they deserve some.

Mr. Pfister stated no its been talked about already, I don't know whether they came to you afterwards and had something else to say.

Chairman Rogan stated no, I haven't spoken to them, I'm just thinking in terms of their interests also.

Mr. Pfister stated they might get a good spit of business off it too.

Chairman Rogan stated okay, we are going to get out there and take a look.

Mr. Pfister stated alright, do you know when.

Chairman Rogan stated well we haven't set it yet but certain probably in the two weeks.

Board Member DiSalvo stated anything else to walk.

Mr. Pfister stated alright.

Chairman Rogan stated I'm not sure, we might.

Mr. Pfister stated what's that.

Chairman Rogan stated she is asking if we have anything we can walk, and look at very well, so probably I would say within the next week or two.

Mr. Pfister stated okay.

Dave Raines stated can this plan get a little bit as far as where the actually rodeo arena would be.

Chairman Rogan stated sure.

Dave Raines stated just to give us.

Mr. Pfister stated its pretty up front.

Board Member DiSalvo stated just put some stakes there.

Chairman Rogan stated the parking area also because it is close to that house.

Mr. Pfister stated there is a roadway on one side.

Board Member Montesano stated no red flags just in case he brings a couple in there before.

Mr. Pfister stated its pretty self explanatory once you get out there.

Chairman Rogan stated okay, thanks. Mr. Ramirez, we can hold on to these.

Mr. Ramirez stated sure.

Chairman Rogan stated okay, thank you.

Mr. Pfister stated thank you.

Chairman Rogan stated this is, these we are going to look at.

Board Member Cook stated Shawn (inaudible).

Chairman Rogan stated oh right, we want (inaudible).

Board Member Montesano stated (inaudible).

Chairman Rogan stated how do you do that on the record.

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

Ted Kozlowski laughs.

Chairman Rogan stated that is a pretty nice (inaudible) its not a pizza place.

11) CIPRIANO SITE PLAN

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

Chairman Rogan stated hi how are you.

Mr. Miller stated hi.

Chairman Rogan stated Steve, good to see you.

Mr. Miller stated what is the deal with not drinking the water in the bathroom.

Chairman Rogan stated I think it has salt.

Mr. Miller stated you on to that or.

Dave Raines stated that's the guy from the Health Department.

Board Member Montesano stated you know those guys.

Chairman Rogan stated that is quite (inaudible).

Mr. Miller stated yeah, I know them all too well.

Chairman Rogan stated how are you this evening Steve.

Mr. Miller stated very well, how are you.

Chairman Rogan stated good thanks.

Mr. Miller stated I received the comments from Rich and from Gene Richards, rather then, after perusing them there is nothing here, unless certainly it is open to the Board for comment, there is nothing that I really need to address out of them comments but there is one item that I will address and that has to do with Gene's comment concerning this parcel here that is labeled now or formerly Griese. We acknowledge that have some proposed re-grading an in area that may be abandoned to that Griese property and we will take a look at that. The other concern is, Gene's note that the subdivision plat, which I have under here, should include Griese Company as owners because this parcel would be released to them. Just to go on record, there have been some discussion previously from the Board about Mr. Cipriano trying to acquire this parcel from Griese to alleviate this little issue here.

Chairman Rogan stated hold on a second Steve.

(Tape Ended – 9:24 p.m.)

Mr. Miller stated Mr. Cipriano and his attorney have spent probably the last three years trying to contact somebody from Griese Company.

Chairman Rogan stated wow.

Mr. Miller stated through registered letters and everything and have not had any response from these individuals. So at this point Mr. Cipriano has decided he's not going to try and pursue acquiring this parcel and he is going to propose his development around it. That brings me back to Gene's comment that we need to include Griese Company in the approval block and that they will need to sign the subdivision plat and as I stated before, we have not been able to get in touch with these people.

Chairman Rogan stated good luck getting them to sign.

Mr. Miller stated I'm not certain, I'm a little concerned about how this is going to effect, ultimately what Mr. Cipriano has proposed here.

Chairman Rogan stated Anthony.

Mr. Miller stated we'll.

Chairman Rogan stated can I ask a question quick.

Mr. Miller stated okay.

Chairman Rogan stated so you are saying that this parcel is basically surrounded by the project, do you see any stonewalls that we are going to run into with this, the way this is progressing.

Anthony Molé stated not necessarily, I mean, if the owner of that parcel (inaudible) do you think that you will be able to notice him of the application.

Mr. Miller stated it is going to be difficult to notice him and the other issue is going to be.

Chairman Rogan stated a better picture.

Mr. Miller stated currently Old Route 22 goes through all the way through here.

(Board Member Pierro's cell phone rings.)

Mr. Miller stated the successful competition of the project will see this portion of Old Route 22 being abandoned by the Town and this becoming the new intersection of Old Route 22 to new Route 22, what that would, subsequent to that, the Town would abandon up to the centerline of the existing traveled way to the adjoining owners. Obviously the adjoining owner on this side is Mr. Cipriano, this adjoining owner on this side is Griese Company, who we have not been able to get in touch with for three years. Gene's concern is, Gene's comment is that they need to be included on the plat as signatures as the ones that are going to be acquiring this and I'm not sure how we are going to handle that even, I will talk to Mr. Cipriano's attorney again and see how that but they have essentially stopped trying to get a hold of these people.

Board Member Pierro stated are those, are the taxes on those properties being paid.

Mr. Miller stated they are, what I think is.

Board Member Pierro stated f the acquire more land, a brief interjection, if they acquire more land and you raise their assessment and thus their tax bill.

Anthony Molé stated the tax bill goes somewhere, there has to be an address.

Mr. Miller stated there is a care of.

Anthony Molé stated okay, that is where we would send any notice that we have to send out and if we don't get a response or we can't find them to notice them about the road abandonment, I'm sure there is a procedure to get around that.

Mr. Miller stated okay.

Anthony Molé stated I will (inaudible).

Chairman Rogan stated taking this project out of it, it's a road abandonment, that is something that the Town is doing, so the Town would handle.

Anthony Molé stated that is Town activity, it has nothing to do with this application.

Chairman Rogan stated I agree with that.

Board Member Pierro stated okay.

Mr. Miller stated its only that one particular minor element about notice of this Griese Company that we have not been able to do and there is a care of address that we've sent certified letters to and not had any response to.

Chairman Rogan stated wow.

Anthony Molé stated did they come back.

Mr. Miller stated I don't know, I will have ask Mr. Cipriano.

Board Member DiSalvo stated is it a P.O. Box or a physical address.

Mr. Miller stated he put his attorney in charge of that and I have not been part of that little piece.

Chairman Rogan stated interesting.

Mr. Miller stated so other then that issue, I would be more then happy to take any questions from the Board at this time, otherwise I am going to suggest that rather then rehash things that we have discussed before, we take the opportunity this next month to take care of Rich's and Gene's comments and we will bring you back.

Chairman Rogan stated are they straight forward enough or do you feel that you need to.

Mr. Miller stated they are all, there are some issues that we will talk to Gene about but none of them are anything that one, we wouldn't have anticipated or two, that we can't deal with.

Chairman Rogan stated great.

Board Member Pierro stated my only question was for Rich, are we going to put a street light in at the intersection.

Rich Williams stated that was something, I got your e-mail today, it's a decision that the Board needs to make.

Chairman Rogan stated a street light or a traffic light, which we were.

Rich Williams stated we are not putting a traffic light.

Board Member Montesano stated that is DOT.

Chairman Rogan stated I'm sure.

Rich Williams stated (inaudible – too many speaking).

Board Member Montesano stated is the street light on the state highway, DOT or we can request it.

Board Member Pierro stated this is.

Rich Williams stated I believe that it is a Town function and its going to go in a Town lighting district, there is not street light there at that intersection now (inaudible).

Board Member DiSalvo stated why don't we see how much light is going to be produced from the site, they may have.

Chairman Rogan stated its far away.

Board Member Pierro stated its far away Maria.

Board Member DiSalvo stated well.

Board Member Montesano stated you want a light there.

Board Member Pierro stated you need a light there.

Board Member Montesano stated to let people know that someone is coming out.

Mr. Miller stated can I ask what you are hoping that the light will illuminate.

Board Member Pierro stated the road bed.

Mr. Miller stated okay.

Rich Williams stated the general thinking is that a street light at an intersection will alert people coming up, approaching that intersection that the intersection exists.

Board Member Pierro stated perfect example, last night I turned into the A & P parking lot off of Route 311.

Board Member Cook laughs.

Board Member DiSalvo stated what did you hit.

Board Member Pierro stated those signs are not lit, they haven't been lit in six months and I almost drove over one of them, I almost jumped the curb because I just didn't see it.

Anthony Molé stated one side of one is lit now.

Board Member Pierro stated that is because I hit, I hit it and I turned the light back on.

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

Board Member Pierro stated you need something down there just to have a roadway.

Board Member Montesano stated do that to you, you can stand there and get a light bulb.

Board Member Pierro stated that is it for me.

Chairman Rogan stated okay.

Mr. Miller stated okay.

Chairman Rogan stated that's it, we are looking forward to completing this project. Not because we are tired of it, we want to see it built.

Board Member Pierro stated right.

Board Member Montesano stated somebody wants an ice cream.

Mr. Miller stated as does Mr. Cipriano.

Chairman Rogan stated wonderful.

12) MARTINS SUBDIVISION

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

Chairman Rogan stated okay Martins, a brand new applications, the first time we are looking at it, or at least the first meeting.

Board Member DiSalvo stated (inaudible).

Chairman Rogan stated much different then the Bear Hill project, that's for sure. There you are Steve, why don't you give us a quick run down of what they are looking to do.

Mr. Miller stated for those of you who don't know me, I'm Steve Miller from Badey & Watson, I'm here representing Mr. and Mrs. Martins, they have a , they are the owners of approximately thirteen acres that have, we will get into where it has frontage. It has access off of Cornwall Hill Road, it also has some frontage off New York State Route 311, it is currently improved with a two story single family residence which takes it access over an easement across two adjoining properties, called Cassandra Court. There is a New York State DEC wetland that runs across the back of it, which is actually part of the Great Swamp and we are proposing a three lot subdivision, one lot would have retained the existing dwelling with two other single family residence lots. We proposed a common driveway from Cornwall Hill Road, to access lots number one and two which would be the new residential lots and we've shown, indicated that the existing access driveway from Cornwall Hill Road will remain. We showed some general areas for septic, dwellings and wells, we have acknowledge the fact that they will need to provide some stormwater mitigation, we are at sketch plan, we start involving ourselves with that until we got a chance to sit in front of the Board and discuss it. I've obtained Rich Williams comments concerning it and I guess I am open to some discussion from the Board about how they would like to handle it.

Board Member Pierro stated Steve, is there a possibility that this five point six acre lot in the rear.

Chairman Rogan stated which lot are you referring.

Board Member Pierro stated the larger one.

Chairman Rogan stated lot one.

Board Member Pierro stated is it possible that that could be accessed by the existing right of way driveway.

Mr. Miller stated I supposed that is possible, I don't, I've read the deed that describes the easement for the access and I don't know if there is any restrictions on it that would present that, so that is a possibility. We hadn't concerned our, we hadn't thought of that because it was just, seemed like another, seemed to me like it would be a sticking point for the Board.

Chairman Rogan stated well its less disturbance you are taking out between the house on two and property line so, you would be reducing your disturbance.

Board Member DiSalvo stated how wide is that existing driveway.

Mr. Miller stated we have to disturb this, versus disturbing.

Chairman Rogan stated twice as much or maybe not.

Mr. Miller stated no, not quite, close.

Board Member Pierro stated I just remembered something and I will disclose, I think that my father might have written that easement, many years ago.

Chairman Rogan stated you mean from three to one.

Board Member Pierro stated this whole easement for Schepperle.

Mr. Miller stated if I'm not mistaken and you can correct me Rich, this had been, this was all one piece at one time and with some previous submission to the Planning Board for some Town road with ten lots on it or something like that and then which never had happened and then subsequent to that, these pieces kind of got cut out and readjusted and that is what created that situation here.

Board Member DiSalvo stated so I am going to ask you the question, I asked for Bear Hill, how much usable space in the back yard there.

Mr. Miller stated back yard where.

Chairman Rogan stated you mean lot one.

Board Member DiSalvo stated for lot one and lot two and the house.

Mr. Miller stated it would be everything that is right up in here.

Board Member Pierro stated it an almost six acre lot.

Board Member DiSalvo stated again its steep and we have the septic there, where would.

Mr. Miller stated my kids can run and play on the septic system.

Board Member DiSalvo stated there is no pool.

Rich Williams stated if I might interject, my opinion on this, is it has to go for a 280 A, at that point they establish where front yard.

Chairman Rogan stated I was wondering where that would be established.

Rich Williams stated okay, so you are saying, in the area that you drew, that is assuming that the front yard is going to be on the [Route] 311 side, if they establish the front yard on the Cornwall Hill [Road] side, then you have the whole back going down towards the wetland area.

Mr. Miller stated well, hey, it depends on how you build the house too.

Board Member Pierro stated you guys have to go back here and look at this, its really large.

Rich William stated well, no we don't care where the house is.

Mr. Miller stated well I understand that but if I walk, if I have a porch out here and I have a deck out here, then this is the back yard.

Rich Williams stated that is what I'm saying, we don't care where the porch is or the deck is, it is where we establish the lot line.

Mr. Miller stated I understand that. I mean, what you advocating, that I need to have an acre or a barrier around the house to consider it as a viable home.

Chairman Rogan stated Steve, what I would say is that once the determination is made as to what the front or side of the house is, that we look at just maximizing the area available in the back because that is where any structures they are going to want to put have to be located. If it's the side closer to Route 311, if it's the steeper side of lot, is it possible that we can look at pulling the septic system closer to that corner of lot 3 and just moving the well, so we are pulling the house further up even though we are squeezing it more into the corner, we are opening up the usable area.

Mr. Miller stated right now the well is up of the septic.

Chairman Rogan stated I understand that but also if you had to pull the septic up hill, the well wouldn't be in direct line of drainage if you moved it over closer to the property line, I mean you have to determine the direction of drainage but.

Mr. Miller stated there seems to be some discussion about whether or not the rear line and the front line are going to be determined.

Chairman Rogan stated right.

Mr. Miller stated and after reading Rich's comments I think it is pretty obvious which that is going.

Chairman Rogan stated Rich, I haven't read your memo yet are you saying that the.

Rich Williams stated essentially what I'm saying is the Town through the 280 A is going to establish where the front and the rear yards are, typically the front yard is where you gain your access from, in this case if we go with this layout, the front yard is going to be on the east side of lot, right now he is showing an 80 foot set back in area but if we go with that and we establish a 40 foot set back in that area, it gives them flexibility where to move that house around on that lot a little bit.

Chairman Rogan stated I understand.

Rich Williams stated you know, they are going to have a better rear yard, they might be able to come up with a better layout, maybe.

Chairman Rogan stated yeah, he is showing this as rear.

Rich Williams stated I am just suggesting, through the 280 A process, we can work on how it all layouts on the lot to give us the best lots out there.

Board Member Pierro stated what are the side yards, the side yards for the septic.

Chairman Rogan stated ten feet.

Board Member Montesano stated what would, excuse me, unless we get the 280 A, we can play with this all night long.

Board Member DiSalvo stated yeah.

Chairman Rogan stated oh true enough.

Board Member Montesano stated the unfortunate part is, they have to make a decision, if they give them the 280 A, they are going to tell where the frontage would be.

Mr. Miller stated we don't have much choice if we want to pursue a subdivision.

Chairman Rogan stated exactly, you either build the lot.

Mr. Miller stated according to Rich's comments then you know.

Chairman Rogan stated we understand, what we are looking for or what the Town Board would be looking for is some kind of a recommendation in one way or the other, from us.

Mr. Miller stated because the Town Board is going to grant a number of lots too.

Chairman Rogan stated yeah.

Mr. Miller stated so I mean, I kind of need to get some direction from the Board as to whether three lots are going to be acceptable, I mean we have the area, we are going to need variances for width, we are going to need variances for frontage, although we will have a 280 A variance.

Board Member DiSalvo stated what is our Code for the length of a driveway, is there a limit.

Rich Williams stated the length of a subdivision road is 1500 linear feet, the length of an individual residential driveway is 2000 feet.

Board Member DiSalvo stated so this will 1000 feet.

Rich Williams stated 2500 [feet]. So, you know, the question is, how do you want to classify this.

Mr. Miller stated I mean is it.

Chairman Rogan stated it doesn't have to be.

Mr. Miller stated there are a couple of options of reducing the disturbance, if the Planning Board would give a recommendation to the Zoning Board to allow for lots less than four acres, we could move a lot of this stuff up in here.

Chairman Rogan stated except that is tight area.

Mr. Miller stated and reduce the disturbance, we could pull this, the improvements for this down in here, we could take these improvements and pull them over here, take the existing house and make this a big lot in here, it reduces the disturbance, it causes us to have to get a significant variance because quite frankly we would probably end up making two acre lots or at least one two acre lot and then two lots that would probably have enough area.

Chairman Rogan stated right.

Mr. Miller stated that is a consideration for reducing the disturbance.

Chairman Rogan stated another consideration.

Board Member Montesano stated (inaudible) eight foot fence.

Chairman Rogan stated another consideration for reducing the disturbance is making a two lot subdivision and doing what you are showing for lot two and making the area of lot one either part of those two lots or something, just putting out all the options on the table so we have all the information.

Mr. Miller stated that is an option also.

Board Member DiSalvo stated and they would have their own driveway.

Chairman Rogan stated they would have their own driveway off of Cornwall [Hill Road].

Board Member DiSalvo stated right.

Chairman Rogan stated they wouldn't have a common drive. I'm not entirely opposed to the idea of a common driveway which services two houses, we've done it, we're doing it on other applications right now, we've done it in the past and since I live on a common driveway, I would be a hypocrite to say that it can't work but I think that it has to meet certain criteria, it has to not go through steep slopes and you know, there are certain things that the Board needs to consider, I think we need to go and take a look at this of course and see some of these areas its hard for the Board to get a sense of how steep they are without, obviously on paper is one thing.

Mr. Miller stated I'm sure.

Chairman Rogan stated I'm sure even for an engineering.

Mr. Miller stated surveyor.

Chairman Rogan stated a surveyor, I apologize. Is that an insult.

Mr. Miller stated no, not at all.

Chairman Rogan stated you never know, you said to an engineer are you a surveyor.

Mr. Miller stated not in this instance.

Chairman Rogan stated okay, fair enough. So I am willing to review the application that you have put in front of us, we need to go and take a look and see how feasible it is. I think the area behind lot, behind the house for lot two is certainly going to have a lot more usable area then what is showing the way we are interpreting lot one at this point in time. We need to go take a look, if that is the way it is, maybe that lot one can be maneuvered around, the septic pulled up hill and gain a little more space, we will work with that and see what we can come up with. I have never been on the property so I don't know how it lays out.

Board Member Pierro stated this lays out pretty nicely here.

Chairman Rogan stated okay.

Board Member Pierro stated and.

Chairman Rogan stated and also, you've got, like Steve had said, the area directly below the expansion area for lot three, you've got some fairly good area in there, that maybe lot lines can be shifted around also. We will have to go take a look. Does anyone, do you have anything that you want to bring up at this point, anyone else on the Board, no.

Mr. Miller stated I have a question for Rich, if I might.

Chairman Rogan stated okay, before you ask the question, so that we can move forward with walking this can you stake out centerline of the proposed common drive and then four corners of the septic area, four corners of house or center of house, what do we usually get on that.

Rich Williams stated center of house.

Chairman Rogan stated center of house.

Rich Williams stated septic.

Chairman Rogan stated yeah, I think for the septic for lot one, give us four corners, the other one I think is less but I think for lot one, give us the four corners of that septic. I think that is going to be important.

Mr. Miller stated okay.

Chairman Rogan stated and obviously proposed property lines.

Mr. Miller stated okay.

Chairman Rogan stated you know Steve, I said proposed property lines, what I am really only looking for is the proposed line from between lot three and lot one to a point where it intersects the, yeah just there. That's it and of course the existing line between one and parcel c, again just to the point of just past the septic.

Mr. Miller stated so here.

Chairman Rogan stated correct, that would be great, I don't want them to do anything more then is needed but I think that would be good for the Board to see how that lays out, that lot line. Okay, now its open for your questions.

Mr. Miller stated I reviewed the definition of frontage, the Town's definition of frontage that you sighted in here, am I correct in the way that the Town's law is written concerning frontage that without any kind of subdivision this lot is substandard because it doesn't have any frontage.

Rich Williams stated it would be a pre-existing non-conforming lot under our current Code.

Mr. Miller stated so if Mrs. Martins decided she wanted to go and build an addition on her house, she would need to get a 280 A variance before she could apply for the permit.

Rich Williams stated no not necessarily because the.

Mr. Miller stated she doesn't have any frontage.

Rich Williams stated I understand what you are saying but the, if you, if she wanted to build that house new and come in that driveway, she would need to get the 280 A variance.

Mr. Miller stated okay.

Rich Williams stated because the house is already existing, that aspect, that pre-existing non-conforming condition already exists.

Mr. Miller stated I understand.

Rich Williams stated and the addition is not changing that.

Mr. Miller stated okay.

Rich Williams stated so that would not trigger any additional review by the Town.

Mr. Miller stated okay.

Rich Williams stated so the addition would be fine.

Anthony Molé stated the expansion of a pre-existing non-conforming (inaudible).

Rich Williams stated we generally apply that when its too close to the property line.

Chairman Rogan stated although the topography doesn't work.

Board Member Pierro stated this is back here.

Rich Williams stated do you want to take a look at it.

Dave Raines stated (inaudible) for right of ways and (inaudible).

Mr. Miller stated I didn't hear what the attorney's comment was.

Rich Williams stated we have another provision that we put in our Code that if you have a pre-existing non-conforming condition, if you want to extend or enlarge that pre-existing non-conforming condition or expand it, you need a variance from that provision in any situation. And we were just discussing whether that is applicable for a project requirement. I think Anthony is going to take a look at it.

Mr. Miller stated I don't need the Board to, I don't need the Town Attorney to give me all these what if's I'm, we had always taken this frontage thing to be required frontage to be a practical access thing, where well yes he is not taking access over the Town road but he could get his access in over here, so he has frontage on a Town road and the Town has changed that.

Rich Williams stated we've taken it to the next step.

Mr. Miller stated right, which is in excess of a state law.

Rich Williams stated yes, we do exceed the state law.

Mr. Miller stated okay, that's. Any other questions.

Chairman Rogan stated nope.

Mr. Miller stated thank you all very much.

Chairman Rogan stated thank you very much.

Board Member Pierro stated one question for Rich, if they wanted to use the house with, the lot with the existing house on it, would they need to go for a 280 A if they were going to put up a accessory structure and not subdivide that lot into what would becomes the five acre piece.

Rich Williams stated that I would want to have some internal discussions before (inaudible – not using microphone).

Board Member Pierro stated okay.

Chairman Rogan stated okay.

Board Member Pierro stated I'm just looking for a bone to throw if they can't get this third lot, maybe they would be satisfied with an accessory structure.

Mr. Miller stated even if, it sounds like even if we have to go, even if we weren't allowed the three lots and only had two, we would still have to go for a 280 A variance, right.

Rich Williams stated on two lots absolutely.

Chairman Rogan stated to create that.

Rich Williams stated two lots are going to trigger it but what he is talking about is not doing a subdivision at all and just doing an accessory building.

Board Member Pierro stated no, no.

Chairman Rogan stated no, no he's saying.

Board Member Pierro stated no I'm saying do the subdivision for the two lots and do an accessory building on the largest lot.

Chairman Rogan stated yeah.

Rich Williams stated yeah, they would still need a 280 A.

Chairman Rogan stated okay, I am not going to labor the point. I think Dave understands they need a 280 A to create that lot.

Board Member Pierro stated no matter what.

Chairman Rogan stated but he was just speaking specifically about the addition portion of it. You know, they do the 280 A to create the front lot and they have the existing lot say with ten acres, let's say a year later they want to go and put a big addition, not an addition.

Board Member Pierro stated an accessory structure.

Chairman Rogan stated some type of building, per the Code and per the requirements that they have the bulk area.

Rich Williams stated that is what I said the first time.

Chairman Rogan stated they would then go for a 280 A for that.

Rich Williams stated they might, that is something that I would want to talk to Dave about, I would want to have an internal.

Chairman Rogan stated okay.

Board Member Pierro stated just another avenue, that's all, it gets a little hairy.

Rich Williams stated then we are talking about a new structure.

13) OTHER BUSINESS

c. Exciting Expressions – Sign Application

Ms. Jackie Vetrano was present.

Chairman Rogan stated okay, let's move on. Are you here for Exciting Expressions, we'll jump. Let's get you guys up here before you lost any excitement left in you, in fairness though we did tack you on the schedule so we appreciate your patience.

Ms. Vetrano stated no, I want to thank you for getting me on in such short notice.

Chairman Rogan stated you're very welcome.

Ms. Vetrano stated should I put my signs up there.

Chairman Rogan stated we have them.

Rich Williams stated if I can, did you get any revised sign sketches from Olsen's.

Ms. Vetrano stated I have size or color, I have both.

Rich Williams stated both.

Ms. Vetrano stated both.

Rich Williams stated whatever you've got.

Ms. Vetrano stated I didn't know that there was an issue with the size as well. Oh, okay I'm sorry, that's.

Rich Williams stated you said size, I didn't say size.

Ms. Vetrano stated I'm sorry.

Board Member Montesano stated size doesn't matter.

Board Members laugh.

Chairman Rogan stated come on now, we've done well tonight.

Board Member Montesano stated yes but its getting late.

Board Member DiSalvo stated but it usually comes out of him over there.

Dave Raines stated you can set up those rodeo DVD's.

Rich Williams stated that's all.

Board Member Pierro stated easy, you're on the record.

Board Member DiSalvo stated these are the colors.

Ms. Vetrano stated (inaudible – too many speaking).

Board Member DiSalvo stated toy toned it down a little bit.

Ms. Vetrano stated right.

Board Member DiSalvo stated you toned the color down to match the.

Ms. Vetrano stated (inaudible).

Chairman Rogan stated what you'll, what is your name, I'm sorry.

Ms. Vetrano stated Jackie.

Chairman Rogan stated hi Jackie.

Board Member DiSalvo stated making amends over here.

Chairman Rogan stated because your business is in the Hamlet.

Ms. Vetrano stated right.

Chairman Rogan stated okay, let's pull it together for one conversation here tonight. Because your business and your sign will be in the Hamlet, there is a Code requirement to adhere to certain colors.

Ms. Vetrano stated Rich made me aware.

Board Member DiSalvo stated the placement too.

Chairman Rogan stated it looks like you've got it nailed on the new pictures for the color, that what do they call that, carmine red.

Rich Williams stated burgundy.

Chairman Rogan stated basically just making sure the color meets the requirement, it looks like it does, we'll have Rich confirm that it does and with the people making the sign.

Ms. Vetrano stated Olsen graphics, is there any shot of getting the brighter red approved.

Chairman Rogan stated no.

Ms. Vetrano stated even though the existing businesses that are there all have that bright red.

Chairman Rogan stated slowly we are getting them moved over as they change, even Allstate had use the colonial blue.

Ms. Vetrano stated understood.

Chairman Rogan stated but you know, I think that is a real attractive sign, that will be nice. Now size, the two signs.

Rich Williams stated Shawn, I did look at the application, she is essentially replacing the existing signs that are out there.

Chairman Rogan stated great.

Rich Williams stated they do conform to our zoning requirements.

Chairman Rogan stated no additional lighting other than what is already on site for the signs.

Rich Williams stated there is not additional lighting proposed.

Chairman Rogan stated can I, does anybody on the Board have any problems or questions for.

Board Member DiSalvo stated the one that is existing now on the sign, listing all the businesses.

Ms. Vetrano stated right.

Board Member DiSalvo stated I think, didn't somebody pull one of those signs off or something from the top, when the dog store was there, I saw something was removed, purposely. So what position would be over here.

Ms. Vetrano stated we would be taking up the whole spot here.

Chairman Rogan stated that middle.

Board Member DiSalvo stated okay.

Ms. Vetrano stated everybody else, probably has (inaudible).

Chairman Rogan stated so that is.

Board Member DiSalvo stated you know what was missing, the 311 sign, the 311 Center, remember that little hump that used to be up there.

Ms. Vetrano stated I think that's at the bottom.

Board Member DiSalvo stated it used to be up on the top too.

Board Member Pierro stated he didn't have a ladder to put it back.

Ms. Vetrano stated that whole thing needs to be replaced but.

Board Member Montesano stated they couldn't get the jumping thing, the pogo stick to go that high.

Chairman Rogan stated okay, anyone have anything else.

Board Member Pierro stated on the motion.

Dave Raines stated I went out there yesterday to do a fire inspection at this location and I noticed that three out of the five signs are red, why are we putting a burgundy sign up if there are three out of the five signs are red. Its hard for me to explain to clients when they ask me, I kind of have to shake my head and go.

Chairman Rogan stated because the old signs, yeah, the answer, the real easy and good answer for you is that we now have a color ordinance within the what, last five years.

Board Member Montesano stated yeah.

Chairman Rogan stated and a lot of those businesses pre-date that ordinance, so as they change signs or businesses change we are going to update to the Hamlet colors, so the intent is that we are not telling everybody that you have go change your sign right now but as they either are replaced or businesses change, we'll bring them into conformity.

Board Member Pierro stated the last new one we did was the Allstate company and they went with the Hamlet colors and then they moved out, so other then.

Chairman Rogan stated makes sense, yes, no.

Dave Raines stated it makes sense, let's go along with that.

Ms. Vetrano stated that is my only concern, is that its going to look out of place.

Chairman Rogan stated that might be a good thing.

Ms. Vetrano stated could be.

Board Member Pierro stated maybe you can motivate some of the other land lords there to join you.

Ms. Vetrano stated may its motivates them to get some new signs.

Board Member Montesano stated in the matter of Exciting Expressions, I make a motion that we approve the sign as presented.

Chairman Rogan stated SEQRA too, Mike.

Board Member Montesano stated negative declaration.

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.

Ms. Vetrano stated so I can get them printed, do I need anything in writing from you guys or.

Chairman Rogan stated you got your approval, you just need to confirm that your colors match with what Rich has for the samples.

Ms. Vetrano stated okay.

Chairman Rogan stated they look they do here but you know sometimes what you see on paper and what you get.

Rich Williams stated we have copies of that for the file.

Ms. Vetrano stated do you need more, I have some more here.

Chairman Rogan stated yeah give them to.

Ms. Vetrano stated you have enough, okay, thank you.

Board Member Montesano stated you can keep those in case (inaudible).

Ms. Vetrano stated thank you very much, I appreciate it.

Chairman Rogan stated and more importantly good luck in your business.

Board Member Cook stated good luck.

Ms. Vetrano stated thank you.

a. Paddock View Estates – Bond Recommendation

Chairman Rogan stated okay Paddock View Estates bond recommendation. That now is a moot point.

Rich Williams stated that is moot.

Chairman Rogan stated right, you want to explain quickly to the Board.

Rich Williams stated essentially state law says that they from the time they get conditional final approval, they have 180 days, they can request two 90 days extensions.

Board Member Montesano stated hang on here.

Rich Williams stated 360 days in which they have to meet the conditions of any final approval issued by the Board. They came into me this week to say where do we stand with meeting those time frames and I pulled the original resolution, which was issued May 1st, March 1st, I'm sorry March 1, 2007, too late, approval has expired, he has to start over.

Board Member DiSalvo stated he never (inaudible).

Board Member Montesano stated yeah well, we don't have to worry about it.

Chairman Rogan stated the second part of this.

Board Member DiSalvo stated the second part.

Chairman Rogan stated yeah.

Board Member DiSalvo stated more bad news.

Chairman Rogan stated no.

Board Member Montesano stated I make a motion to approve the minutes for February 7th, 28th, and March 6th.

Board Member DiSalvo stated what is part two on this, part two.

Board Member Montesano stated oh okay.

Rich Williams stated the only part two that might exist is he now is going to make another application, what everybody wants to do with the fees.

Chairman Rogan stated that was my question for you and for Anthony was.

Rich Williams stated fees are you know, it's a ten lot subdivision, you know.

Chairman Rogan stated yeah, lay out for the Board, if he is coming back in with the exact same thing we just approved, this sounds to me like a technicality kind of thing, that we are going through the process, does that mean that we do another public hearing.

Rich Williams stated yes.

Chairman Rogan stated but can all of this occur as soon as he makes application, can all of this occur within a month, he makes the application, its complete, we set a public hearing, we do the public hearing.

Anthony Molé stated what about the SEQRA process.

Rich Williams stated well we've already done SEQRA and nothing has changed.

Chairman Rogan stated yeah.

Board Member Pierro stated so you are looking for waiver on, you are looking for our opinion on whether or not we waive the fees Rich.

Rich Williams stated yeah and essentially to answer the question, essentially becomes a four month process.

Board Member Pierro stated right.

Rich Williams stated he makes the application, you set the public hearing.

Chairman Rogan stated okay.

Rich Williams stated because it is more then three lots or more then five lots on a new road, it's a major so he has to do a two step process.

Chairman Rogan stated okay, yeah.

Rich Williams stated hold the public hearing, grant preliminary approval, he re-submits for final, you set the public hearing.

Chairman Rogan stated okay.

Rich Williams stated so its four months.

Chairman Rogan stated my feeling is, yeah you absolutely waive the fees.

Board Member Pierro stated nothing has really changed.

Board Member DiSalvo stated who was like negligent on this, the applicant, his attorney.

Rich Williams stated we had been waiting for something from the engineer, the engineers have been going back and forth on issues, there are still some outstanding issues.

Board Member Pierro stated I'm in favor of waiving the fees Shawn.

Chairman Rogan stated I am also.

Board Member DiSalvo stated let's make sure it doesn't happen again.

Anthony Molé stated the Board can make the motion to waive the fees and recommend that to the Town Board (inaudible).

Chairman Rogan stated right.

Board Member Pierro stated on the motion, do you need the motion now.

Chairman Rogan stated sure.

Board Member Pierro stated in the matter of Paddock View Subdivision, I make a motion that the Town of Patterson Planning Board recommends to the Town Board that they waive the fees on the renewal of the subdivision application.

Board Member DiSalvo stated Paddock View Estates.

Board Member Pierro stated Paddock View, isn't that what I said.

Chairman Rogan stated yes, I'll second, I think.

Board Member DiSalvo stated I don't know I didn't get that.

Chairman Rogan stated I'll second that 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 asks for an opposed.

b. Clancy Site Plan – Request for Waiver of Site Plan

Chairman Rogan stated we did the Clancy Site plan extension.

14) MINUTES

Chairman Rogan stated the minutes, Mike had already made a motion, I believe.

Board Member DiSalvo stated yes.

Chairman Rogan stated for the approval of February 7th.

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 any other business that you gentleman have or lady.

Board Member Pierro stated let's pick a day or an afternoon to walk one of these places.

Board Member DiSalvo stated we have to see when Martins is going to be ready.

Chairman Rogan stated we have a little bit that has to be done on each, we'll talk with Rich and get something done. 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.

The meeting ended at 9:58 p.m.