

**TOWN OF PATTERSON**  
**PLANNING BOARD MEETING**  
**April 4, 2013**

**APPROVED**

**AGENDA & MINUTES**

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<b>1) East Putnam Development Corp. – Continued Review</b>	1 – 9	Discussion of stormwater pond, lighting, and screening on neighboring property.
<b>2) Frank’s Automotive, LLC – Sign Application</b>	9 – 13	Negative determination of SEQRA granted. Sign permit granted.
<b>3) Anna’s Airport &amp; Limousine Service – Site Plan Waiver</b>	14 – 17	Discussion of proposed waiver, setback requirements, needs to meet with Fire Inspector.
<b>4) Brian Martin – Fill Permit</b>	17 – 18	Negative determination of SEQRA granted. Fill permit granted.
<b>5) Imad Danial – Wetlands/Watercourse Permit Application</b>	19 – 27	Discussion of notification to property owners. Public hearing scheduled for 5.2.13
<b>6) Patterson Auto Body – Sign Application</b>	27 – 30	Discussion of allotted signage.
<b>7) Other Business</b>	30	Code Violations summary on hold.
<b>8) Minutes</b>		March 7, 2013 Approved.

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**TOWN OF PATTERSON  
PLANNING & ZONING OFFICE**

**ZONING BOARD OF APPEALS**  
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Mary Bodor  
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**PLANNING BOARD**  
Shawn Rogan, Chairman  
Thomas E. McNulty, Vice Chairman  
Michael Montesano  
Ron Taylor  
Edward J. Brady, Jr.

**Planning Board  
April 4, 2013 Meeting Minutes**

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

**APPROVED**

Present were: Chairman Shawn Rogan, Board Member Thomas E. McNulty, Board Member Michael Montesano Board Member Ronald Taylor, Board Member Edward J. Brady, Jr., Rich Williams, Town Planner, Ted Kozlowski, Environmental Conservation Inspector, Town Councilman Charlie Cook, Andrew Fetherston of the Town Engineer's office, Maser Consulting, and Nancy Tagliafierro of the Town Attorney's office, Hogan & Rossi.

Chairman Rogan called the meeting to order and led the salute to the flag.

There were approximately 8 members of the audience

The meeting was called to order at 7:00 p.m.

Michelle Lailer was the Secretary and transcribed the following minutes.

Chairman Rogan stated thank you.

**1) EAST PUTNAM DEVELOPMENT CORP. – Continued Review**

Mr. Harry Nichols and Mr. & Mrs. Thomas McNulty were present.

Chairman Rogan stated okay, first item on the agenda, East Putnam Development Corp.

Board Member McNulty stated and I'll recuse myself from this item.

Chairman Rogan stated okay.

Board Member Brady stated it was good seeing you.

Chairman Rogan stated good work. Rich, Andy, why don't you tell us how Harry's doing.

Andrew Fetherston stated he's doing well.

Chairman Rogan stated he's doing well.

Rich Williams stated he's certainly making forward progress but we've got to get him away from the plants.

Mr. Nichols stated my thumbs are not green.

Rich Williams stated they're not green.

Chairman Rogan stated how are you Harry.

Mr. Nichols stated good evening.

Chairman Rogan stated good evening, you want to use the microphone and run down, give us an update as to...

Board Member Montesano stated as to who you are.

Chairman Rogan stated as to, not so much who you are but how we're doing with this project, the changes that have been made and some of the outstanding issues.

Mr. Nichols stated yes, we had the wetland flags survey located and we found out we were closer to the property line than we had anticipated so we had to do a revision to the pond, reconfigure the shape and we're now respecting staying out of the 100' adjacent area. I have, as far as the comments go, I have not had a chance to read Rich's memo...

Chairman Rogan stated okay.

Mr. Nichols stated so, it was just received later this afternoon but I have gone through the one from the Town's consulting engineers and there are some, certainly there are things there that we can comply with and I would like to discuss the other items, do you want to do it here now or do it in a session with them, they're minor and I think we can deal with them all.

Chairman Rogan stated okay.

Mr. Nichols stated based on the, what I consider to be the comments that we can comply with and something satisfactory to the Board, I ask that we possibly be given consideration for conditional approval tonight with the understanding that we will address these issues and to the satisfaction to the Planner and the Engineer.

Chairman Rogan stated Rich, do you want to touch on any of the issues anything you deem significant.

Rich Williams stated sure, I have three main issues right now, Harry hasn't had a chance to review the memo, one is the lighting for the site, it appears that the lighting is unshielded therefore the lighting would, isn't accurate in my opinion, it would allow offsite splash in a manner that is not permitted by our code, I think that can be addressed with the, you know, lighting heads, the luminaires and there being shielded but currently that is not reflected on the plan. The second issue again is, you know, cleanup, has to do with the landscaping and you know, we touched on some of that at the last meeting, Ted had brought up the issue

that you know, he was planting yews, the yews are going to have the same problem that the junipers were going to have, there were differences in the quantities and some other clean up issues. And my last big issue has to do with procedures and that is the last issue that Harry needs to do is give us some bond calculations so we can calculate out a bond for the project, once that's done, then everything is pretty well wrapped up.

Chairman Rogan stated okay, you have a sense of when you'll have the bond calcs Harry.

Mr. Nichols stated we can have them first of the week, if necessary we'll have them tomorrow, if that would be of any help.

Chairman Rogan stated well we want them to be right, make sure you don't just.

Mr. Nichols stated I would do them tonight except...

Chairman Rogan stated you're pre-occupied.

Mr. Nichols stated I'm pre-occupied.

Chairman Rogan stated I understand.

Andrew Fetherston stated on the bond, I wondered if, if you wanted me to give you the dollars that we had used, we've used the same dollars on other projects, when we calculated the bond, do you want me to give the dollars that we'd like, that we think are appropriate.

Mr. Nichols stated yes, it will save going back and forth.

Andrew Fetherston stated I'll give you that, okay. I just had a couple of things, I think my biggest item is the detention basin, it seems like those slopes are awful steep, I thought they were 1 ½ on 1, I thought they were real steep, I'd just like you to take a look at that Harry.

Mr. Nichols stated they are 1 ½ on 1...

Andrew Fetherston stated yeah.

Mr. Nichols stated we realize we're tight, we are proposing to use filter fabric and rip rap on top of that, to help to hold it in place...

Andrew Fetherston stated right.

Mr. Nichols stated we have done other sites with 1 ½ on 1, as a matter of fact if you look at the Highlands over in Southeast, I think you'll see that most of those retention basins are all done with 1 ½ on 1 slopes.

Andrew Fetherston stated I think getting to that, you know DEC likes 3 on 1 or 2 on 1, I think we would want some kind of stability calcs on something like that, it's just very steep, when that soil gets saturated and then drains out, you can have a slough and a failure. There's nobody, there's no individuals downstream of that, no residences downstream but that could make a real, that could do a lot of damage, so I'd just like to, maybe we can talk about that further, maybe with my geotechnical engineer, get his thoughts on that, maybe there is a specification of soil to be placed or some method that it's placed that he finds satisfactory, I'd like to refer to my geotechnical engineer in the office on that. We saw the same thing

on the lighting, that lamp, that actual lamp, we couldn't find in the material cuts that there actually would be a cut off even sold for that lamp, so I think it's just going to steer you in a different direction as far as the head. And then the retaining wall, it goes from a retaining wall where the site is low to a retaining wall at the farthest end into the site where the retaining, where the parking is high and the adjacent property is low and we're just worried about a wayward vehicle getting, you know, mounting that getting across, we're worried about a wayward vehicle there, it's very, very tight to think that if you could get a piece of guiderail there or something but we thought some provision should be made for a wayward vehicle, so that somebody doesn't go over the side. Those were the main comments, there were some other things we can go over.

Mr. Nichols stated is that in the area where the offsite is lower, then the site...

Andrew Fetherston stated yeah, right up...

Mr. Nichols stated when you get to the rear, it's...

Andrew Fetherston stated right here, right here you're parking is high and your site is, the adjacent property is low, the rest of it is all the wall and it's higher at the parking lot, so I would, I don't know, maybe just something there, maybe that guiderail can come around...

Mr. Nichols stated well your suggestion that we extend it around the corner is good.

Andrew Fetherston stated that might do it, I think that would do it. If he's got space, it's tight, you know.

Mr. Nichols stated yeah, no, we can fit it in there.

Andrew Fetherston stated okay, that's it Shawn.

Chairman Rogan stated okay, so it sounds like your main issue is the slopes on the basin.

Andrew Fetherston stated absolutely.

Chairman Rogan stated yeah and how they're proposing to stabilize them.

Andrew Fetherston stated yes.

Rich Williams stated Shawn...

Chairman Rogan stated yes.

Rich Williams stated there was one last question in this area that I had asked Andrew and he really didn't have an answer for me, I was curious, Harry, you're using plastic pipe all over the site, everything is plastic except for the outfall to the basin which is on 15% slope but you're using asphalt coated steel pipe because of the friction loss.

Mr. Nichols stated no, because we have a vertical riser, which is the overflow, which will handle anything in excess of 100 year storm...

Rich Williams stated right.

Mr. Nichols stated and it's something we're concerned about the fabrication when you connect that to the plastic pipe, so we were making that all steel pipe.

Andrew Fetherston okay but...

Chairman Rogan stated it's always good when the engineers have an answer, right Harry.

Mr. Nichols stated got that one.

Chairman Rogan stated so then I guess the obvious question comes down to, I always throw this back on you gentlemen, whether you gentlemen feel comfortable moving forward or whether we should, you know, get these things ironed out and wrap this up with a bond and these other issues.

Rich Williams stated you know, I mean, I guess I'm going to leave this somewhat to Harry because Harry said there were some issues, most of the issues he could very easily address but there were a few issues he could not and I don't know what those issues are. I would rather see this wrapped up clean, you know, and we really can't do anything, the applicant can't do anything until we get that bond squared away anyway, so I'd rather wrap it all up clean the next meeting, so everything is done and then they can move forward rather than you know, do a conditional now and still have to come back here next meeting.

Chairman Rogan stated sure.

Rich Williams stated you know again, I'm going to put it back on Harry about what are the issues that he feels there needs to be further discussion that just aren't cleanup.

Mr. Nichols stated well I think, well the issue about the wall and the drop off on the other side, I think we just made a suggestion and it was based on what Andrew had offered in his review memo which I think is a good idea and that will take care of that. As far as the fixtures go, these are not very high output fixtures however, I'm sure that there is an easy way of fabricating a shield that will be on the backside of the luminaire.

Rich Williams stated well I think you need to talk with your client because fabricating a shield on this type of fixture, I think will destroy the appearance of the fixture, my opinion but I'll leave it up to your client as to whether he thinks he can do that or he wants to look at a different fixture that does have shielding, so that there won't be any offsite splash. Again, I think that's a cleanup issue, I don't see that as a stumbling block, I think the biggest stumbling block is Andrew and I are both concerned with the steepness of the driveway going into that sediment pond and the slopes on that sediment pond and the pipes coming out, you know I don't think it's a deal breaker but I think it needs to be looked at.

Mr. McNulty stated hi Tom McNulty, East Putnam Development, I just want to address on the light issue, I think that can be a field application with some coil stock, bent properly and attached to the lens, if you look at those heads, there is room, they overhang and there is room to attach, to physically attach it...

Rich Williams stated and you don't, you're not concerned about the appearance of doing that.

Mr. McNulty stated no, not if I get a matching color.

Rich Williams stated okay, then the only thing I'd ask is that it be reflected in the plans.

Mr. McNulty stated so, it's just going to be maybe a 5" shield, depending on what, we'll adjust it to block out the light, since I don't have a dimension yet, we'll have to look at that but it's, but I don't think it's a difficult fix and most of that is in the phase 2 portion anyway so, but I know we want to get it addressed here.

Rich Williams stated right.

Mr. McNulty stated and as far as, I indicated, I instructed Harry not to update the plans just yet because I knew there were going to be some issues, so we could do a onetime shot, get all the notes and corrected, rather than re-draw, re-draw and reprint and so, I think a number of these things, it's just the steepness of the slope, I don't know how to address that, that's Harry's expertise.

Andrew Fetherston stated that's, hands down, that's the biggest issue is the steepness of the slopes to the basin.

Mr. McNulty stated how many gallons of what are we talking about in the pond, do you know, if it was full, it's not like the Kensico Dam, right.

Mr. Nichols stated no, no, no.

Rich Williams stated well the problem is you're passing the 100 year storm plus.

Mr. Nichols stated well see the overflow is a vertical overflow.

Rich Williams stated right.

Mr. Nichols stated and my preference is and was a suggestion that we have an emergency overflow going out over the embankment, I would prefer not to do that, I would prefer to keep the vertical metal riser, which is away from the embankments and not have, given the opportunity of causing any erosion, as far as steepness goes, I mean we've done a number of these embankments and slopes by rip rap, filter fabric and it's worked very well and the soils out there are very, they're good draining soils, so it's not a matter of it liquefying and then collapsing.

Rich Williams stated yeah but with regards to not having an emergency outflow Harry.

Mr. Nichols stated we have an emergency outflow, it's part of the vertical riser.

Rich Williams stated I understand but an emergency overflow so there's a section of that berm that water can get over, if there's ever a rainfall event that the capacity of that outlet, exceeds, you're going to lose that pond and you're going to lose it into a DEC wetland.

Mr. Nichols stated I'm not but see if you look at the amount of area going in there is slightly less than 1 acre of runoff, okay...

Rich Williams stated I understand.

Mr. Nichols stated and we designed, we're designing that outfall not for a 10 or a 20 year storm, we're designing that for 100 [year storm], it will take over 100 [year storm], it's just a matter of a couple of inches over the top of the pipe.

Andrew Fetherston stated I guess, I'm not debating the storm event or the quantity of water that's in it, as far as the outfall and the clogging in an emergency overflow, in a hurricane things fly, that's really clear that things fly, if it's a board, even a piece of cardboard that could seal that top solid, the flows that you thought were going to go through there in all conditions would not. I've seen basketballs clog things solid, toys that get launched, if they fly or float in an extreme event, that's what we're considering. So an emergency overflow would just allow this to safely discharge, it's not going to be erosive because the chances that it's ever used or nailed to very infrequent, when it's there, it's an insurance measure. The steepness, I think you and myself and you know, maybe Tom get on the phone with my geotechnical engineer and let's talk it out, I think we can find a solution, you know...

Mr. Nichols stated okay.

Andrew Fetherston stated you say you've got multiplies that have worked, let's see what the specifications are on those and let me just pass it by my geotechnical engineer, he's a lot more experienced in the stability side of that than I am, that's how I prefer to do it.

Mr. Nichols stated alright.

Chairman Rogan stated that sounds reasonable.

Mr. McNulty stated and one thing Harry and I discussed also is this outfall here from the pond, we're going to redirect it more onto this open area here, so it's not right into the neighbor's property.

Mr. Nichols stated yeah that, because that now we have the 100' setback, this area is all clear so we can direct it out onto an area where the drop is much less leaving the site.

Andrew Fetherston stated what's your 100 year buffer line.

Mr. Nichols stated it's right here.

Andrew Fetherston stated okay, okay.

Mr. Nichols stated 100' setback from the wetland.

Andrew Fetherston stated gotcha.

Mr. McNulty stated yeah.

Andrew Fetherston stated okay, good.

Mr. McNulty stated okay.

Andrew Fetherston stated that's how we'll address that.

Board Member Taylor stated so did you guys resolve this emergency overflow, are you putting it in.

Mr. McNulty stated I think there's going to be some more discussion.

Mr. Nichols stated well I think, it has to go in, we would move it down this way, so a drop would be much less than it is at this point.

Andrew Fetherston stated yeah, I agree with that, yeah.

Mr. McNulty stated but you're still looking for an emergency overflow on top of that, an additional emergency, on top of the berm or if we move that...

Andrew Fetherston stated there's only one emergency overflow because if a cardboard box went flying, anything went flying, you know a dumpster door, you put everything in the dumpster neat, you close it up in a hurricane, that thing flies open, that's just the way it happens, if something closed that off, so that emergency overflow, you know come up with something, I've seen rip rap's loose or something.

Mr. Nichols stated well we can, very simple, would be to put the rip rap section over here...

Andrew Fetherston stated yeah.

Mr. Nichols stated and let it go down this gentle slope and let that be the overflow.

Andrew Fetherston stated yeah I'd put them on any of them, I really would, I would put them on any of them for insurance.

Mr. Nichols stated okay, we have no problem with that.

Mr. McNulty stated okay, you can take care of that.

Mr. Nichols stated sure.

Mr. McNulty stated okay alright.

Mr. Nichols stated who is the planter that would like to change some of my selections.

Mr. McNulty stated just real quick, just so you know I did meet with the Olsen's, since the last meeting, their concern about, the neighbors to the north side, about shedding the area here and I explained to them that this area here is phase 2 and I'm going to leave that all natural as it is for now and here we're going to do some plantings, there are some small evergreens on the property, about 6 foot high that I hope to transplant and then if I have to add some other evergreen type hemlock or something else, I know the deer eat the hemlock but there is hemlock there now and they're not disturbed, so.

Rich Williams stated I didn't say the deer ate the hemlocks.

Mr. McNulty stated I didn't say you did.

Ted Kozlowski stated they'll eat the yews thought.

Mr. McNulty stated so I addressed it with them and they're okay when we get something right along here, which is only about 60'.

Board Member Taylor stated do we need something in writing from them.

Mr. McNulty stated well we'll update that on the final plan to show that we're going to put something there, oh from the Olsen's you mean.

Rich Williams stated yeah, right.

Board Member Taylor stated because it's going to be on their property.

Mr. McNulty stated I don't know.

Rich Williams stated yeah, right, yeah, we're going to need something from them in writing, if part of this overall plan...

Mr. McNulty stated okay.

Rich Williams stated is you're going to be putting landscaping on their property and make that commitment, yeah, we would need to know that they have given...

Mr. McNulty stated okay, I'll follow up with them.

Rich Williams stated you have their consent.

Mr. McNulty stated okay.

Chairman Rogan stated great, okay, so Harry you're, it sounds like really the main issue then is the slope stabilization if you can iron that out with Andrew and his folks and we can nail down the bond and the issues and wrap this up clean and be done with it, sounds great.

Mr. Nichols stated okay sounds good to me.

Chairman Rogan stated alright, you asked and your client heard you ask, so that's always good, you know for the conditional, so, sound good.

Mr. Nichols stated sounds good.

Chairman Rogan stated okay, alright, alright, great.

Mr. Nichols stated thank you.

Chairman Rogan stated thanks.

## 2) **FRANK'S AUTOMOTIVE, LLC – Sign Application**

Mrs. Tammy Smith was present.

Chairman Rogan stated we have Frank's Auto up next.

Mrs. Smith stated you really have Tammy, I'm sorry, he's home with the flu, so you're stuck with me.

Chairman Rogan stated well it seems like you represented last time anyway so.

Mrs. Smith stated exactly.

Chairman Rogan stated how are things working out, out there by the way.

Mrs. Smith stated well a sign would be helpful.

Chairman Rogan stated aside from the sign.

Mrs. Smith stated besides from the sign, everything else is working well, thank you.

Chairman Rogan stated okay and so the sign location, I have a, I apologize this is the first time I'm looking at this...

Mrs. Smith stated and I don't know that even on the drawing, we kind of counted in...

Chairman Rogan stated oh I see it.

Mrs. Smith stated on the drawing, we tried to make a little x and I really don't know that until the sign is actually there and again I'm okay with it, Rich before we actually place it wants to come over and we can make sure that the spot is okay.

Rich Williams stated it's in that general area within 5'.

Mrs. Smith stated I mean, yeah, exactly, so...

Chairman Rogan stated the sign looks great by the way, really, really sharp.

Mrs. Smith stated thank you.

Chairman Rogan stated it's really nice.

Mrs. Smith stated and I really think it will add to the corner there, I mean I think a sign should have been there way before now but...

Chairman Rogan stated well it will be better than all of those stick in the ground temporary illegal signs that get put up from time to time...

Mrs. Smith stated yes, exactly.

Chairman Rogan stated announcing shed sales and I mean I know that doesn't take care of that but...

Mrs. Smith stated well and we have kind of addressed that issue with them and the other people on the street and not to step on anybody else's toes, everybody needs to advertise but it really just makes the corner look bad and so, you know...

Chairman Rogan stated right.

Mrs. Smith stated hopefully they leave them down.

Chairman Rogan stated and your sign shop, Sun Dog Signs, is that the one on Peekskill Hollow Road, yeah excellent, I've seen some really nice work from them.

Mrs. Smith stated yes, so he did, I actually got him as a reference from George Apap, he did their sign...

Chairman Rogan stated great.

Mrs. Smith stated he did Plaza at Clover Lake, the Town of Pawling sign right on [Route] 22, so he's done all those signs, that's how I, you know, got his name. The only thing, I did print out, the actual what color, not that anybody doesn't know what the Napa colors are but the 2 little logos in the bottom, that's what those colors would be...

Chairman Rogan stated okay.

Mrs. Smith stated so the only thing that we're uncertain of because Gulio can't make up his mind is the sign will be black and white except for these will have to be those colors, that's a requirement by Napa but if Gulio will spend the extra money to have the sign carved, the inset, that little decorative part would be blue to match this, that will be the only difference but if he goes on, if you look at George Apap's sign, it's all vinyl, then it would just stay black and white just like that, so the only upgrade I guess would be is if it's carved, he'll make that inset blue just to give it a decorative look, I guess you could say.

Chairman Rogan stated okay, Rich I see you mentioned something in here...

Mrs. Smith stated about the 10 at the driveway.

Chairman Rogan stated yeah, for the address.

Mrs. Smith stated yes and at the driveway we have a retaining wall mailbox that encases our 2 mailboxes...

Chairman Rogan stated okay.

Mrs. Smith stated but there's not number on it, Rich did bring it to my attention, I did speak to Gulio about it, we will get a little plaque made, I told Rich that before we had it made, he told me it had to be 3" numbers I believe...

Rich Williams stated minimum 3" numbers.

Mrs. Smith stated minimum of 3" numbers, I asked him if we could place it right one the blocks of the mailbox, he said he thought that would be fine, I told him I'm willing to show him where we're going to put it before we put that on, the only other thing that I would like to do eventually with this and maybe if we have to come back next month, I don't know but the sign that we have at our entry way right now, we built a small garden planter like around it, to make it look nice and planted, some shrubs and it has lights...

Chairman Rogan stated you didn't use yews did you.

Mrs. Smith stated what.

Chairman Rogan stated I apologize.

Mrs. Smith stated I'm sorry and then, so, I didn't hear what he said, I'm sorry.

Chairman Rogan stated I said you didn't use yews, we were talking about the last application.

Mrs. Smith stated no, yes, no, so I would like to do something nice on the bottom of this also, if...

Chairman Rogan stated well that's, planting...

Mrs. Smith stated you know just to make it look nicer with a few little planters with the shrubs and the lights, so.

Board Member Taylor stated the lights would have to be approved.

Chairman Rogan stated hey Rich, yeah.

Mrs. Smith stated absolutely, that's why I'm saying, I didn't have an exact drawing of what the planter would look like with the shrubs so again I'd like to get obviously, the sign is going to take 5 weeks to be made...

Chairman Rogan stated okay.

Mrs. Smith stated so I thought if Gulio in the meantime could draw what the planter would like with the shrubs, maybe we could come back with that.

Chairman Rogan stated I don't know that that's necessary.

Board Member McNulty stated as long as it's a shielded light and doesn't point to any traffic.

Rich Williams stated it's, yeah, absolutely.

Mrs. Smith stated okay.

Chairman Rogan stated I think it would be more appropriate if you have a conversation with Rich to say here's what we're looking to do...

Mrs. Smith stated okay.

Chairman Rogan stated that's, I think that's going to be perfectly fine.

Mrs. Smith stated and that's okay and like I said, we thought really when we're there getting the sign installed I was going to ask Rich if he wouldn't mind just coming and verifying everything before we started anyways because obviously once it's in, I don't want anybody coming over saying oh, you've got to move it 3', I don't want that.

Chairman Rogan stated I understand, no I agree, I think that's a great idea. Does anybody have any concerns, questions.

Board Member Taylor stated I've got 2, I think she needs to fill in the line about the lighting, that it be appropriate shielded approved or whatever, since there are 2 people on the sign, do we need an application from the other party too.

Rich Williams stated no, he was party of this application.

Board Member Taylor stated okay, the fact that he signed off, okay.

Rich Williams stated yup, right, the only other concern that needs to be touched on is the fact that there is already an existing sign that needs to come down as part of the conditions.

Mrs. Smith stated and we'll remove that before we install this sign, obviously he's going to leave it there for right now but we will remove that before this sign, like I said the Sun Dog Sign said approximately 5 weeks to have the sign made, so we will get that sign down within the 5 weeks.

Chairman Rogan stated okay, so I see Tommy writing notes, you want to do the...

The Secretary stated Tammy, can I have that.

Mrs. Smith stated yeah.

The Secretary stated thank you.

Board Member McNulty stated I'd like to make a motion to SEQRA...

Chairman Rogan stated sure.

Board Member McNulty stated motion for SEQRA on Frank's Automotive sign application, 10 Commerce Drive in Carmel, I declare a negative declaration for SEQRA.

Chairman Rogan stated can I have a second.

Board Member Montesano seconded the motion.

Chairman Rogan asked for all in favor. The motion carried by a vote of 5 to 0.

Chairman Rogan stated okay and on the application.

Board Member McNulty stated and on a motion on the sign application for Frank's Automotive LLC, I make a motion to approve this application with the notes that any lighting must be shielded and the existing sign to be removed.

Chairman Rogan stated can I have a second.

Board Member Montesano seconded the motion.

Chairman Rogan asked for all in favor. The motion carried by a vote of 5 to 0.

Chairman Rogan stated okay, fantastic.

Mrs. Smith stated okay, wonderful.

Chairman Rogan stated look forward to seeing it.

Mrs. Smith stated thank you very much.

Chairman Rogan stated thank you.

**3) ANNA'S AIRPORT & LIMOUSINE SERVICE – Site Plan Waiver**

Mr. Andy Mirchin of Paraco Gas & Propane was present.

Chairman Rogan stated okay, do we have anyone here from Anna's Airport and Limousine.

Mr. Mirchin stated I don't want to take too much of your time, unfortunately by the time I got the letter from the Fire Marshall, I wasn't able to sit down with him but I just want to give you a little overview of what we're trying to accomplish.

Chairman Rogan stated sure, what is your name sir.

Mr. Mirchin stated my name is Andy Mirchin from Paraco Gas. Alternative fuels is getting to be very big in the United States because of the high price of gasoline and there is compressed natural gas as well as propane gas, as well as hybrids et cetera and what we're entertaining with Anna's Limousine because he uses a significant amount gasoline and also the green initiative, he's looking at alternative fuels and propane and he'll be able to obviously meet all the green house effects or EPA requirements they'll be able to meet all the other EPA requirements as well as reducing his expenses on fuels costs as well, significantly. This is being down throughout the country as we're speaking right now, just yesterday we met with Nestlé's water who is considering converting their trucks over to propane or CNG, so this is going to get big as the price of gasoline keeps on climbing, it's not out to the residential people yet or to the homeowners, more related to fleets, limousines, ambulette services, trucks, you name it, our vehicles actually run on propane overall. So it's something that's going to be fairly, going to be taking off and this is a great opportunity for Anna's Limousine as well as the Town of Patterson to have the green initiative and I just have to obviously review the letter that the Fire Marshall printed out and to review the site plan issue as well, does anybody have an questions or...

Chairman Rogan stated okay, I have a question so the liquid propane or did you also say it could be Natural Gas.

Mr. Mirchin stated it could be CNG or propane but in this situation it's going to be propane.

Chairman Rogan stated and so this would be a filling station...

Mr. Mirchin stated a dispensing station for himself.

Chairman Rogan stated for himself, private use.

Mr. Mirchin stated private use, not retail, nothing like that at all.

Chairman Rogan stated okay, now is, how would this differ from a filling station that somebody uses for BBQ tanks.

Mr. Mirchin stated same thing.

Chairman Rogan stated okay.

Mr. Mirchin stated basically the same thing it's just that it has a dispensing station similar to what you have when you go to the gasoline station...

Chairman Rogan stated different connector.

Mr. Mirchin stated different set up plus it fills about 10 gallons a minutes, similar to what a gasoline station does...

Chairman Rogan stated okay.

Mr. Mirchin stated it has the breakaway; it has all the safety components on it so if any kind of accident had occurred, the same thing as with a gasoline station.

Board Member McNulty stated you just said it was for personal use or for fleet use...

Mr. Mirchin stated business use, fleet use.

Board Member McNulty stated ok, that's what I thought.

Chairman Rogan stated in other words, not for customers.

Mr. Mirchin stated no, no, no, no, it's not for retail.

Board Member McNulty stated it's for the limousines.

Mr. Mirchin stated does anybody have any other questions.

Board Member Taylor stated well we had a problem on the setbacks, there's not any room.

Mr. Mirchin stated the drawing that I presented or the site plan I went over with Rich, I actually went down there and re-measured everything and it seems like it's not, it shows on the plans its 20' from the building to the property line and I actually, I actually went back there a couple of day ago and measured it and it was of a total and again I'm looking at just the end of the asphalt because there is a marker, a property line and that's even further out, 4' more further out but just from the end of the pavement to the staircase is 37' all together that I measured off and actually I...

Board Member McNulty stated did you indicate that on the plan.

Mr. Mirchin stated no I didn't, I have this that I just did because on that, that site drawing doesn't really show, if you measure it by the rule about that we used last time, it showed 20' or something like that, so I have this and I have a whole made up.

Board Member Taylor stated so you're saying it will fit.

Mr. Mirchin stated well there's an issue I have to review with the Fire Marshall about property distance from the property behind there, the property behind there is unbuildable and with Code or specification of code, I want to review that with them.

Board Member McNulty stated what about the side setback.

Mr. Mirchin stated the side setback would be 25' from the property line.

Board Member McNulty stated and you have that.

Mr. Mirchin stated yes, that we have on the side.

Board Member Taylor stated I think we had a question at the work session, can you bury this.

Mr. Mirchin stated you could bury the tank but I don't think there be really an application for this situation, I mean, you can reduce the distance because technically you know you could put a, you could bury it and then you have 10' of distance from the building but I'd rather see if we could do it at the edge of the property in the back.

Board Member McNulty stated yeah.

Mr. Mirchin stated we were you able to get back there and look.

Rich Williams stated no, I called Anna's Limo to schedule an appointment to go out there and look and they've not returned...

Mr. Mirchin stated maybe we should get together one day and, you know, after I meet with the Fire Marshall.

Rich Williams stated yeah, you work things out with Dave and then...

Mr. Mirchin stated I will.

Chairman Rogan stated it sounds like it's an issue of clarifying separation distances and some safety features.

Mr. Mirchin stated more from the back of the property which is unbuildable versus the build, I have no problem being 25' from the building, that's not an issue for me, it's just a matter of clarification from the property behind.

Chairman Rogan stated okay, so we would be looking at a clarification on that and a positive recommendation from our Fire Marshall and then it would be, it's a site plan waiver, so we would be looking at just updating these issues onto the, onto your existing plan and anyone have anything else, do you want this back.

Mr. Mirchin stated no, you can keep it.

The Secretary stated here, I'll take it.

Mr. Mirchin stated it just shows, just like I said, I went back there and I measured with a ruler from the staircases to all the way to edge of the pavement and it was 37'.

Chairman Rogan stated okay, so I guess we'll hear back from you when you nail down these issues...

Mr. Mirchin stated yes, absolutely, I'll be in touch with the Fire Marshall and once I meet with him and get verification then I'll meet with Rich and submit the information.

Chairman Rogan stated fantastic, Rich do you have anything else, anything the Board should be considering at this point.

Rich Williams stated nope.

Chairman Rogan stated no, okay.

Mr. Mirchin stated thank you very much.

Chairman Rogan stated thank you sir, I appreciate your time.

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

**4) BRIAN MARTIN – Fill Permit**

Mr. Brian Martin was present.

Chairman Rogan stated we have Brian Martin. Good evening Mr. Martin.

Mr. Martin stated good evening.

Chairman Rogan stated how are you.

Mr. Martin stated okay.

Chairman Rogan stated good, so you have a fill permit, is this the one Rich that you were bringing me up to speed on, it came from the deli, the Gabrielli...

Rich Williams stated yes.

Chairman Rogan stated okay, so how many yards of material are we talking about.

Rich Williams stated not a lot, I think his application says about 80 or 90 yards, I'd say that's in the ballpark but it's a small area that the fill was in, it's not a big deal.

Chairman Rogan stated okay.

Rich Williams stated you know, I looked at where the fill was coming from, it was obviously coming from a clean source, so that's not an issue here, there are several issues out there I guess unrelated to this application, so I see no problem with approving the fill permit...

Chairman Rogan stated right.

Rich Williams stated subject to soil stabilization within 14 days and you know, erosion controls being in place during that time.

Ted Kozlowski stated I just want to add something to that, is that the fill needs to stay on your property.

Mr. Martin stated yes.

Ted Kozlowski stated not that other property that we're dealing with.

Mr. Martin stated yeah.

Board Member McNulty stated Ted, do you have any other comments on, everything okay.

Ted Kozlowski stated well there's a wetland violation associated next door and Mr. Martin is addressing that as per my direction and with some input from Rich, he's doing fine. I'd like to see some more rock in that stream, big rock, every 30'...

Mr. Martin stated okay.

Ted Kozlowski stated okay, the hay and everything, I'll talk to you, I stopped by you were not there.

Mr. Martin stated yeah.

Ted Kozlowski stated he's complying.

Chairman Rogan stated okay, the reason for the fill was for leveling, grading.

Mr. Martin stated yeah, just make it easier to mow basically, so it was just...

Chairman Rogan stated alright.

Ted Kozlowski stated you're going to seed that right away, right.

Mr. Martin stated yeah, as soon as I get the go ahead, I'll level it out and...

Chairman Rogan stated if we ever get a spring, you know, we're waiting for that but...

Mr. Martin stated yeah.

Chairman Rogan stated today was nice, I don't know if we're going to grow any grass today but okay, and refresh my memory, fill permit, SEQRA.

Rich Williams stated yes.

Chairman Rogan stated okay, in the matter of Brian Martin, I'll make a motion that the Planning Board grants a negative determination of SEQRA and approve the fill permit as submitted with the condition that the soil be stabilized within 14 days and not extend off of the property, so moved. Can I have a second.

Board Member Montesano seconded the motion.

Chairman Rogan asked for all in favor. The motion carried by a vote of 5 to 0.

Chairman Rogan stated thank you sir, have a great evening.

Mr. Martin stated thanks.

**5) IMAD DANIAL – Wetlands/Watercourse Permit Application**

Mr. Imad Danial was present.

Chairman Rogan stated Mr. Danial. Alright, I think we're pretty well squared away on this, we obviously spoke to you the other night, we did the site walk...

Mr. Danial stated yes.

Chairman Rogan stated we just had the 2 conditions from our Wetlands Inspector on the gates and no pipes underneath the fence, which we're good and okay, anyone have anything else on this.

Rich Williams stated there is one more issue, having been out to the site now and taken a second look at the plan and discussed this with Nick, before you move that shed, you need to talk to Nick because the size of the shed now triggers the need for a building permit.

Mr. Danial stated okay.

Rich Williams stated so you need to talk to him before you...

Chairman Rogan stated this is bigger than 12 by 12 or 12 by 10 or whatever.

Rich Williams stated yeah, with the wings it is.

Mr. Danial stated okay, I'll stop by, maybe next week.

Rich Williams stated whenever.

Chairman Rogan stated that's going to be interesting to move.

Rich Williams stated yeah, I agree.

Chairman Rogan stated well you never know, you see people move things where they put like pipes, even just iron pipes underneath the walls so they can roll on those and we moved a shed once where we used timbers and you know, like trees and laid them on there and kind used those as the skids to pull it, I know you had idea about extending the deck basically and then sliding...

Mr. Danial stated yes, we are.

Chairman Rogan stated Ted, please.

Ted Kozlowski stated Mr. Danial, in lieu of all stuff that we're going through and the fact that you have this fence on someone else's property, when are you going to move the fence.

Chairman Rogan stated after we approve it.

Board Member McNulty stated he's waiting for us.

Mr. Danial stated I'm not going to touch anything unless if I have an approval, it's going to take me some time, it's going to take me a few months to get all of that completed.

Ted Kozlowski stated we need a date that you know you'll be done because again, it's on someone else's property, you know, there's access to the wetland which I really want to close off, we've had issues with that so we need to know a time frame, you know we have certain permit that, they're out there forever, we need closure on this.

Chairman Rogan stated you're doing the work yourself.

Mr. Danial stated yes.

Chairman Rogan stated so you're thinking 2 months, 2 months ought to be enough time to get that done, I would think so.

Mr. Danial stated if I could have 3 months, that would be great but it's, the majority of the fence and now the shed and also the front fence have to be moved.

Chairman Rogan stated right.

Ted Kozlowski stated just what is your reasonable estimate of when you will have this done.

Chairman Rogan stated it sounds like 3 months.

Mr. Danial stated 3 months.

Ted Kozlowski stated okay.

Chairman Rogan stated okay.

Board Member McNulty stated also we talked about when you're complete, to provide an as built drawing.

Mr. Danial stated yes, I will contact the surveyor to shoot the points and redraw the fence after removal and the shed and everything and submit.

Chairman Rogan stated okay, let's see if we can wrap this all up into one...

Rich Williams stated procedurally.

Chairman Rogan stated procedurally, go ahead Rich.

Rich Williams stated you need to have a public hearing on the application unless the Board waives the requirement for a public hearing upon recommendation of the ECI.

Chairman Rogan stated moving a fence and moving a shed, what do you think Ted, I mean it's making it more compliant.

Ted Kozlowski stated given the fact that there was a violation there and given the fact that neighbors were upset, I don't know, I don't have a problem moving the fence, I don't have a problem moving the shed but I know neighbors have concerns and they rightly have concerns, so if I was a neighbor I think I'd want to be

heard, so I'm leaving that up to you. From a wetlands standpoint, I don't have an issue with it, this is a matter that went beyond...

Chairman Rogan stated right.

Ted Kozlowski stated the simple matter of moving the fence and the shed.

Chairman Rogan stated I think, I'm going to go out on a limb and say that because the issue here is that we're dealing with is specific to a fence and a shed and not a, solid waste...

Rich Williams stated filling, filling a wetlands, altering a wetlands, something significant.

Chairman Rogan stated that I feel comfortable waiving the requirement for a public hearing, now I have 4 other Board Members here and I'd like to hear from you guys.

Board Member McNulty stated I don't have a problem with it, I think it would help expedite it, the fence is being moved off adjacent property and the fence is within the code of how it's constructed, correct, other than the front area has to be lowered.

Mr. Danial stated yes.

Rich Williams stated the whole fence has to be lowered...

Board Member McNulty stated around the back as well.

Rich Williams stated oh yeah, around the back and the sides...

Board Member McNulty stated I thought it was just the sides.

Rich Williams stated and that will be done once he moves it.

Mr. Danial stated yes.

Chairman Rogan stated right, more compliant.

Board Member McNulty stated okay.

Board Member Montesano stated okay, if we were to have a public hearing, it wouldn't interfere, I don't think...

Chairman Rogan stated it would in a sense that he has to start another month to start work and Ted was...

Board Member Montesano stated well I, if we were to not have a public hearing can we allow him to continue with removing the fence and the shed.

Chairman Rogan stated no.

Board Member Montesano stated yeah because if we've had problems with the people before, now to deny them the, to show that the man is working in good conscience on what he's trying to get done and we're going to deny that and we usually hear from people that we never contact them on anything.

Chairman Rogan stated so what's, I guess the question would be, what's more important, getting started on making this more compliant or waiting a month because he can't start work until...

Board Member Montesano stated well.

Board Member McNulty stated well the ECI's recommendation is there have been other people's concerns.

Chairman Rogan stated what I don't want this to turn into is a public hearing about someone who did something, you know...

Board Member McNulty stated unrelated to a fence and a shed because that is, you know...

Ted Kozlowski stated well let me ask this, any of the neighbors that have been affected by the fence, have they said anything, has anybody come forward and complained or...

Rich Williams stated not even the people the fence is on.

The Secretary stated no, we haven't heard from anybody in the office.

Rich Williams stated even who own the property who the fence is on.

Board Member Montesano stated then I withdraw the statement.

Chairman Rogan stated well I think your point generally speaking is valid.

Board Member Brady stated can he start on removing the fence.

Board Member McNulty stated not until we affirm...

Board Member Brady stated not until he has the...

Chairman Rogan stated well yeah, you can always take a fence down.

Ted Kozlowski stated well I do have to, you know we do have to think of something here, Mr. Danial is going to go onto someone else's property to remove this fence, I think those people should be notified because what happens if he gets injured, what happens is something bad goes wrong, you know, happens, you know and nobody told the neighbor or nobody told the property owner.

Mr. Danial stated can I speak with my neighbor because when I was in the process of doing it, I was doing it myself, I was going slow and he was looking forward to me completing it because it's a free fence for him too...

Chairman Rogan stated sure, sure, it looks good on both sides.

Ted Kozlowski stated but did he know you were going onto his property.

Mr. Danial stated no and neither did I.

Chairman Rogan stated no, neither did he.

Mr. Danial stated because we saw the...

Ted Kozlowski stated I'm just, you know...

Mr. Danial stated yes.

Ted Kozlowski stated my other job, in my other world, I'm always coming into legal issues...

Mr. Danial stated okay.

Ted Kozlowski stated and Mr. Danial if you go onto someone else's property and you've got concrete footings in there and stuff and you're going to remove them and you get injured, are you going to sue you're neighbor or are you going, you know, I just, I think the neighbor should know that you're going to be going out, onto their property.

Chairman Rogan stated you know, if only we had somebody with a legal background to ask these, oh Nancy, Nancy, Nancy this is a case obviously you're being thrown into...

Board Member McNulty stated we're going to get off easy.

Nancy Tagliaferro stated yeah.

Chairman Rogan stated but this is was a situation where the gentleman put a fence up on what he presumed was his property line, followed some markers and then with a resurvey, was shown to be on his neighbor's property and obviously we're trying to correct this.

Nancy Tagliaferro stated I think the point is well made that he's going onto someone else's property so you might want to get something in writing from the neighbor, allowing him and you know, the applicant could indemnify the neighbor in the event that something happened to him but he's also only moving things to come into compliance with code, so to the extent that neighbor's affected, I think if you get something in writing from them, allowing him on the property to do that, he could you know, move that just to come into compliance.

Chairman Rogan stated sure.

Nancy Tagliaferro stated no, Rich.

Rich Williams stated I agree with you absolutely but I'm just thinking what if the neighbors deny him access.

Chairman Rogan stated he's got to just stand on his side of the fence.

Board Member Brady stated he's still on their property.

Rich Williams stated now he can't move the fence.

Nancy Tagliaferro stated yeah.

Chairman Rogan stated right.

Ted Kozlowski stated it's weird but you know I've seen stranger things.

Board Member Montesano stated well the neighbor can always take over the fence.

Board Member Taylor stated that's, that's what I was going to saying it will become the neighbor's fence.

Board Member Montesano stated it's their property, it's on their property.

Board Member Brady stated and then they'd have to lower it.

Board Member McNulty stated and they need permit.

Mr. Danial stated they can come here and finish the job.

Nancy Tagliafierro stated that's really a private thing between the neighbors, I mean, are we giving him permission though to go onto their property and remove it.

Rich Williams stated how about middle ground here, Mr. Danial makes certified mail, at least 3 attempts to contact the neighbors to obtain their permission and if he gets their permission, provides it to the office.

Nancy Tagliafierro stated so you grant the application conditioned on that.

Chairman Rogan stated yeah and it sounds like he's got a really, when we were out there, you said you guys get along, you walk over knock on the door...

Rich Williams stated well...

Mr. Danial stated yes, yes, the one neighbor that lives there but in the back...

Rich Williams stated but understand that, yeah, there's other neighbors.

Mr. Danial stated there are other neighbors that have Florida or New York City address...

Chairman Rogan stated I see.

Mr. Danial stated and in the past for some reason I've tried to contact them but there was no response...

Chairman Rogan stated I see, okay, so that's where you're saying 3 attempts of, yeah.

Board Member McNulty stated the 3 adjoining neighbors.

Rich Williams stated 3 attempts for each of the adjoining neighbors.

Ted Kozlowski stated well one of the, one of the properties...

Nancy Tagliafierro stated 3 certified mailings though, can take a month for the green cards to come back.

Board Member Brady stated 2 because the back is wetlands.

Ted Kozlowski stated one of the property owners that this fence is on, is the Town's.

Board Member Montesano stated so if we had a public hearing and they didn't show up...

Nancy Tagliafierro stated then we wouldn't have these issues.

Board Member Montesano stated then we wouldn't have to send out any problems.

Nancy Tagliafierro stated I think the safest bet is the public hearing.

Chairman Rogan stated so in other words, by having the public hearing, there's been due notification.

Nancy Tagliafierro stated an opportunity for them to be heard on the application and to object to anything.

Chairman Rogan stated okay, so you're dealing with not only though those 3 neighbors, you're dealing with the normal notification.

Rich Williams stated well within Putnam Lake it's 500 feet.

Chairman Rogan stated wow.

Board Member Brady stated wow.

The Secretary stated it is quite a few people, it's a big mailing.

Rich Williams stated it's a big cost.

Ted Kozlowski stated guys, this is not our fault, okay, let's remember that, this is not our fault.

Chairman Rogan stated and we have legal representation saying, you know, that's why we appreciate your input.

Nancy Tagliafierro stated happy I could help.

Chairman Rogan stated trying to keep everybody out of trouble, so, okay, so what it sounds like what we're going to do is make a motion to have a public hearing at the next meeting.

Board Member Montesano seconded the motion.

Chairman Rogan asked for all in favor. The motion carried by a motion of 5 to 0.

Chairman Rogan stated and Mr. Danial, at least you're hearing the reasoning, it's obviously to keep everybody out of trouble here, that somebody doesn't all of a sudden claim that you're doing something on their property that you shouldn't be either. What you're going to need to do is speak to Michelle and get the list, Michelle will prepare them...

The Secretary stated he already has his property owners but I'll make sure that you have your public hearing notice and you'll have to mail that out.

Mr. Danial stated I have to mail them, okay.

Chairman Rogan stated and the good news is that after the public hearing, unless there is some case that's made that is you know, so obvious that we missed it here and we'll be able to then move forward, you'll get 3 months obviously from that date of that not from tonight, so, you know and it's kind of, the weather hasn't been too great yet for pulling fences out anyway, alrighty.

Mr. Danial stated okay.

Chairman Rogan stated okay, thank you sir.

Mr. Danial stated thank you.

Board Member Taylor stated I have one last question.

Chairman Rogan stated oh I'm sorry.

Board Member Taylor stated the notes on the plan, you have a stone curb that's on the right of way, are you moving that as well as the fence.

Chairman Rogan stated stone curb...

Rich Williams stated the driveway curbing.

Mr. Danial stated that's the bottom, on the ground, it's a curb, it's not like a fence or anything.

Board Member Taylor stated its not the Town's curb is it.

Rich Williams stated I don't know, what are you looking at on the plans.

Board Member Taylor stated it says stone curb, it doesn't look like the Town's curb, this is something he put in.

Mr. Danial stated it's architecture, it's just standing there, it's not like foundation or anything, holes in the ground.

Board Member McNulty stated I don't remember seeing it, is it...

Board Member Taylor stated blocks or something.

Board Member McNulty stated Belgian block, is it stone or concrete.

Mr. Danial stated yeah, its like this, it's like a curb like this.

Board Member McNulty stated concrete curb or stone.

Mr. Danial stated stone, like one next to the other.

Board Member Brady stated so it's like Unilock or something like that.

Mr. Danial stated yeah, not even lock, it's just...

Board Member Taylor stated he's got some gravel and stuff there and then he's got a little stone curb that's running around it, retaining it.

Mr. Danial stated it looks good.

Rich Williams stated I'm going to have to take a look at it, the Town is generally concerned with things that people are going to run into...

Board Member Taylor stated so if it's low enough.

Rich Williams stated if it's low enough then it's not an issue, I'll take a ride out there and take a look at it.

Board Member Taylor stated alright, we're delaying it for month anyway.

Chairman Rogan stated okay, thank you sir.

Mr. Danial stated thank you.

Board Member McNulty stated okay.

#### **6) PATTERSON AUTO BODY – Sign Application**

The Applicant did not appear.

Chairman Rogan stated okay, we don't have anyone here from Patterson Auto Body but it sounds like there was one issue about the size of the existing, unapproved Tire Service Center sign.

Rich Williams stated so we'll contact him and get him to fill the form out.

Ted Kozlowski stated the tire service center or whatever, I noticed that last night.

Chairman Rogan stated Rich, what, is Mr. Byron claiming that there is sufficient area for this sign because of other preexisting signs that were on the building or something.

Rich Williams stated he is claiming that he had a certain amount of signage on the original building that was preexisting nonconforming and therefore he can add and/or change signs on the building and/or site, as long as he doesn't exceed what he had in the past.

Board Member McNulty stated your advice on that Nancy.

Nancy Tagliaferro stated first of all I have to say that Hogan & Rossi recently represented Patterson Auto Body on an unrelated manner with regard to some financing so I just want to disclose that to you but that is not my understanding of, he did expand the buildings and therefore I don't think that the sign follows, that he should be able to have the same sign as a preexisting nonconforming sign.

Rich Williams stated in the past, way it's been treated is if you had an existing sign box, that's x amount of square feet and you're going to keep to x amount of square feet and just change the face, then we would consider that grandfathered in, preexisting nonconforming...

Nancy Tagliaferro stated that's not what happened here.

Rich Williams stated no, not when you're completely redoing the signage, different sizes, different locations, different styles that at least for me is not a preexisting nonconforming sign, it's a new sign.

Board Member McNulty stated so what we really need at the dimensions and calculations to see where we are legally with the sign.

Rich Williams stated right.

Board Member Montesano stated so now he's got the signs on both ends of the cover, the over and he put a new one here according to the inspection.

Rich Williams stated there was signage approved on the site plan...

Board Member Montesano stated yeah.

Rich Williams stated so we have the signage that was approved on the site plan, that's fine.

Board Member Taylor stated is the only thing that is not on the site is your discount tire store or some of these other signs are also not on there.

Board Member Montesano stated and the signs all over.

Rich Williams stated as far as I recall it was just that one sign, he's since thrown up a temporary canvas sign that says get your lotto tickets here or something along those lines.

Board Member Montesano stated yeah lotto tickets that's mandatory from lotto...

Rich Williams stated yeah, that's not on the...

Board Member Montesano stated if you don't have it, they don't like you because you have to advertise for it.

Rich Williams stated that may be true but I've never seen that sign up at any other lotto stores.

Board Member Montesano stated at least that's what I was under the impression, when, let me put it this way since I didn't win, I don't care.

Board Member Brady stated Rich does the sign on the island count as the amount of signage he's allowed per the frontage, I mean like you got 4 sides, you've got signs on the, New York State Inspection and all that, does that all count...

Board Member McNulty stated those are mandatory signs, do they fall into our code.

Rich Williams stated I would say that some we have considered in the overall sign application, others we have not, it gets into a little bit a dicey situation as to whether a canopy sign is a building mounted sign or a free standing sign, so, in this case, definitely not a free standing sign because he has a free standing sign that's...

Board Member Brady stated he has a free standing sign there, I mean he did a great job on the place, no doubt about that.

Chairman Rogan stated the building looks great.

Board Member Montesano stated compared to some of the things...

Chairman Rogan stated no the building really looks sharp.

Board Member Brady stated yeah.

Board Member Taylor stated yeah I agree but I don't think that's the issue, the code is so the people don't cover their buildings with signs and is he exceeding it or isn't he.

Chairman Rogan stated which brings up the question, so often and we don't actually see it in this case but not yet anyway, so often we see that people fill their windows with posters and advertisement and that's not really covered under...

Rich Williams stated the way the code is written now, that's covered.

Board Member McNulty stated window signs are covered.

Chairman Rogan stated if you ever go down to, it's not Patterson but if you ever go down to Gino's Deli in Kent, right on, there isn't a single piece of their building that isn't advertising a food and everything and it blocks out every bit of the window and that's what got me thinking about it, you know.

Board Member Montesano stated especially for the officers that patrol the area, they think it's thrilling that they can't see what's going on in the store.

Chairman Rogan stated okay so we, go ahead I'm sorry Ed.

Board Member Brady stated with this applicant, I'm sorry, with this application shouldn't he be including all the signs there and the dimensions of all the signs.

Rich Williams stated well I go back the original site plan had signage on the site plan which was approved as part of that site plan.

Board Member Brady stated okay, so you have the square footage for that.

Rich Williams stated so what I need to do is go back and tabulate that and then see where this fits in.

Board Member Brady stated okay.

Chairman Rogan stated okay, so the question becomes let's say you go back and tabulate that and he is already at max or has 2 square feet left, what are his options, rip the sign down or...

Rich Williams stated get a variance.

Chairman Rogan stated get a variance, so it becomes pretty easy for us really.

Board Member Montesano stated hits someone out of the park.

Chairman Rogan stated okay, no I'm just saying the decision becomes pretty easy for us, you either have the square footage or we recommend you go over to the Zoning Board and then we offer a recommendation or not which I always hate doing for ZBA but you know, okay and anybody have any other business they want to talk about.

Board Member McNulty stated minutes.

Chairman Rogan stated minutes.

## 7) OTHER BUSINESS

Board Member McNulty stated oh, other business.

Chairman Rogan stated other business.

Board Member McNulty stated Rich, any other business.

Chairman Rogan stated Charlie, no, nothing, anything from you gentlemen.

Board Member McNulty stated Charlie anything on the code violations we discussed a couple months ago, we're still waiting on a summary.

Rich Williams stated no, you're still waiting on me.

Board Member McNulty stated oh okay.

Rich Williams stated at this point, everything is on hold until May 1<sup>st</sup>.

Board Member McNulty stated okay.

Chairman Rogan stated you need a clone.

Rich Williams stated I mean everything.

## 8) MINUTES

Chairman Rogan stated okay, and we have minutes of March 7<sup>th</sup>.

Rich Williams stated they always have to drill when we have a meeting.

Board Member McNulty stated firehouse, you want to make a motion on that.

Board Member Montesano stated try waking up to firemen.

Board Member Brady stated I'll make a motion that we approve the minutes of March 7<sup>th</sup>.

Board Member Montesano seconded the motion.

Chairman Rogan asked for all in favor. The motion carried by a vote of 5 to 0.

Chairman Rogan stated how about a...

Board Member Montesano stated go ahead Ron, make the motion.

Board Member McNulty stated make a motion to adjourn tonight's meeting.

Board Member Brady seconded the motion.

Chairman Rogan asked for all in favor. The motion carried by a vote of 5 to 0.

The meeting adjourned at 7:57 p.m.