

TOWN OF PATTERSON
PLANNING BOARD MEETING
May 2, 2013



AGENDA & MINUTES

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PLANNING DEPARTMENT
P.O. Box 470
1142 Route 311
Patterson, NY 12563

Michelle Lailer
Sarah Mayes
Secretary

Richard Williams
Town Planner

Telephone (845) 878-6500
FAX (845) 878-2019



**TOWN OF PATTERSON
PLANNING & ZONING OFFICE**

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Ron Taylor
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**Planning Board
May 2, 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 Michael Liguori 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 6 members of the audience

The meeting was called to order at 7:02 p.m.

Michelle Lailer was the Secretary and transcribed the following minutes.

Chairman Rogan stated thank you. Michelle can you please read the public hearing notice.

1) IMAD DANIAL – Public Hearing Wetlands/Watercourse Permit Application

Mr. Imad Danial was present.

The Secretary read the following legal notice into the record:

NOTICE IS HEREBY GIVEN by the Town of Patterson Planning Board of a public hearing to be held on Thursday May 2, 2013 at 7:00 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 **“Imad Danial Wetlands/Watercourse Permit Application to allow for the relocation of a fence and shed within the wetland buffer; the fence is to be relocated within the applicant's property lines and the shed is to be relocated to comply with applicable zoning requirements.** The property is located at 14 Palmyra Road (RPL-10 Zoning District), 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.

Mr. Danial stated good evening.

Chairman Rogan stated how are you, you have your plan with you...

Mr. Danial stated yes, I do.

Chairman Rogan stated would you put that up on the board. We've got quite a few people, I'm not sure if they're coming or going. Good evening.

Mr. Danial stated good evening.

Chairman Rogan stated could you state your name for the record sir.

Mr. Danial stated Imad Danial.

Chairman Rogan stated great, do I have anyone in the audience who is here specifically for this application, okay. So, this application for this wetlands permit is to relocate a fence and a shed onto the applicant's property because it was found to be either on the property line or slightly off the property, so in this case he's moving it on and in order to do so he's required to get a wetlands permit because of the wetlands in the rear. We've done a site walk and found that, you know, it's really just a matter of moving these things to make them more compliant to make sure they are the gentleman's property. Do you have any specific questions on this that you'd like to address.

Susan Brennan-Melchiori stated yes.

Chairman Rogan stated hold on ma'am, can you use the microphone please...

Susan Brennan-Melchiori stated sure.

Chairman Rogan stated and just state your name for the record and your address.

Susan Brennan-Melchiori stated sure. Susan Brennan-Melchiori, 1 Queensbury Road, Brewster, New York, my question is, I was on the bog recently and I found a long black hose of PVC piping coming from there, through one bog over the, what use to be Queensbury Road before it was cut off at Academy [Road], continuing on into the next bog and I would also like to request of the Town, I know there was something gone on with a possible oil spill and sewage disposal and I was concerned, water of there, I was concerned that I'm less than 100 yards downhill from that water property, my well is right there within walking distance and no one informed us. I had to ask a DPW man what was going on and I feel that the Town, when people are within a certain radius of something that could be an environmental hazard should be informed as homeowners and for our families. I've had 2 water tanks or the filtering systems had to be changed since this happened and I just wanted to state that for the record.

Chairman Rogan stated I appreciate that.

Susan Brennan-Melchiori stated thank you.

Chairman Rogan stated and if I could ask you as question though about the first portion of what you said, you said you saw black pipes that go through...

Susan Brennan-Melchiori stated a big black plastic hosing...

Chairman Rogan stated okay.

Susan Brennan-Melchiori stated and I pulled it and it came, it looked like it had been cut but it came from there, from the fence over to me and it had to be, I was going to bring it but I didn't have my husband's truck, it was from about here to out in the hallway.

Chairman Rogan stated oh okay.

Susan Brennan-Melchiori stated and it had gaffers, like duct tape in areas where it had been fixed and cinching, I don't know what those clamps are called, so I was just concerned about that and as to why I should come across that.

Chairman Rogan stated put together. Okay and...

Board Member McNulty stated you said it came from the fence, sorry Shawn, what fence, the fence in question that we're discussing.

Susan Brennan-Melchiori stated the white fence in question.

Chairman Rogan stated Mr. Danial you're shaking your head, do you have any knowledge of this.

Mr. Danial stated I don't know anything about this, I have no idea about this pipe, whatever pipe I had Mr. Kozlowski addressed to me and that's been cut and buried, it's old and that's it, I have nothing, nothing else, I don't know.

Chairman Rogan stated so it's not a pipe that was connected to anything on your property your saying.

Mr. Danial stated nothing I know of, absolutely nothing.

Chairman Rogan stated and you will hear in a little while that part of the conditions of the approval that we're considering is that there are no pipes that go under the fence out into an area off because the property line and even when he moves the fence that virtually the property line. We're also not going to allow any gets or access to wetland because there is no reason for Mr. Danial to be on property that he doesn't belong much less a wetland. So those are 2 areas that we, that were recommendations from our Environmental Conservation Inspector, Ted Kozlowski. Ma'am do you have a questions or comment.

Dorothy Brennan stated my name is Dorothy Brennan, I live at 1 Queensbury Road, I've only lived here since 2006, December so I am a fairly new person in this Town and I must tell you that since I've moved here it's been anguish between the cell tower and then this gentleman, who I have no sympathy for whatsoever because I don't know whether we have an environmental study anymore but the fact that he put oil into that bog and nothing was done about it, as far as I know and then you're even considering letting him build up fence, I just don't understand this Town all because this man has broken every single law that stands as far as the environmental protection agencies go and he's done nothing, he doesn't seem to be the least bit ashamed of what he's done and I've very much upset because our house is right down from it and I don't know what the eventual will be, I do know that when he built, when he got this property he took

down every single tree on the property, including some from the bog and some from a neighbor next door and he used that and that's why he got rid of his oil because he's using wood and I hope he doesn't plan on cutting trees down to continue with his wood thing but I've got to tell you I don't know how we can protect ourselves from this sort of thing and I'd like to know you, as officials of this Town, what you intend to do about this because I know Mr. Williams has been aware of what's going on in the bog, at least some years back when one of the neighbors also took a section of it and I just don't understand how this can happen.

Chairman Rogan stated sure, well ma'am, ma'am...

Susan Brennan-Melchiori stated mom.

Chairman Rogan stated you don't have, I mean you can sit down...

Dorothy Brennan stated yes.

Chairman Rogan stated but just to let you know there were actions that were before the Town Justice that obviously, we're not a court but there were actions that were taken in front of the Town Justice and there were, I'm not sure if I'm allowed to...

Ted Kozlowski stated I'll talk, I'll fill them in, I have no...

Chairman Rogan stated okay, that...

Dorothy Brennan stated and what was the disposition of that.

Susan Brennan-Melchiori stated he's going to explain it.

Ted Kozlowski stated ma'am, my name is Ted Kozlowski, I am in the Environmental Conservation Officer in the Town of Patterson and Mr. Danial has been fined, he has been taken to Town Court, he had to pay a \$25,000 fine to New York State and he had to reimburse the Town for our costs for the actions that he did, so you are mistaken to think that we did nothing, the Town took swift action, if it wasn't for the Highway Department guys who discovered the spill, it would have wound up in the Lake, it didn't and we were all involved, so we did the right thing and it was quick.

Dorothy Brennan stated how do you find these things out because there's nothing in newspapers about as far as the Journal News goes and I didn't...

Ted Kozlowski stated ma'am we don't have control over what goes in the newspaper, we don't call the newspaper, that's not our job, our job is to protect the environment and that's what we did.

Dorothy Brennan stated but isn't this...

Ted Kozlowski stated we found out about right away...

Rich Williams stated if I could just jump in here explain...

Dorothy Brennan stated it isn't necessary for you to at least let the neighbors know what's going on.

Susan Brennan-Melchiori stated I requested that.

Rich Williams stated here's the problem that we run into, is we found the spill, we notified the appropriate agencies, DEC steps in and takes primacy over the action, they take control over the action, they do the cleanup, most of the time the Town is searching for information ourselves because they don't respond to us, they just go ahead and do what they're going to do. So we're in the same boat that you are a lot of times, we don't have the information to pass along because DEC is doing the cleanup themselves, they hire a private contractor and trying to get some of that information is difficult but we do stay on top of, we do make sure that things are being done but a lot of times we're looking for the same information you are, so we don't have it to pass on.

Chairman Rogan stated and correct me if I'm wrong but this application to move the fence, to move the shed is a direct result of the oil spill and finding out about that, it wasn't that, this is something that came out of that accident, that issue and so our Board is simply approving something that is going to bring this into more compliance than what existing, so that's really the way we've been looking at this. We are not condoning what occurred out there, that's kind of a separate issue at this point, so. Do I have any other questions or comments from anyone in the audience.

Board Member McNulty stated make a motion to close the public hearing.

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 anything from anyone on the Board at this point.

Board Member Taylor stated well I think we should clarify that a cleanup was done by New York State.

Susan Brennan-Melchiori stated pardon me.

Board Member Taylor stated a cleanup was done by New York State, they did clean the spill up and we're not a newspaper but we do have minutes that are online, are they not.

Rich Williams stated they are but there's not a lot in the minutes.

Board Member Taylor stated right, you would have to go through the minutes and read the minutes to see what we've done but that is the way we make known to the public what we're doing.

Rich Williams stated and if I could just add, there are still booms out there collecting oil, so the cleanup is not complete.

Dorothy Brennan stated thank you and we've lost a lot of our bird life there too.

Chairman Rogan stated okay, thank you for your comments, we appreciate you including that in the record. Okay, so we do have specific recommendations from again Ted Kozlowski, as to the conditions for the wetlands permit, I'll move that in the matter of Imad Danial at 14 Palmyra Road that the Planning Board grants wetlands/watercourse permit application to allow for the relocation of the fence and shed per the, being on the property line and within zoning and grant a negative determination for SEQRA and include in that the 2 conditions that there be no gate access to the rear of the property and also no pipes that should leave the property into the wetland or into any other, for any other reason.

Board Member McNulty stated one last thing to add.

Chairman Rogan stated yes.

Board Member McNulty stated we talked about an as built when you're complete with the fence.

Chairman Rogan stated that's right, thank you.

Board Member Brady stated one other thing we were talking about is being completed by a certain date.

Chairman Rogan stated and actually that I think was, wasn't that tied to the court date Ted, wasn't there a date that they had...

Ted Kozlowski stated July 22nd.

Mr. Danial stated I asked for 3 months since like the decision and it would take...

Chairman Rogan stated I know you asked us for 3 months, did the judge give you 3 months though.

Ted Kozlowski stated no, a judge gave you July, I think its July 12th, I believe.

Chairman Rogan stated that was probably 3 months from that date of the...

Mr. Danial stated that hearing.

Chairman Rogan stated yeah.

Ted Kozlowski stated its July, Judge Molé gave you until July 12th to move the fence.

Chairman Rogan stated well let's put the stipulation on it, the date to be consistent with the Town court ruling in case we're wrong on the date and an as built sketch be submitted. That was the longest motion ever.

Board Member Montesano seconded the motion.

Chairman Rogan stated thank you.

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

Chairman Rogan stated okay, alright, thank you sir.

Mr. Danial stated thank you.

Board Member McNulty stated I should have brought that up before, sorry.

Chairman Rogan stated no, that's okay, I had written it down but I forgot. Okay, next item on the agenda East Putnam Development Corp.

Board Member McNulty stated I'm going to recuse myself from this at the moment.

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

Mr. Harry Nichols, the engineer and Mr. & Mrs. Thomas McNulty were present.

Chairman Rogan stated okay, hello Harry.

Mr. Nichols stated good evening.

Chairman Rogan stated how are you Harry.

Mr. Nichols stated fine thank you.

Chairman Rogan stated good, what good news do you have for us for this month.

Mr. Nichols stated well we have responded the Health Department and the City of New York DEP in regard to their concerns, in regard to hailing of the stormwater runoff from the site and that they were not very happy with the pond...

Chairman Rogan stated right.

Mr. Nichols stated for their reasons, so however they suggested a swale down through the site and we have provided that swale and we have some comments in the memos that I received tonight from Maser regarding the sizing of it and we have no problem complying with the direction they would like to give us with regard to the proper size for the rip rap. I believe that plus the comment about the lighting, the site lighting, we have a note on the detail to provide the cutoff shield for the lights on the property line and in order to limit any spillage of light that might be offensive to the neighbors. There are a few other comments in there which I have no problem working them out to the satisfaction of the Board and consultants who raised the concerns.

Chairman Rogan stated okay.

Rich Williams stated if I could, just to be clear, it's good that you have a note on there that says you're going to put a cutoff shield on but a little bit more information about what that cutoff shield might be, where it fits on the light so we can have a better idea about the effect it's going to have on the lighting on the plan, I mean is it going to be a 2" cutoff shield or is it going to be a 12" cutoff shield, how far around is it going to go. So a little bit more detail so we understand the impact on the lighting.

Mr. McNulty stated can I make a, Tom McNulty, applicant. Can I make a comment on the lighting.

Chairman Rogan stated of course.

Mr. McNulty stated we commented, I talked to Harry, a field modification, not knowing to do the proper cutoff, instead of guesstimating, if it's a 12", 10", we'll take a color matched piece of metal and fasten it with rivets or a suitable screw, has a visor off the top edge of the light and field modified to cut the light necessary to make it, so it doesn't spill over.

Chairman Rogan stated okay.

Rich Williams stated if I understand what you're saying, you want to just do it in the field without showing it on the plan, that's not going to tell us that you are actually are meeting our Code requirements for

lighting, so all I'm suggesting is show me something on the plan, if we need to modify it when we get out in the field, you know, we certainly can do that.

Mr. McNulty stated so basically you want us to have the luminary plan be able to show you where the cutoff would be.

Rich Williams stated no, I want you to show the shielding and I would like it reflected on the, yeah, the luminary plan so that we know that you're meeting code requirements.

Board Member McNulty stated and the Code requirement is not to spill over to the neighbor.

Rich Williams stated the Code requirement is you can't have more than .5 foot-candles spilling over the property line.

Mr. McNulty stated okay.

Mr. Nichols stated okay, .5.

Rich Williams stated .5, I believe it's .5.

Mr. McNulty stated okay, we'll verify that.

Rich Williams stated 30" above the ground.

Mr. McNulty stated is that specified like that.

Rich Williams stated yes.

Mr. McNulty stated if we can find it, we'll definitely meet it.

Rich Williams stated okay.

Mr. McNulty stated alright, thank you.

Chairman Rogan stated okay.

Board Member Taylor stated what about the spruce trees, the spruce trees.

Mr. Nichols stated the spruce trees, that is something Mr. McNulty is working out with the adjacent owner to provide him with some aesthetic screening and I tend to agree that being only 3' off the property line is kind of close and certainly not going to work in favor of the trees to keep them alive, they're going to have to be moved a greater distance on to the property and I think that is something that the adjacent owner would be certainly in favor of because he doesn't want dead trees out there either.

Board Member Taylor stated or substitute something else.

Mr. McNulty stated well can I comment again, the discussion with the neighbor was a full year round screening tree of some sort and that's why we thought of an evergreen, I went with spruce rather than hemlocks so the deer don't eat them. I don't, there's plenty of room there, and I don't think they'll have a problem with us putting them in properly.

Rich Williams stated you can maintain the location with other evergreen shrubs that are going to grow 5, 6' and it should provide adequate screening if you want to go that way, if you want to push them over onto his property, that's fine too but you've got to get them away from that wall.

Mr. McNulty stated okay well, we can pull them away from the wall and if they object, then we'll come up and submit a suitable substitute.

Chairman Rogan stated yeah and that's referenced in the letter from the neighbor's saying and it references property lines, so I'm assuming they believe at this point it's going to be pretty close but giving approval for this, for the plantings, okay. Other significant issues, we talked earlier about bond, we'll get to that in a little bit but in terms of getting the plan to where it needs to be, either subsequent to a resolution or you know, whatever, we'll.

Rich Williams stated everything I identified in my memo, my opinion, the Board can agree or disagree could be handled administratively...

Chairman Rogan stated okay.

Rich Williams stated it was not an issue, the only big issue for me, remaining is the bond.

Chairman Rogan stated the bond, okay and Andrew, similar or...

Andrew Fetherston stated yeah, I think so.

Chairman Rogan stated okay.

Andrew Fetherston stated yeah.

Chairman Rogan stated so then let's talk about the bond for a second, I actually don't see the bond that Harry submitted, is it because we don't need, does anyone else have a copy of that. No, I guess...

Rich Williams stated they don't have it.

The Secretary stated no, I guess not, I'm sorry, do you want me to go make copies.

Chairman Rogan stated no, I guess, that's okay, so it from what I gather though, it sounds like there are some and this happens, it seems like almost with every project, sometimes there are discrepancies either in cost of things or in computations that might differ from what Harry submitted to what our professional staff might suggest. What is, do you have a total amount that...

Andrew Fetherston stated I do. We have it on 2 pages because he did it by 2 different phases so...

Chairman Rogan stated okay.

Andrew Fetherston stated we'll have to add this up, phase 1 was \$157,703 and the phase 2 total was \$80,680. Those are our corrected values, I'll share that with you.

Rich Williams stated those are the full performance bond amounts.

Andrew Fetherston stated yes, yes.

Rich Williams stated those are not the erosion control bonds.

Andrew Fetherston stated no, no, that's total.

Chairman Rogan stated alright so the total performance bond is, performance bond right, is \$238,383.

Rich Williams stated and that's what we base the inspection fees off of.

Chairman Rogan stated and the inspection fees are a percentage of that, correct.

Rich Williams stated right, so we want to do the full performance by phase and 5% of that would be the inspection fees.

Chairman Rogan stated okay and those numbers differ from what Harry gave us, slightly.

Andrew Fetherston stated yes.

Chairman Rogan stated just based on maybe some computation errors and things.

Andrew Fetherston stated yeah.

Chairman Rogan stated yeah, it's here, is that okay...

Mr. McNulty stated I didn't hear the total number they came up with.

Chairman Rogan stated \$950,000, no I'm teasing.

Mr. McNulty stated it doesn't stop.

Chairman Rogan stated \$238,383 was the performance bond with 5% for associated inspection fees.

Mr. McNulty stated that's too high, he asked.

Chairman Rogan stated no, I know, I know but I'm asking in terms of...

Mrs. McNulty stated that's for both phases, is that correct.

Chairman Rogan stated I'm sorry.

Mrs. McNulty stated is that for both phases.

Mr. McNulty stated yes.

Chairman Rogan stated correct, phase 1 was \$157,000 and change and phase 2 is \$80,000, yeah it's phased, I'm sorry.

Mr. McNulty stated that's close to what Harry gave me.

Chairman Rogan stated yeah, okay, so then based on those numbers and the acceptance from both and the idea that the cleanup issues are administrative in nature, is there any reason anyone has a problem moving forward with the resolution. We have a bond...

Rich Williams stated those are the performance bond amounts used to calculate the 5% inspection fees.

Chairman Rogan stated yeah.

Rich Williams stated you would also need to come up with numbers for the erosion control...

Chairman Rogan stated erosion control.

Rich Williams stated bond that needs to be posted for both phases.

Chairman Rogan stated okay.

Mr. Nichols stated there is a number in there for erosion control, I think we spoke on that.

Andrew Fetherston stated right.

Rich Williams stated yes, yes, he's got them.

Andrew Fetherston stated erosion Shawn...

Chairman Rogan stated thank you.

Andrew Fetherston stated Shawn would you mind adding these up one more time, we have 2 different phases again.

Chairman Rogan stated sure.

Andrew Fetherston stated phase 1 \$23,915 and phase 2 \$9,935.

Rich Williams stated and I wouldn't because you probably want to approve them as phases...

Andrew Fetherston stated phase 1 and 2.

Chairman Rogan stated okay.

Rich Williams stated he posts them as phases.

Chairman Rogan stated so it's basically \$34,000 anyway, total. Okay, so again the question, having these numbers is there any reason why we need to, I mean it's just a matter of whether everybody is comfortable with the numbers.

Rich Williams stated yeah.

Chairman Rogan stated right, yeah, I'm getting yeahs.

Board Member Brady stated yes.

Chairman Rogan stated okay, so, is everybody okay.

Board Member Taylor stated yeah, let's do it.

Chairman Rogan stated alright.

Board Member Taylor stated we've had this in front of us long enough, right.

Chairman Rogan stated okay, so let's do the final plat resolution first, in the matter of East Putnam Development Site Plan 2665 Route 22, I make a motion that the Planning Board grant final plat with, grant the resolution which gives final plat, final site plan approval with the 6 general and 3 special conditions contained in the memo from the Town Planner dated...

Board Member Montesano stated May 2nd.

Chairman Rogan stated May 2, 2013, so moved.

Board Member Montesano seconded the motion.

Chairman Rogan asked for all in favor. The motion carried by a vote of 4 to 0.

Chairman Rogan stated and recommend to the Town Board that the performance bond, we'll do performance and erosion, correct Rich, okay, performance bonds of phase 1 \$157,703, phase 2 \$80,680 with associated inspection fees at 5% of that performance bond and erosion control bonds phase 1 \$23,915 and phase 2 \$9,935, so moved.

Board Member Montesano seconded the motion.

Chairman Rogan asked for all in favor. The motion carried by a vote of 4 to 0.

Chairman Rogan stated is there anything Rich that I forgot on that, is that, we have the resolution which contains meeting the issues in the memo and we have the bond.

Rich Williams stated no, no.

Chairman Rogan stated okay, alright.

Rich Williams stated we should be good.

Chairman Rogan stated okay, sounds good. Okay, this one is done. Now the fun starts, right, at least now for Tommy.

Board Member Taylor stated well tell us what's before on performance of...

Mrs. McNulty stated thank you.

Chairman Rogan stated I lost my, here it is, okay...

3) PATTERSON AUTO BODY – Sign Application

Chairman Rogan stated okay, is anyone here for Patterson Auto Body, okay, Rich the document, the review that you gave for Patterson Auto Body.

Rich Williams stated yes.

Chairman Rogan stated the only question I have is that it indicates that based on the zoning he's allowed 1 ¼ feet, square feet of sign per lineal foot of building but I don't have within that memo or at least I missed it if it is, what his total allowance would be based on his lineal footage of building.

Rich Williams stated he is actually capped at 100 square feet of signage.

Chairman Rogan stated okay.

Rich Williams stated so based on the linear footage of the building, he would have more than that, so the cap goes into effect.

Chairman Rogan stated oh okay, so 100 is the cap, okay and so then what you're saying is with the total of what he is proposing with this application and what is existing he'd be at 88 ½ square feet...

Rich Williams stated correct.

Chairman Rogan stated so he'd be under the cap but it should be noted that he's running out of space, okay. Alright, so then if I'm understanding this correctly we are within our purview to approve this sign if it meets with everybody's acceptance...

Board Member Montesano stated negative declaration.

Chairman Rogan stated yeah and anybody have any comments on this sign or anything, any issues.

Board Member Taylor stated we've discussed a little bit of these other ancillary signs, are they included in this or are we just...

Rich Williams stated yes, they're in that memo.

Board Member Taylor stated so all those little signs that are on the marquee or on the whatever you call, the roof above the gas station.

Rich Williams stated there were 6 signs approved as part of the site plan and this would be the 7th sign on the building.

Board Member McNulty stated we don't have a count limit, just the square footage limit, correct.

Rich Williams stated right.

Chairman Rogan stated and the lighting is acceptable, the lighting from within, it's not, you know, something that's going to create...

Rich Williams stated yeah, it's basically LED lighting, I mean it's going to be, you know bright yellow but based on the face of the sign I haven't seen it lit up yet but...

Board Member McNulty stated I haven't seen it lit either.

Rich Williams stated it's going to be a bright yellow.

Chairman Rogan stated okay.

Board Member Brady stated it's bright the way it is during the day with those things out.

Board Member Montesano stated it will bring the bugs.

Chairman Rogan stated any other comments.

Board Member Taylor stated he wanted us to consider the color, right. Conforms with the surrounding character of the community...

Chairman Rogan stated surrounding, yeah...

Board Member Taylor stated diner, gas station, seems like...

Rich Williams stated that's my little catch all phrase just to get you thinking about how it's going to look.

Chairman Rogan stated exactly.

Board Member Taylor stated yeah well it fits right in, I mean design wise, and it fits much better than the other signs in fact.

Rich Williams stated beauty is in the eye of the beholder, right.

Mr. Liguori stated you can't argue that point.

Chairman Rogan stated that's a good point.

Rich Williams stated that's a legal opinion.

Chairman Rogan stated yeah.

Mr. Liguori stated don't argue with Rich Williams, that's my legal opinion.

Rich Williams stated you didn't have to go that far.

Board Member Taylor stated I don't have a problem with it.

Board Member Montesano stated Rich who.

Board Member Brady stated I remember when I first saw it, I didn't like it.

Board Member McNulty stated it's better than this.

Board Member Brady stated but then the original.

Chairman Rogan stated the original is red, white, and blue. Okay, so we need a SEQRA determination.

Board Member McNulty stated we need SEQRA, make a motion on the Patterson Auto Body sign for SEQRA, declare a negative determination.

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 5 to 0.

Chairman Rogan stated and on the application.

Board Member McNulty stated and for Patterson Auto Body Inc., a sign application for a roof mounted lit sign to be approved as it was installed, with the note that, to note that he's got 12 square feet of sign space left.

Board Member Montesano seconded the motion.

Board Member Taylor stated actually he has 11 ½.

Chairman Rogan stated 11 ½.

Board Member McNulty stated 11 ½.

Chairman Rogan stated so, modified.

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

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

Mr. Andrew Mirchin of Paraco Gas was present.

Chairman Rogan stated we have someone here from Anna's Airport and Limousine service.

Mr. Mirchin stated yes.

Chairman Rogan stated okay.

Board Member Montesano stated oh I like that.

Mr. Mirchin stated good afternoon everybody.

Chairman Rogan stated good evening, how are you.

Mr. Mirchin stated David reviewed, I was here last month, Dave reviewed the site with us and agreed where we wanted to put the tank and it met all the codes regarding NFPA 58 [Liquefied Petroleum Gas Storage].

Chairman Rogan stated can you just state your name for the record.

Mr. Mirchin stated oh I'm sorry, Andrew Mirchin, M-I-R-C-H-I-N.

Chairman Rogan stated okay.

Mr. Mirchin stated Paraco Gas.

Chairman Rogan stated okay, so we have, as you referenced a letter from the Fire Code Inspector saying that he believes you can meet the NFPA regulations for separation. Can you talk a little bit about those, about how...

Mr. Mirchin stated correct, there are certain government codes that are required with propane or any flammable gases...

Chairman Rogan stated okay.

Mr. Mirchin stated flammable material and they have to meet certain distances from buildings, from property lines, et cetera.

Chairman Rogan stated okay, so the idea is you keep these tanks far enough away from your own building and far enough away from neighboring buildings.

Mr. Mirchin stated correct, adjoining properties, et cetera.

Chairman Rogan stated and what are, what's, what are the uses of the properties around closest to where this tank is.

Mr. Mirchin stated there seems to be all commercial businesses in there are that's there.

Chairman Rogan stated commercial, okay, because I'm assuming that we would need to keep the same distance from your building which I think, what is it 25' is the minimum.

Mr. Mirchin stated right, well 25' from the staircase that he outlines over there, it will be 28' from there.

Chairman Rogan stated 28', so 28' is the standard.

Mr. Mirchin stated well 25' is the standard.

Chairman Rogan stated got it, 25', so then we would want to make sure we would be 25' from any potential building on an adjacent property, right.

Mr. Mirchin stated that is correct, right and that will be 25' from the adjacent property.

Board Member Taylor stated from the lines.

Mr. Mirchin stated from the property line, yeah, that is correct...

Board Member Taylor stated he's got a drawing.

Mr. Mirchin stated that is correct.

Chairman Rogan stated okay, so you'll be 25' also from the adjacent...

Mr. Mirchin stated from the property line, yeah.

Chairman Rogan stated and how far to the rear property line.

Mr. Mirchin stated well the rear property is unbuildable, so code bases...

Chairman Rogan stated okay 10'.

Mr. Mirchin stated it could 10'; it could be right on the property line as its unbuildable; it's up to the Code Inspector.

Chairman Rogan stated really, I don't, that's not true wouldn't that be a variance.

Rich Williams stated Fire Code versus Zoning Code...

Mr. Mirchin stated totally different.

Chairman Rogan stated oh.

Rich Williams stated yeah, totally different.

Chairman Rogan stated yeah.

Rich Williams stated what you're talking about is Zoning Code, what you're talking is Fire Code...

Mr. Mirchin stated I'm talking about Fire Code.

Rich Williams stated Zoning Code considers this an accessory structure and the rear setback in the GB zoning district is 10'.

Mr. Mirchin stated I think we have 10' from the property line for width because the blacktop extends further out.

Board Member Montesano stated it looks like the only protection around that tank is going to be bollards that you've got...

Mr. Mirchin stated and they'll be also a fenced in area as well.

Board Member Montesano stated a fenced in area.

Mr. Mirchin stated right.

Board Member Montesano stated okay.

Mr. Mirchin stated it's required.

Board Member Montesano stated there is no need for a wall or anything else.

Mr. Mirchin stated no.

Board Member Montesano stated (*Inaudible – mumbling*).

Board Member McNulty stated I'm a little concerned, the ECI brought up is that it will be close to the wetland area, are there any issues with spillage from the tank.

Mr. Mirchin stated since it's a liquid and it evaporates in the atmosphere, it is wet when it's minus 44 degrees, so it goes from a liquid to a vapor and it evaporates in the air.

Mr. Liguori stated the boiling point is minus 44.

Mr. Mirchin stated minus 44.

Board Member Brady stated they've got more than 10' to the back.

(*Side conversations, inaudible*).

Chairman Rogan stated I was actually looking for the plan that, alright, so, yeah this is the old one, it's not shown correctly but...

Board Member McNulty stated he's got 28 feet from the structure.

Mr. Mirchin stated I know there is asphalt that continues through the property.

Chairman Rogan stated okay, so this is this way, on this plan, right, the back of the building, yeah.

Board Member Brady stated yeah.

Chairman Rogan stated right, it's going back, so the property now or formerly Klein is the unbuildable area that you're talking about...

Mr. Mirchin stated correct, yeah.

Chairman Rogan stated and then now or formerly Pol, sorry Doer, Alan N. Doer, which is to the, as you're looking into the property, to the right.

Mr. Mirchin stated that will be 25' from that property line.

Chairman Rogan stated 25' from the property line.

Mr. Mirchin stated from that property line of the adjoining property.

Chairman Rogan stated okay, so then that would theoretically give them plus 10' from their setback would give 35' separation to any potential building that could occur there, just like if they want to put a shed for instance, we don't want them being...

Mr. Mirchin stated correct, correct, it's really the way again, there's NFPA Code and then there's your own codes as well.

Chairman Rogan stated sure, my point is if we allowed you to put the propane tank, let's say 15' from the side of the property line that could potentially, you know we want to make sure there's separation for somebody using, we don't want to hamper somebody else's property.

Mr. Mirchin stated right but you, supposedly if somebody wanted to put like a shed, I would assume you would have to have certain distances from that property line.

Chairman Rogan stated 10'.

Board Member McNulty stated 10'.

Mr. Mirchin stated right, so you can't put it right on the property line...

Chairman Rogan stated right.

Mr. Mirchin stated so technically as long as you're 25' from that...

Chairman Rogan stated right.

Mr. Mirchin stated building or whatever, you know as long as, if it's a building and has electricity or whatever, it's considered a structure.

Board Member McNulty stated as long as we don't encroach on that 28' code requirement...

Board Member Taylor stated 25'.

Mr. Mirchin stated 25'.

Chairman Rogan stated not that I don't trust the information you're giving me, I do but based on the survey that we have...

Mr. Mirchin stated yeah, the survey is not and I spoke to Rich about this, the survey seems like it's not right...

Chairman Rogan stated not right.

Mr. Mirchin stated because it...

Chairman Rogan stated it doesn't seem like there's enough room.

Mr. Mirchin stated when you measure it, when you measure it from the stairs...

Chairman Rogan stated yeah.

Mr. Mirchin stated all the way out, the distance is a lot further.

Chairman Rogan stated two different thought processes here, one would be to have him survey, not survey but to measure out and locate with flagging or something exactly where this entire enclosure will be on the site so that we make sure that it doesn't conflict with any other use, you know right here, I guess you're saying you're not taking up any parking spaces, right...

Mr. Mirchin stated no, no.

Chairman Rogan stated and you've already been out there and field measured all this.

Mr. Mirchin stated that's right, we measured it.

Chairman Rogan stated okay.

Board Member McNulty stated Dave Raines has also inspected, correct.

Mr. Mirchin stated correct.

Board Member McNulty stated that was his memo...

Mr. Mirchin stated he was out there.

Board Member McNulty stated that he confirmed it all.

Board Member Montesano stated there's a picture of one of the cars, like this...

Chairman Rogan stated right.

Board Member Montesano stated now is there going to be some way that the cars do not park next to that thing.

Mr. Mirchin stated well they could be parked next to it.

Rich Williams stated there's no...

Mr. Mirchin stated there's no violation parking next to it.

Rich Williams stated there's going to bollards up.

Mr. Mirchin stated there will be bollards up to protect it from vehicles going into it.

Chairman Rogan stated okay.

Board Member McNulty stated there's the bollards...

Chairman Rogan stated two potential scenarios here for us, as I see it, first would be to have, to, we could approve this as a site plan waiver, we mentioned the condition of having an as built sketch, showing it exactly, you know something like this updated that's proper as a condition of that approval and also having

it staked it out and field verified for the separation distances by our Planning office prior to construction. The second way would for it to be field marked and for us to do a site walk to ensure. I don't have any issue with the plan, with the idea of what we're doing, I just want to ensure that we have all and if you measured this and you're saying it works then having it verified before construction and also getting the as built sketch as the follow up, I'm comfortable with but I don't want to have this thing installed and then say oh shit we're 8' to the property line, it doesn't fit in...

Mr. Mirchin stated listen, I want to cross all our T's and dot all out I's, no doubt about it.

Chairman Rogan stated so you know, I would prefer to have someone verify the location, field verify, marked out and distances already shown.

Rich Williams stated I don't have a problem going out there but sitting here tonight, listening to the numbers, looking at the application, and then looking at the site plan, the numbers clearly don't add up.

Chairman Rogan stated they don't add up.

Rich Williams stated you take the staircase and...

Mr. Mirchin stated right.

Rich Williams stated at 6' and you add 28' from that, you're within the limiting setback off the property line.

Chairman Rogan stated oh okay, that's how far...

Mr. Mirchin stated but that's on the site plan but if you actually measure it...

Chairman Rogan stated this site, survey is horrible.

Rich Williams stated that's what I'm saying, something doesn't add up, I don't know what it is.

Mr. Mirchin stated add up, right, because and Rich brought that up from day one with me...

Chairman Rogan stated right.

Mr. Mirchin stated and so when I started measuring it from there, the extension of the driveway or the asphalt was a lot further than that.

Chairman Rogan stated yeah, so I mean is it likely that the asphalt goes over the property line.

Mr. Mirchin stated well I see the stakes of the property line and they don't seem to be over, past the stakes...

Chairman Rogan stated oh okay.

Mr. Mirchin stated because there's also gravel sort of coming down a little bit in the back, so it doesn't you know, it doesn't appear that way.

Board Member McNulty stated is that this photograph.

Mr. Mirchin stated yes, there's a, actually a property, you can't make it out in the picture but there is a property stick that's there with an, it's not colored but there's an orange marker that was there.

Chairman Rogan stated yes Mike.

Mr. Liguori stated it seems like a survey would be appropriate prior to the issuance of a building permit, would you think.

Rich Williams stated my concern is, again, the numbers don't add up if you start totaling up the numbers, he's within the limiting setback...

Mr. Liguori stated right and would need a variance.

Rich Williams stated alright, so they can't really approve it unless they are sure that he meets zoning requirements.

Mr. Liguori stated right.

Chairman Rogan stated or we can approve it can, we can approve it within the zoning requirements and if they can't meet it, then...

Board Member Montesano stated then why give him the approval.

Chairman Rogan stated yeah.

Board Member Taylor stated they're asking for a site plan waiver.

Chairman Rogan stated right.

Board Member Montesano stated but we can't give them a waiver because we're not sure.

Board Member Taylor stated this site plan is not valid, how can we waive...

Chairman Rogan stated so why don't we have you do this then to clarify all this because it sounds like there is enough concern, field locate where this thing is going, I mean, we're not talking about measuring hundreds of feet, we're talking about 25-30'...

Mr. Mirchin stated that's right.

Chairman Rogan stated make sure that the rear and side, those two adjoining property lines are marked...

Mr. Liguori stated staked.

Chairman Rogan stated staked.

Mr. Liguori stated you should have them staked by a surveyor though, that's what you need; that's the only way to tell...

Chairman Rogan stated right, that's the only way, otherwise it will be...

Mr. Mirchin stated but then again from the site drawing that you have there currently doesn't agree that's already done on construction over there already, it doesn't agree.

Board Member Taylor stated right.

Chairman Rogan stated I gotcha.

Board Member McNulty stated well that's the problem we're up against.

Mr. Mirchin stated that's why I don't...

Chairman Rogan stated so you're saying there's things shown on here that aren't reflected...

Mr. Mirchin stated well just taking the distances because when I met with Rich and the distances looking at the site drawing don't add up because when you actually measure it from the staircase and beyond...

Chairman Rogan stated yeah.

Mr. Mirchin stated there is a lot more footage, linear feet there.

Chairman Rogan stated well let me ask you this then, since part of our approval was going to be as built sketch showing the location of this propane enclosure, why don't we have that survey work include current, we're not talking about full blown site plan, we're talking about showing current conditions, have them relocate everything so that it's at least, the surveyor is already going to be out there, what's the, you know, what's the big deal about locating what's on there, you know, this way it...

Mr. Mirchin stated just out of curiosity, when the surveyor does his survey and let's say the asphalt, the blacktop is extending above and beyond and what's currently there, then it's a whole different issue then, am I correct.

Chairman Rogan stated well that is an issue that is not for this Board, right, I mean that's something that somebody encroached on someone else's property.

Mr. Liguori stated it's, yeah, it's a matter between the 2 parties, as long as it's not, as long as the Board is not approving...

Chairman Rogan stated correct.

Mr. Liguori stated the use of that additional asphalt which we're not, if it's out there, it's out there but we can't permit something to go on, on someone else's property.

Chairman Rogan stated right, that's happened with other applications we've had and one that just came up earlier tonight...

Rich Williams stated yeah.

Chairman Rogan stated where there were improvements that were off the property, we didn't include those are part of our...

Mr. Liguori stated no.

Board Member Taylor stated and we're saying 25' from the property line.

Mr. Mirchin stated well there are two, there are two examples, the property line, your question the property line that's in the back of the property, not the side of the properties.

Chairman Rogan stated right.

Board Member Taylor stated oh okay, so we don't know where that property line is for sure.

Mr. Mirchin stated right, the side of the properties is really not the issue, tell me if I'm correct, it's the property in the back.

Board Member Taylor stated it is the issue because it doesn't add up.

Mr. Mirchin stated well the back of the property doesn't add up, not to the sides.

Rich Williams stated well I'll even go so far, right now the original drawing you submitted shows a tank that's about 10' off the property line, if you make it 25'; you've moved it out into the center of the parking lot and in front of...

Mr. Mirchin stated no, it doesn't make it, it doesn't make sense.

Rich Williams stated it doesn't work...

Mr. Mirchin stated right.

Rich Williams stated and I'm not saying that you're wrong...

Mr. Mirchin stated right.

Rich Williams stated but I'm saying we don't what is right here.

Chairman Rogan stated yeah.

Rich Williams stated we've got a site plan that was previously done with a survey that should have been built to that doesn't reflect field conditions and we don't know why.

Board Member McNulty stated is it possible this plan was reproduced not to scale or shrunk or...

Mr. Mirchin stated I don't know, I got the plans from the customer...

Chairman Rogan stated yeah.

Rich Williams stated I've scaled it, it works.

Board Member McNulty stated oh it is to scale.

Rich Williams stated it is to scale.

Chairman Rogan stated it's just the improvements might not be located where they were shown on this survey.

Rich Williams stated that's not an as built.

Chairman Rogan stated right.

Board Member McNulty stated no, I understand, I just thought maybe it was shrunk and I didn't put a scale to it.

Rich Williams stated no.

Mr. Mirchin stated alright so the suggestion is getting survey in the back, of the property line in the back and distances from the building.

Board Member McNulty stated an accurately plot the location of the tank...

Mr. Mirchin stated of the tank and the survey.

Board Member McNulty stated yeah so we can see it in relation of how it's going to be.

Board Member Montesano stated I hope they're going to clean up the back of it because that picture is really...

Board Member Taylor stated not their property.

Rich Williams stated that...

Mr. Mirchin stated not their property.

Board Member Montesano stated is that fence their property.

Mr. Mirchin stated that's not their fence, I don't think.

Board Member Montesano stated oh okay.

Mr. Mirchin stated I don't think so.

Chairman Rogan stated okay.

Rich Williams stated I don't know.

Board Member Montesano stated I don't know.

Mr. Mirchin stated I don't know either.

Board Member Montesano stated I don't want to survey the fence.

Mr. Mirchin stated so a survey of actual site and with tank location and compared to the back of the property, correct.

Board Member McNulty stated accurately.

Mr. Mirchin stated yeah, accurate.

Chairman Rogan stated at least then we'll have a better idea of where everything is located on the site, what available space there is and we'll all move forward.

Mr. Mirchin stated so when the site, when the surveyor does his survey and obviously he'll have these plans as well and if these plans are not accurate, then what is the next step then from there if these particular plans are not accurate, I'm just being devil's advocate.

Chairman Rogan stated the intent would be, let's say when we approve, let's think very positively, when we approve the location for this propane filling station so that it meets all the setbacks and you have an as build showing the existing improvements and the one that we're going to approve, it will be an accurate reflection of what is really on the site, that is the whole goal on this.

Mr. Mirchin stated okay and that's fine.

Chairman Rogan stated and that's not going through a full blown site plan, you know, review.

Mr. Mirchin stated alright.

Chairman Rogan stated okay and that seems reasonable then we're way ahead of where we are right now which is a site plan, I'm sorry a survey which probably doesn't accurately reflect what's on site.

Mr. Mirchin stated okay.

Chairman Rogan stated so for the price of a survey, it's probably going to be money well spent for the owner, so okay.

Mr. Mirchin stated alright so...

Chairman Rogan stated alright and if you notify Rich when this all seems like it's going to be marked out, we can coordinate a site walk, we have more daylight now so we can potentially do it in the evening...

Mr. Mirchin stated that's fine.

Chairman Rogan stated and get you back in here and if everything works and it sounds like everybody is comfortable with the concept...

Mr. Mirchin stated right.

Rich Williams stated concept, yeah.

Chairman Rogan stated it's just where it's going...

Mr. Mirchin stated it's a good concept for the community as well and obviously there will be a lot of good press on this, it's a green type, a green environment et cetera.

Chairman Rogan stated okay.

Mr. Mirchin stated thank you very much.

Board Member McNulty stated you're welcome.

Chairman Rogan stated thank you.

5) PUTNAM POWER EQUIPMENT – Site Plan Waiver

Applicant did not appear.

Chairman Rogan stated do we have anyone here for Putnam Power Equipment, okay Putnam Power Equipment. I actually went back and read the minutes from when he was in for the sign and we discussed these issues, not the box but the fence and coming back in for that, so I'm glad that we got this application, you know in furtherance of that. He's saying, the owner is saying he needs this because of security issues and one storage container which would be contained within the fenced area; we spoke at the work session about this. We weren't expecting Mr. Bruen in here tonight, were we.

Rich Williams stated I thought he was going to be here.

Board Member Taylor stated do we have enough details to go ahead with this, do we have enough measurements that...

Board Member McNulty stated well we talked a few things about limiting the trailer to one and the duration of how long it would be there.

Chairman Rogan stated right.

Board Member Taylor stated yeah, we've got to talk to him.

Chairman Rogan stated well or we can approve it or the duration and the limits and you know...

Board Member Montesano stated yeah, we talked about a 5 year limit.

Board Member Taylor stated he also, he doesn't have dimensions on here, he's got a 6' chain link fence, he's not saying what the radius of the or the location of it.

Rich Williams stated he's not, he's showing the location on the plan.

Board Member Montesano stated the location is back here here off sides, 40 by 8'.

Board Member Taylor stated so it's properly scaled is what you're saying.

Board Member Montesano stated well the containers come...

Rich Williams stated for the fence.

Board Member Taylor stated yeah...

Rich Williams stated I'm showing...

Board Member Taylor stated he drew a dotted line on here.

Rich Williams stated correct.

Board Member Taylor stated what I'm saying there is no dimension on the...

Board Member Montesano stated on the lines.

Board Member Taylor stated on where that is, it's just a dotted line.

Rich Williams stated no, it's a general location where he's going to put it.

Board Member McNulty stated that's an embankment behind there, correct.

Rich Williams stated right.

Board Member Montesano stated yeah.

Board Member McNulty stated its high on the embankment.

Board Member Brady stated yes, no.

Rich Williams stated no, it's down low; it's down at the toe.

Board Member McNulty stated okay, at the toe.

Board Member Brady stated that's an incline back there.

Board Member Montesano stated you got two 6 by 6 gates, 6' chain link.

Board Member Taylor stated yes but how wide is that, that's, it would be nice if there were dimensions is all I'm trying to say.

Chairman Rogan stated right.

Board Member Montesano stated yeah.

Board Member Taylor stated if we knew this was, if that was 18' then you'd know what the radius was.

Rich Williams stated I mean it's a fence, generally we don't...

Board Member Taylor stated you don't care.

Rich Williams stated worry about the radius, yeah.

Board Member Taylor stated okay, alright, if we don't care then, okay.

Rich Williams stated it's not a like a curve where you have to have a specific radius for vehicles.

Chairman Rogan stated well if this helps though Ron and I totally appreciate what you're saying, he's limited by this drive that goes up to the tower, correct.

Rich Williams stated correct.

Chairman Rogan stated he's got to stay off any drainage, there's a drainage swale that comes down through there and Rich the area that's within the fence, the enclosed areas, that's paved.

Rich Williams stated yes for the most part.

Chairman Rogan stated okay because it looks like he's following, off a little, off the edge of pavement. That's okay, go ahead.

Rich Williams stated Andy and Harry.

Chairman Rogan stated oh, no, that's okay, I just.

Board Member McNulty stated just where the trailer is going to go the 40 by 80, is the chain link going up behind it.

Chairman Rogan stated yup.

Board Member McNulty stated that's all on the black top, so it's right at the toe, there's no real excavation.

Rich Williams stated well that's why I said most of it, I believe that the trailer is going just off the black top in the back.

Board Member Taylor stated so this is, that line is the black top line.

Chairman Rogan stated yeah, alright.

Board Member Taylor stated well I just envision him saying well I put the fence where I showed I was going to put the fence and we're not happy with the fence, we knew it was supposed to be that amount and then we can say we approved that amount.

Chairman Rogan stated yeah.

Board Member Taylor stated then there's no, you know, there's no discussion, there's no argument, I mean if we know, it's 4 by 8, well if the trailer is 8' off the pavement then that gives us a dimension.

Chairman Rogan stated oh because it's 8' wide.

Board Member Taylor stated he's putting the fence right next to the trailer, so then that's basically, if we can take it from there.

Board Member Montesano stated is the trailer going to be enclosed in the fence.

Rich Williams stated yes.

Board Member Taylor stated yeah, he's going in behind it and coming down here.

Board Member McNulty stated or we can just qualify it at the toe of the slope.

Board Member Montesano stated okay.

Board Member Taylor stated so that's all, I just, for clarity, it would be nice to have one dimension but I don't want to hold it up, but let's, if he needs it, if he wants to.

Rich Williams stated do you trust my judgment, do you want him to stake it out.

Board Member Taylor stated no, I just would like a dimension on the plan, that's all. Yeah, I trust your judgment; just put a note on the plan that it's 18' wide, you know, that's...

Chairman Rogan stated alright, the one thing, is this a galvanized chain link with slide, I didn't, if I missed it, I didn't see color anywhere mentioned.

Rich Williams stated I don't believe there is color specified, it was just a chain link fence.

Board Member McNulty stated it did say slats.

Rich Williams stated there are slats, do you have something in particular, I don't think he personally cares.

Board Member McNulty stated I don't think you get a lot of choices with that.

Chairman Rogan stated oh no.

Board Member Montesano stated it's going to be green or brown.

Board Member McNulty stated green or black.

Board Member Taylor stated green or black, black is more expensive.

Board Member McNulty stated what do we want to talk about the duration of the site trailer, we talked about a few things, 5 years, duration of the business, he does lease the property.

Board Member Montesano stated well let's say if you give him 5 years, that's fine, if you give him for the duration of his business that means when he leaves the trailer leaves.

Rich Williams stated I think the thinking was 5 years or the duration of his lease, whichever comes first.

Board Member McNulty stated that would mean 5 years for him to come back in for another waiver.

Rich Williams stated right or if he went out of business in 3 years and vacated the site the trailer would go with him.

Board Member McNulty stated if we don't put a year limit and just put the duration of the business and he's there 10 years, 15 years, he doesn't have to come back in but the new applicant or the new tenant would have to come in.

Rich Williams stated correct.

Chairman Rogan stated I don't mind that, you're approving it for one guy for the business that he's proposing.

Board Member Brady stated right, why make him come back.

Board Member McNulty stated yeah.

Chairman Rogan stated can you think of a pitfall with that, I mean if the site was getting used for something inappropriately, that's an issue unto itself, not just because there's a box, storage trailer out there, so...

Rich Williams stated the only issue, the only issue is you know how you feel about these storage containers being on the site long term.

Chairman Rogan stated right.

Board Member Montesano stated as long as they cannot be seen and in that particular location it's hidden away.

Board Member Taylor stated the discussion was if he's there for 5 years then maybe he should be adding to the building rather than prolonging the use of the trailer.

Board Member Montesano stated true, we've had that unfortunate situation where we had temporary trailers at a certain location and I don't know if the company is in business anymore but it was right on [Route] 22 and you saw them every day so...

Chairman Rogan stated well clearly this is a conversation that extends beyond this application because it's one of where we end up with these sites, we go out and we find 5 trailers. I think we said at the work session that maybe we need to build some consistency that commercial sites are allowed one of these provided they can screen them, provided they're not an eyesore and not a nuisance and where he's proposing this it seems like we've met that criteria, why don't we, the only hesitancy to doing the 5 years was for follow up and that's what we're talking about, that we create, now we're creating another tickler file that somebody has to remember or somehow figure out but Rich said there are, Rich said there are processes in place and that he's never retiring so that's not going to be an issue, right.

Rich Williams stated that's right.

Chairman Rogan stated okay, so let's do the, anybody else have anything, it's pretty straight forward, propose a, make a motion to issue a site plan waiver to allow the fence and storage container of 8' by 40' storage trailer as shown or as depicted on the application to include the two 6' by 6' gates for a term of 5 years or sooner if this business changes hands, to this business owner, on termination of the lease the approval would also terminate, so moved.

Board Member McNulty seconded the motion.

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

Chairman Rogan stated okay, you never know what will be the next applicant on this site, we've had a variety on this site from a bakery way back when, to heating and air conditioning...

Rich Williams stated daycare.

Chairman Rogan stated to daycare.

Board Member McNulty stated proposed church.

Rich Williams stated church.

Chairman Rogan stated yeah, so we've had a variety on this one, okay, they're only getting tougher.

6) PATTERSON FIRE DEPARTMENT – Sign Application

Mr. John Kalin of DC Engineering was present to represent the applicant.

Chairman Rogan stated Patterson Fire Department, you're getting all the fun projects.

Mr. Kalin stated yeah I know, I shepherd the strays.

Chairman Rogan stated sorry.

Mr. Kalin stated like a shepherd with the strays, good evening John Kalin, DC Engineering, here tonight to discuss a proposed sign for the Patterson Fire Department. They are seeking to install a sign out on their vacant piece off the road, some 45'. The sign is a combination of static sign at the top, identifying the company and the department number as well as an LED sign below to broadcast standard and emergency messaging for the residents of the Town.

Board Member Brady stated sorry about that.

Mr. Kalin stated I lost my train of thought, it's all over now.

Chairman Rogan stated it's all over, it's all downhill from here.

Mr. Kalin stated so understanding that not much of the sign meets Code, we're here to kick it around and see what we can come up with.

Chairman Rogan stated sure, no, I appreciate you giving that good intro. This becomes an issue of what the concept and what the intent for the Hamlet with creating a sign ordinance consisted of versus the goodwill and great work that the Fire Department does and we had goodwill and great work across the street at the library and they wanted to do something similar and we had them modify to what they ended up with. Recognizing that some fire departments in some towns do have these and it's a great way to advertise events, it in certain areas is deemed or looked at as a hindrance to the aesthetics to the community, a hindrance probably isn't the right word but I don't want to pick the wrong word...

Board Member McNulty stated not conforming.

Board Member Taylor stated detriment.

Chairman Rogan stated yeah, a detriment, thank you, we do have sign colors that were approved for the Hamlet, which we can work with, I'm sure the fire department can work with. I think the problem everyone is having is a little bit with the size but mostly with the LED component, so I'm not sure what the alternatives would be to that, other than...

Mr. Kalin stated right.

Chairman Rogan stated you know, the old style of putting the, which...

Mr. Kalin stated yeah for (*inaudible*).

Chairman Rogan stated is a throwback also, you know.

Mr. Kalin stated yeah, you look at the sign, it's hard, I didn't bring all the data with me but the LED portion of it is really a function of 2 rows of text and a certain height of the text, that put its kind of dimensionally where it needs to be, the top half the same thing, the fonts can be reduced but then it becomes disproportionate, they had a sign company manufacture, you know, some brochures and paperwork for them, unfortunately I do not have that, do you guys, did you receive copies of that, okay, it's something I can give you guys but it seemed to me that this thing is kind of like gas and stone, that's how big they are...

Chairman Rogan stated yeah, right.

Mr. Kalin stated they certainly can get bigger but not too much smaller and being 45' off the road, I don't know if you'd want it much smaller than that because they people would start focusing on this as they're driving down the road.

Board Member Taylor stated would they consider separating the sign, taking the fire department part off if they want the LED part.

Mr. Kalin stated it's possible but I think they would give up on it.

Chairman Rogan stated you know what though, I think the bigger, even if they did that, I think our bigger issue here is the LED portion so...

Board Member Taylor stated right, we discussed that.

Chairman Rogan stated no, I appreciate the square footage...

Board Member Montesano stated they don't make a single row LED.

Mr. Kalin stated it might be but then it's going to be more of a like streaming banner type sign in order to get the same amount of information across if you have 2 lines, now you're running something so it's constantly like a moving banner, I think that would be more distracting then something like this which is kind of fixed in nature...

Chairman Rogan stated right.

Mr. Kalin stated you know, I've seen ones that like I want to say Carmel, somebody's got one that flashes and moves and dances and does all of that, they can...

Chairman Rogan stated great.

Mr. Kalin stated also make these very static.

Chairman Rogan stated right.

Mr. Kalin stated sort of like gas station pricing and stuff like that where it's just a fixed sign, it's not moving, it's not blinking but it does afford them the convenience again of changing the message without resorting to the old and plastic letters.

Board Member Montesano stated and one of those trucks come out of that quarry down the street and somebody's reading that sign...

Mr. Kalin stated yes, it's all over, it's a straight road.

Chairman Rogan stated I've seen these signs in much greater size when you drive along the highway, you see, it's like watching a television screen, they can really have some great graphics...

Mr. Kalin stated very much so, yeah very much so and this isn't going to be one of those.

Board Member Montesano stated another distraction.

Chairman Rogan stated but I think, it's hard to say what I think, if it were a sign that lit up that like you said, just like a message board, you see the message boards that people use for DOT for events and things, they're kind of like you said, static, they're not a whole lot of flash they are less of a distraction but the difficulty in this is we're trying to contemplate something that we don't allow in the Town...

Mr. Kalin stated right.

Chairman Rogan stated so it's you know, and it's not that it's the fire department, it's for any business, I would want to do the same for, you know a restaurant or somebody that was trying to make it to you know...

Mr. Kalin stated understood.

Chairman Rogan stated do anything we can to help them. The size is not as much of an issue for us because if everything else was perfect we could certainly ask for input from the Zoning Board and put it over to their purview, correct, if they were looking for a waiver.

Rich Williams stated a lot of this I think needs to go to the Zoning Board...

Chairman Rogan stated yeah.

Rich Williams stated you talk about the LED, certainly...

Board Member McNulty stated you also have the lot line issue, correct.

Rich Williams stated well they have a property issue certainly, you know, they're trying to put a sign on a vacant piece of property that the building is not and that's where I was about to go with this is that you know, two of the sections of the sign code say it has to be non-animated because you want to approve the message, right...

Chairman Rogan stated right.

Rich Williams stated and you want to make sure the message stays there and is not ever changing and the second part of our sign code says and I just lost my...

Andrew Fetherston stated it has to be on the same property.

Rich Williams stated yeah, it has to be on the same property, it has to be non-animated and it has to be a static message, so you can't everything changing and I'm totally drawing a blank here, so that's something the ZBA is going to wrestle with.

Board Member Taylor stated now technologically, can you have a solely static sign or...

Mr. Kalin stated I am almost certain that they can broadcast this as a static message, yeah, a non-moving message, a non-flashing message, just whatever fits on that text block.

Rich Williams stated but if you're going to do that.

Chairman Rogan stated you don't need to spend all the money for what they're doing.

Rich Williams stated right, flat sign.

Board Member McNulty stated have a marquee style sign.

Board Member Taylor stated but they can change the letters.

Mr. Kalin stated right, on a daily basis or whatever they need to do, if they change it remotely.

Chairman Rogan stated right.

Rich Williams stated and that, but that's what I'm trying to get at, is the way the code is structured, you approve the message that's going up there...

Chairman Rogan stated oh okay.

Rich Williams stated and the message is and this is the other half that I wanted to get to, is the message has to relate to the building that is advertised, if they were selling something, you know...

Mr. Kalin stated yeah and that's where the fire department is different...

Rich Williams stated sure.

Mr. Kalin stated I mean they're, there are emergency things, you don't advertise dry ice, it just shows up when you need it, you know and...

Rich Williams stated right and that's fine or change your clocks but then what happens when we start advertising weddings and other functions on the sign...

Ted Kozlowski stated carnivals.

Board Member McNulty stated well maybe we can restrict it to public service.

Rich Williams stated then who makes that call and then how do we enforce it.

Board Member McNulty stated I understand.

Board Member Taylor stated so you're saying the definition of non-animated is they can't change it, not that the sign is not scrolling but they can't put...

Rich Williams stated my opinion is that non-animated is a static sign that is not going to change.

Board Member Taylor stated change, at all, okay and that's your opinion.

Mr. Liguori stated and that defeats the...

Mr. Kalin stated the purpose of the sign.

Chairman Rogan stated yeah.

Rich Williams stated right.

Board Member Taylor stated then you've got to go to Zoning, right, we've got nothing we can say at this, right.

Rich Williams stated the whole thing goes to Zoning.

Chairman Rogan stated yeah because, you understand the nature of this type of an organization...

Mr. Kalin stated oh yeah, absolutely.

Chairman Rogan stated and wanting to have the ability to advertise.

Mr. Kalin stated and they really need to, they need to be able to...

Chairman Rogan stated rather than just taking a sign and sticking it out in the yard for 3 days, which presents its own host of problems.

Mr. Kalin stated sure.

Rich Williams stated right.

Chairman Rogan stated yeah, I mean this does seem like it needs input from Zoning and maybe ever Town Board as it relates to a code issue to determine if this is something...

Mr. Kalin stated right and they've also offered that as information, I guess, that they will allow Town Board or the Town at large to broadcast information from that as they see fit.

Chairman Rogan stated sure, providing a public service again.

Mr. Kalin stated right, exactly, it's all public service.

Chairman Rogan stated so you said about changing the message, are the signs that people put the letters in that they change the message, are they not allowed within the Code or...

Rich Williams stated you know it kind of falls into a grey area.

Andrew Fetherston stated what about a gas station.

Board Member McNulty stated well Town Hall right here and the library have a marque style sign where they can...

Rich Williams stated well let's take Town Hall out of it because we don't have to follow our own rules.

Board Member McNulty stated understood.

Rich Williams stated the library was specifically granted that marque sign that you know, where they could change the letters.

Board Member McNulty stated was that a zoning change on their part.

Rich Williams stated I don't know that they went to Zoning.

Chairman Rogan stated okay.

Mr. Kalin stated there will be questions and like I said, it's leaning towards ZBA.

Rich Williams stated yeah and I think that's the proper forum, they have the ability to say hey fire department, the exception, providing a public benefit, you know, we're going to allow it, here's the limitations.

Board Member Brady stated but what's going to stop the library at the next meeting going in and asking for exactly the same thing.

Rich Williams stated absolutely nothing but they're going to have to do the same thing, they're going to have to go into the ZBA, they're going to have to prove how their use, their having that sign is to the public benefit versus you know, everybody else in the community because Shawn is absolutely right, after the library then comes the A&P or you know, one of the restaurants.

Chairman Rogan stated well certainly if the criteria were considered in relevance to public service announcements, clearly a for-profit organization is not providing the same public service announcement. They might say they will provide but more likely its come and eat for \$5.00 lunch, that's not really a public service announcement.

Rich Williams stated right.

Chairman Rogan stated so...

Rich Williams stated so the fire department...

Chairman Rogan stated it's clearly a difficult conversation because everybody wants the fire department to be able to do what they want to do but we also want to maintain consistency within the Town and be fair.

Mr. Kalin stated yeah, understood.

Board Member Taylor stated and would the Zoning Board give a waiver on the colors also.

Mr. Liguori stated if they ask for it.

Board Member Taylor stated I mean, is that their purview or is that our, okay, so if they want those colors, they have to ask for the colors as well.

Mr. Liguori stated they are the only Board...

Mr. Kalin stated yeah, exactly.

Mr. Liguori stated well the Town Board by local law but the Zoning Board can vary any section of our Code.

Rich Williams stated yeah, I disagree with you on that but we can have that discussion later...

Board Member McNulty stated you understand our code scheme...

Mr. Kalin stated yes.

Rich Williams stated and I will go back to the original legal opinion that he gave a little while ago.

Ted Kozlowski stated Rich is always right.

The Secretary stated no, it was don't argue with Rich Williams.

Rich Williams stated so...

Mr. Liguori stated there are sections of the Code that do not have the ability to be appealed to the Zoning Board because you know, as long as it's set forth...

Rich Williams stated right, right, they have to have the jurisdiction.

Mr. Liguori stated right, right.

Rich Williams stated so Ron, I think the short answer to your question is probably they can but I would also maintain that you know within that I think the way it's written that the Planning Board can also vary the color standards.

Board Member Taylor stated okay, well while you're there you might as well ask them and then we can...

Mr. Kalin stated oh yeah, the whole shebang.

Chairman Rogan stated clearly the LED portion of this is the biggest you know, biggest question. Okay, so Rich procedurally what do we need to do to forward this.

Rich Williams stated actually you cannot forward this, he's going to have to come in and see the Building Inspector and get a letter denied...

Chairman Rogan stated oh okay.

Rich Williams stated but we wanted to bring him in here...

Chairman Rogan stated sure.

Rich Williams stated in case you wanted to make a recommendation over or have an opinion or...

Chairman Rogan stated that's, I don't feel...

The Secretary stated they can't run the process concurrent.

Rich Williams stated site plan, subdivisions, special use permits.

Mr. Kalin stated no comments on the planting, screening, landscaping.

Chairman Rogan stated they look wonderful.

Board Member McNulty stated I did have one question, there was an area on there, a proposed 50' wide street, is that anything within our...

Mr. Kalin stated there was something, yeah, on the original survey, there is a paper road, I guess through here, it's liber and page, it's got a number...

Board Member McNulty stated proposed, there's a note there, propose 50' wide street and I didn't know if that had anything to do with us.

Mr. Kalin stated blame Zarecki (*inaudible*).

Rich Williams stated we'll talk more about what the heck that is.

Mr. Kalin stated yeah, it was news to me, I saw it on the original plan, I didn't know that existed but crazier things have happened in Patterson.

Board Member Montesano stated was that approved with the fire house, they took this road in.

Rich Williams stated correct.

Board Member Taylor stated they slipped it in, when they created the design; they slipped the road in for approval too.

Mr. Kalin stated casual line.

Mr. Liguori stated if they had the site plan then...

Rich Williams stated ZBA...

Board Member Montesano stated yeah, here it is.

Mr. Liguori stated that's what I wanted to check.

Chairman Rogan stated John...

Mr. Kalin stated yes.

Board Member Montesano stated yeah, next to the gravel driveway that we used for the...

Mr. Liguori stated your letter covers all the things, the approvals they need, right.

Rich Williams stated right.

Mr. Liguori stated denial...

Chairman Rogan stated at the work session we did comment though about the size of this thing, the height of it and everything, it's a massive sign that they're proposing.

Mr. Kalin stated it's pretty much a sheet of plywood 4' off the ground.

Chairman Rogan stated oh, okay right, yeah, 4 by 8, 5 by 8...

Board Member McNulty stated plus the sign.

Mr. Kalin stated yeah, well...

Board Member McNulty stated the light.

Mr. Kalin stated right, right.

Chairman Rogan stated it will be about 9' high to the top.

Mr. Kalin stated proportionately being 45' off the road, it's not going to look like...

Chairman Rogan stated sure.

Mr. Kalin stated it will fit in pretty decently and then we're, you know, ground it with a lot of landscaping, which is hard to see, the planting when we show the naked structure of it but you know with plants around it, it will sit in there as good as possible.

Board Member Montesano stated it is going to stand a 70 mile an hour wind.

Mr. Kalin stated I hope so.

Chairman Rogan stated of course it will.

Board Member McNulty stated and also, Rich didn't touch on it much the, when you go to Zoning about the vacant lot situation.

Mr. Kalin stated yeah, we'll address that...

Mr. Monteleone stated you've got to give them permission to bring sign all the way out to the road.

Chairman Rogan stated to do what.

Mr. Monteleone stated give them permission to bring the sign down by the road.

Chairman Rogan stated because it's not their property, it's the DOT right of way.

Mr. Kalin stated yeah, it's DOT land.

Chairman Rogan stated they'll come through and rip it out.

Mr. Monteleone stated can they ask the DOT to be allowed.

Mr. Liguori stated yes.

Mr. Kalin stated yes.

Mr. Liguori stated yeah, you can get a work...

Mr. Monteleone stated they will allow that.

Rich Williams stated that's up to them.

Chairman Rogan stated and then that allows it to come down a little bit in size.

Mr. Monteleone stated yeah, plus you'll see it better, you don't have to stick your head into the wood.

Chairman Rogan stated you should come here, come on.

Board Member Montesano stated yeah, come on, we'll volunteer you.

Mr. Monteleone stated I mean ask the DOT, DOT never...

Mr. Kalin stated I will.

Chairman Rogan stated good point.

Mr. Liguori stated at DOT, Lisa, she's the regional rep, yeah you can get a...

Mr. Kalin stated see if we can wander on to her property.

Chairman Rogan stated he's got a better tan than me anyway.

Mr. Kalin stated I know we have a gas line there but I don't think that's, that far off the road.

Rich Williams stated no, that's right up by the sidewalk.

Board Member Brady stated is that fire department property.

Mr. Kalin stated yeah because the rest is rock.

Board Member Brady stated is that, well it would be DOT property.

Rich Williams stated that's what we're talking about is getting a permit...

Board Member Brady stated right but then he'd have to go through somebody else's property to get the power out there, right because that's not...

Rich Williams stated that would all be part of it.

Mr. Kalin stated so, well I'll plan to see Nick, get denied...

Chairman Rogan stated the plantings look great.

Mr. Kalin stated and then we'll move forward.

Chairman Rogan stated okay.

Mr. Kalin stated confidence to move forward, thanks a lot, appreciate the feedback guys.

Chairman Rogan stated good luck John, appreciate your time John.

Mr. Kalin stated any time and just in case you wanted to know, hopefully that sewer main will be installed soon, we are working on that as we speak.

Rich Williams stated take a deep breath and hope.

Mr. Kalin stated yeah, while the whole system waits.

Chairman Rogan stated heard very good things today when your name was mentioned in a meeting about all the things and creativity in trying to get things to work temporarily.

Mr. Kalin stated oh, it's been pretty wild but I think we've got something that's going to rubber band it back together for at least another month or two.

Chairman Rogan stated great.

Mr. Kalin stated see you guys later, thanks a lot.

Chairman Rogan stated alright, take care.

Board Member McNulty stated good night.

7) 450 HAVILAND DRIVE SUBDIVISION – Continued Review

Mr. Harry Nichols was present.

Chairman Rogan stated okay, Harry, you're back up, 450 Haviland Drive. We have some, before you, don't even put up any plans yet, we just wanted to reference, Rich brought to our attention that we haven't actually filed the application fees on this, that this initial was just the \$100, what would that have even been for, the scoping, not scoping but...

Rich Williams stated he came in, three appearances ago on a \$100 appearance fee, technically you're supposed to submit a \$100 appearance fee every time you come in and only come in a couple of times, we still don't have a subdivision application pending before this Board on this site, so consequently...

Chairman Rogan stated I was not aware of that either.

Rich Williams stated yeah, I realized this late because I was working on something else, I mean I don't even have enough to pay my engineer and he's upset with me.

Board Member Montesano stated we know you're upset.

Board Member Taylor stated he makes enough money on other projects.

Mr. Nichols stated well should I give the money directly to your engineer...

Board Member Montesano stated inflation, inflation, yeah, that's alright.

Rich Williams stated no, that would be bad.

Board Member Montesano stated that will be an extra 5 million dollars.

Mr. Liguori stated he'll take lot 5.

Chairman Rogan stated so we've been doing a lot of scoping here and a lot of initial assessments basically...

Rich Williams stated yeah.

Chairman Rogan stated we're getting a little far ahead of ourselves.

Mr. Nichols stated you tell me what you need and we'll get it for you.

Rich Williams stated okay, I need a subdivision application and the fees.

Mr. Nichols stated I thought we paid it, didn't we submit a subdivision...

Rich Williams stated I've checked with the office, I checked with the accounting, nope.

Mr. Nichols stated okay.

Chairman Rogan stated Harry, I hope you're getting paid on this.

Rich Williams stated unless you've got something that shows otherwise.

Mr. Nichols stated I'll tell you, the money comes from England.

Board Member Montesano stated Wheaties box tops don't work anymore.

Chairman Rogan stated oh really, that's right.

Mr. Nichols stated so as long as Europe is doing okay...

Mr. Liguori stated we take pounds...

Board Member Montesano stated oh yeah, I'd like, pounds is pounds.

Rich Williams stated so honestly, consequently I didn't review it, Andrew did a memo review on it.

Chairman Rogan stated yeah.

Mr. Nichols stated and I want to apologize to Andrew for not being able to find a copy of his January memo in his file, where I should have responded to it at the same time as the other one.

Chairman Rogan stated so its kind a redundant memo, this new one is a carbon copy.

Andrew Fetherston stated I didn't see the changes from one, from I think it was 2011 and I looked at this plan and kind of went what's different, I didn't see what was different but...

Mr. Nichols stated I got your memo, I went through my file, I cannot find a copy of that...

Andrew Fetherston stated yeah, okay, I figured...

Mr. Nichols stated but you gave me a copy tonight, so I appreciate it.

Andrew Fetherston stated sure, sure.

Rich Williams stated and I did briefly look at the plan, the two changes are he showed the stream that's out there on the site and he moved the driveway a little bit but that is basically it.

Board Member Taylor stated we've got this issue of this spring or this seep or whatever it's called, is it or is it not a protected wetland...

Ted Kozlowski stated it's covered, it's in the law.

Board Member Taylor stated then he's got to draw a 100' buffer around and that eliminates one lot and a good portion of another one because 100' will run right through the middle of the house.

Chairman Rogan stated where is the, point to the seep, oh okay...

Board Member Taylor stated 100' he's got a 100' mark here off of the septic, 100' will wipe out the house and take out the pool.

Chairman Rogan stated Ted that seep, that's the...

Ted Kozlowski stated we were out there on the site walk, we identified it.

Chairman Rogan stated right, I remember.

Ted Kozlowski stated we said it, this is not a, this should not be a surprise to anybody.

Board Member Taylor stated so, I'm just saying, that's, lot 6 has got to go then.

Chairman Rogan stated I don't see the line around it, this is done...

Board Member Taylor stated this is 100' feet he says.

Chairman Rogan stated this is the spring.

Mr. Nichols stated yeah, that spring, there is no, nothing in the code that allows you to eliminate it if it's not being used for anything.

Ted Kozlowski stated it's a natural seep Harry, it's covered under the wetland law, I want to take a look.

Rich Williams stated yes, decide what you want to do, whether you want him to pull it up or you just want to...

Board Member Montesano stated (*inaudible – mumbling*).

Chairman Rogan stated did you just say deceit...

Board Member McNulty stated I thought we decided that on the site walk.

Mr. Nichols stated can we pipe it.

Board Member Taylor stated pipe it.

Board Member Montesano stated pipe a seep.

(*Side conversation – inaudible*).

Ted Kozlowski stated Harry, it's going to involve a wetlands permit and we have to evaluate it...

Chairman Rogan stated we've got too many conversations.

Ted Kozlowski stated you can't just...

Rich Williams stated directly in front of those houses.

Mr. Nichol stated okay, is that, that's a local issue.

Ted Kozlowski stated it's involving the other, what Rich is talking about.

Andrew Fetherston stated as you're going up the hill.

Rich Williams stated as you're going up the hill.

Andrew Fetherston stated alright.

Ted Kozlowski stated I mean, do you guys want to get into this now.

Chairman Rogan stated well no, we want to get the application filed and everything but...

Board Member Montesano stated and get the money in and then we can go from there.

Chairman Rogan stated well the semantics of whether this is a protected area or not sounds like we've already...

Ted Kozlowski stated guys, just, I'm going to be very clear about this, we went out on a site walk, this was pointed, this was identified, I believe it's in the minutes, I believe it was in a memo, nobody should be surprised about this.

Board Member Taylor stated no, I'm not surprised.

Mr. Nichol stated no, we're not surprised, we know it's there, as a matter of fact we had it survey located and put on our plan.

Ted Kozlowski stated right.

Board Member Taylor stated I'm just saying.

Mr. Nichols stated and we made sure the septic were the required distance.

Ted Kozlowski stated but Harry you're showing plans that are disregarding the thing that we noted.

Mr. Nichols stated well this I wasn't aware of, so I apologize for being ignorant in that.

Ted Kozlowski stated I know but you wrote the plans, so how could you not be aware of it.

Board Member McNulty stated no, aware that...

Mr. Nichols stated no, I wasn't aware that it's a protected.

Ted Kozlowski stated but Harry, wait a minute, with all due respect this was a, this was put in memo form, which you must have a copy of, this is over a year, two years ago we did this, I don't know it's been awhile.

Mr. Nichols stated I don't recall reading anything or being given a memo indicated that it was a protected feature.

Ted Kozlowski stated well for the record again, it is.

Chairman Rogan stated Harry, you know you probably will be able to combine lots 5 and 6 and just create an upfront, take a look at the lines on those and worst case scenario, you lose one...

Board Member Taylor stated lose one lot.

Chairman Rogan stated or...

Mr. Nichols stated is there a section in the ordinance that you can point out to me so I can comply with it.

Ted Kozlowski stated do you have the, Mike do you have the, I'll read it to you, section 154-18.

Board Member Taylor stated so this is 100', he's got that laid here, this is off the septic...

Chairman Rogan stated right.

Board Member Taylor stated swing that around and it goes right through the middle of the house, so it's clearly he can't have that, that lot has to go.

Board Member Montesano stated you have to get a better pen because that yellow is starting to wear out, I don't know what these guys lose pens.

Chairman Rogan stated no, drilled a well right in the center of it.

Board Member Taylor stated that's what he was asking.

Board Member McNulty stated Harry a couple questions, we have to, locations for wells and septic on adjoining properties seem to be close, I think for lot 3 and 4.

Chairman Rogan stated where did Rich go, to get the section of code.

Board Member McNulty stated Ted's looking up the code.

Board Member Montesano stated he went to get paperwork.

Chairman Rogan stated oh.

Andrew Fetherston stated want me to get him.

Chairman Rogan stated no, I was just curious.

Board Member McNulty stated Ted's looking it up.

Chairman Rogan stated alright.

Andrew Fetherston stated okay.

Chairman Rogan stated let him get the section, I think what would make sense is figure out what we have to do with filing the application with Rich, take a look at Andrew's memo now that you have two copies of and see what we can work through on that and see if we can clarify how to deal with this seep.

Board Member Taylor stated okay.

Andrew Fetherston stated my stuff was really just the approvals and what's needed, I mean for more detail, that's all.

Board Member Taylor stated and how do we feel about swimming pools on top of mountains and is that a workable layout.

Chairman Rogan stated well I mean I think it has to be, the intent of all that, thank you for bringing that up, the intent of when we started going through these subdivisions was to show usable areas, not just spatial, that there's square footage but usable area and it wasn't that things wouldn't be approved without it, it was that we were at least then contemplating them, so I think we should work through each one of those lots and see how they layout, we did it on Ice Pond for instance...

Andrew Fetherston stated yeah.

Chairman Rogan stated and the one on Couch Road was another one that we did, so at least there's some consideration so that if the, at least we're trying to figure out whether these lots are realistic and that is something we have to work through.

Ted Kozlowski stated Harry...

Mr. Nichols stated yes.

Ted Kozlowski stated section 154-4 under definitions of watercourses, number three, lakes, ponds, marshes, swamps, bogs, natural springs, and all other bodies of water, natural or artificial, which are fed by or have natural discharge into a wetland or watercourse. So your spring is a natural spring.

Mr. Nichols stated right.

Ted Kozlowski stated okay, it's identified in the law, okay, we identified it in the field two years ago on the site walk, we put it in writing, I don't know how to be any more specific.

Rich Williams stated sorry.

Chairman Rogan stated its okay, carry on; we just gave Harry an 11 lot approval...

Rich Williams stated okay.

Chairman Rogan stated waived all the fees; no he's got a file.

Mr. Liguori stated Andrew said he didn't want to get paid either.

Board Member McNulty stated he said double the file.

Chairman Rogan stated what does pro bono mean.

Rich Williams stated excuse me.

Chairman Rogan stated what does pro bono mean.

Mr. Liguori stated that's not an engineering term.

Rich Williams stated that's slang for Maser.

Andrew Fetherston stated are we on the record here.

Chairman Rogan stated okay so, we are...

Mr. Liguori stated Michelle deletes the stuff, I've seen the minutes.

Chairman Rogan stated guys, I'm teasing too, let's get back on track here, in fairness to the people that are here.

Board Member Taylor stated we're done.

Board Member Montesano stated yeah I think we're happy.

Chairman Rogan stated yeah, let's get the application stuff squared away, you have some memos to run through, see what you can do with this separation distance on this watercourse, seep. You should check the quality of that water; maybe they have a good water supply.

Board Member Montesano stated yeah, we can fill up the pools.

Chairman Rogan stated it's a well, you know...

Ted Kozlowski stated as I recall that was running right across the land...

Chairman Rogan stated yeah.

Board Member McNulty stated could it be tapped as a well and used as well, eliminate the wetland.

Rich Williams stated how about a fountain, let's make it a fountain.

Board Member Taylor stated yes.

Board Member McNulty stated bottle it.

Ted Kozlowski stated it is what it is, I didn't put it there guys.

Board Member Taylor stated yup.

Chairman Rogan stated yeah.

Board Member Montesano stated you're not, oh that's right, you're, that's Mother Nature, sorry.

Chairman Rogan stated alright, in fairness to White Birch Realty who is sitting very patiently back there.

Mr. Nichols stated thank you.

Chairman Rogan stated thanks Harry.

Board Member McNulty stated thanks Harry.

Board Member Montesano stated what.

Mr. Nichols stated is that yours.

Board Member Montesano stated that's mine.

Chairman Rogan stated do you need one Harry.

Board Member Montesano stated do you want a violation Harry, I can set it up for you. Hey, would you stop pulling signs down.

8) WHITE BIRCH REALTY – Preliminary Application

Mr. Ralph Alfonzetti, engineer and Mr. & Mrs. Pete Monteleone were present.

Chairman Rogan stated Pete, did you get that tan being outside working.

Mr. Monteleone stated three days of blacktop, no problem.

Chairman Rogan stated you have to get him some sunscreen.

Ted Kozlowski stated I know.

Mr. Monteleone stated oh please, now you have to start too.

Chairman Rogan stated good evening sir.

Mr. Alfonzetti stated how are you doing.

Chairman Rogan stated how are you.

Mr. Alfonzetti stated alright, I'm Ralph Alfonzetti, I'm the engineer for the project, I'm here with Mr. & Mrs. Monteleone...

The Secretary stated Ralph, you could pull the microphone right out there, you're kind of soft spoken, right out of the stand.

Mr. Alfonzetti stated it's alright, I'll speak up.

The Secretary stated alright.

Mr. Alfonzetti stated I'll give you an overview of the project.

Chairman Rogan stated sure.

Mr. Alfonzetti stated we have a 10 acre site, it's on Commerce Drive, there is an existing building on the site, about 35,000 square feet, I think you guys know it as a bus garage. We're proposing a building here just to the right of it, this building is going to be about 33,000 square feet, most of the building is going to be built into the hillside, so the back wall of the building will be completely buried and two side walls will be partly buried. We are also proposing a green roof on this building...

Chairman Rogan stated cool.

Mr. Alfonzetti stated that will help with stormwater mitigation and aesthetics. We had had several meetings with DEP about the stormwater on the site, we have talked about these basins, we talked about this pond, we went over porous pavement, they like it, they don't like it, they only like certain kinds, so we are going back and forth with them. We've also had meetings with the County Health Department and DEP regarding the septic, the existing septic for this building is approximately here, when it was designed and built, this building was supposed to be a factory with about 100 workers, so the system is sized for more, I believe it is just over 3,600 gallons a day.

Chairman Rogan stated wow.

Mr. Alfonzetti stated the factory never happened, they only use about 500 gallons a day, we are proposing this building, it's going to be about the same use, so we're looking at another 500 gallons, we're proposing to use the existing septic for both buildings. The Health Department gave us a verbal okay, the DEP was okay with the concept but they've asked for more information, we're kind of gathering that right now, we're going to give that to them. What else, the wetlands, our wetlands consultant, Paul Jaehnig, he's been in contact with the Army Corps, he has a submission into them, we are just waiting back to hear from them.

Board Member Taylor stated where are the wetlands on this.

Mr. Alfonzetti stated they are in our stormwater basins, the outline is there, they are all flagged on the plan. The other issue is we need a zoning variance on this, the required rear yard setback is 50', we have 22' and change on this side and 21, 31' and change on this side, but remember this is a little bit different, the whole rear of the building is going to be at grade, so if you're standing on the rear property line looking at the building, you won't see a 30' tall building...

Chairman Rogan stated a flat roof.

Mr. Alfonzetti stated well it will have a slight pitch to it but you are going to be basically, looking right over it.

Board Member McNulty stated a single story building.

Mr. Alfonzetti stated yeah, its 30' high, it's one level but there are small office mezzanines above each little thing, that's about it for all of you, questions, comments...

Board Member McNulty stated I had the question about the septic but you seemed to answer that, none of us knew where the septic was going.

Board Member Brady stated how do you, the septic was designed for a building with 100 people...

Mr. Alfonzetti stated yes.

Board Member Brady stated and you're, the building, what's to stop from 100 people moving into that building, you know, them having 100 employees and then this building going into that on top of that.

Mr. Alfonzetti stated you have to file a change of use with the Health Department and they would kick it to the DEP, so they would stop you.

Board Member Brady stated hopefully.

Mr. Alfonzetti stated hopefully.

Board Member Taylor stated so you're filing a change of use now for this.

Mr. Alfonzetti stated I actually don't have to because it is the same use as it is now, according to DEP, he told me that I do not have to do that.

Rich Williams stated just so you all know, one of the other things that we've been doing now consistently, is on the site plan we get them to identify what the use of the building is, not only what the use of the building is but what the different areas of the building are going to be used for so we know that you have 3,500 square feet and 5,000 square feet of warehouse, if they come into change that then we re-evaluate the site plan, including septic, well, and everything.

Board Member Taylor stated so they would have to file a new site plan for the existing building.

Rich Williams stated they would have to file with the Town showing what they're going to do within the code I have the ability to review that and say they, you know, there's not going to be any additional requirements needed on the site, the site is sufficient to meet what they are proposing to do and they don't need a site plan or, yeah you're going to need more parking, you're going to need more septic, you've got to come back in.

Board Member McNulty stated and the wetlands involved in this lot are Town wetlands, correct, isn't this the area that had Town wetlands.

Rich Williams stated Town and Army Corps.

Chairman Rogan stated oh, Army Corps.

Board Member McNulty stated this is where we talked about a 2 for 1 swap, we change wetland areas.

Rich Williams stated there has been considerable discussion about wetland mitigation throughout this park.

Board Member Taylor stated so have you heard anything from the [Army] Corps.

Mr. Alfonzetti stated no, not yet.

Board Member Taylor stated not yet.

Mr. Alfonzetti stated but to answer your question, they are not DEC wetlands.

Board Member McNulty stated they're Town wetlands.

Mr. Alfonzetti stated right, they're Town wetlands.

Chairman Rogan stated I don't have a lot of comment, I think the idea...

Board Member McNulty stated yeah.

Chairman Rogan stated if the flow, the existing flows are that low, I think it makes sense to utilize a system that was already over designed for the existing use.

Rich Williams stated yup.

Chairman Rogan stated I don't know if we can, it's probably not our purview to limit the daily flows on each other buildings or whether they're, whether the Health Department is going to limit it cumulatively or whether there is any limit at all, they're probably doing water meter readings of some sort.

Mr. Alfonzetti stated yes, that's what they asked for, so that's what we've been doing and I'm basically ready to submit back to them, I think the only limiting, I think it will be cumulative and I think it will be the capacity that it was designed for.

Chairman Rogan stated yeah.

Rich Williams stated and the reality is we could limit the use and the areas of use but not the flows.

Chairman Rogan stated sure.

Board Member McNulty stated what is the proposed use for this building.

Mr. Alfonzetti stated for this building, it's going to be very similar to this one, it's going to be warehouse, light manufacturing, distribution.

Board Member McNulty stated broken up, segmented spaces.

Mr. Alfonzetti stated yes, one tenant might take two spaces, you know, all of that, so.

Chairman Rogan stated actually I drove out on Commerce Drive, Ted in just a second, and, because I wasn't sure the grade uphill of the building, I know it shows in some areas a 30 to 40' rock cut for the building but then directly uphill, I wasn't sure if that grade continued to rise and it really doesn't significantly, the rock cut wasn't as drastic as what I envisioned based on the plans, you know, I could almost envision the building set right in there and I don't know if the rock cut is done of course but it's working...

Mr. Monteleone stated it's partially done.

Chairman Rogan stated you know...

Mr. Monteleone stated but you won't see the building...

Chairman Rogan stated the building is going to tuck right in, yeah.

Mr. Monteleone stated all you will see if the front.

Mr. Alfonzetti stated yeah, you'll just see the front basically.

Mr. Monteleone stated and the building will have a façade that will overhang a little bit which kind of splits it up nice.

Chairman Rogan stated and you're going to have a vegetable garden up there, the tomatoes...

Board Member Taylor stated which way is the roof sloping, toward the back or the front.

Mr. Alfonzetti stated it's going to slope both ways.

Board Member Taylor stated oh, you've got a gable roof.

Chairman Rogan stated oh, slight gable, okay, Ted go right ahead.

Mr. Alfonzetti stated yup.

Ted Kozlowski stated I was just curious, the roof, is it natural vegetation or is it a roof, I mean you know a structure.

Board Member McNulty stated what kind of green roof.

Ted Kozlowski stated is it going to be green or...

Mr. Alfonzetti stated it's going to have a, I mean, it will have a structure, you know a membrane and then you have a gravel bed...

Ted Kozlowski stated so it's actually going to be a true green roof.

Mr. Alfonzetti stated right.

Mr. Monteleone stated we're going to have topsoil on the roof, you have to cut once in a while.

Mr. Alfonzetti stated right, you have to (*inaudible – spoke over*) the top soil...

Board Member Montesano stated are you going to put a stone wall up.

Mr. Alfonzetti stated what's that.

Board Member Montesano stated are you going to put a stonewall up.

Ted Kozlowski stated he's very good at stonewalls.

Board Member Taylor stated you decided you were going to put goats on this.

Inaudible – too many speaking at one time.

Chairman Rogan stated whatever pays the bills.

Board Member McNulty stated no, they make a dwarf grass that will only grow so high.

Chairman Rogan stated that's great.

Ted Kozlowski stated that will be unique for commercial.

Board Member McNulty stated Rich I have a question, signage when you have multiple tenants in a building like this, how does this work. If you have five entrances...

Rich Williams stated if you have five entrances.

Board Member McNulty stated he said there are going to multiple tenants in this building.

Mr. Monteleone stated yes, if you see the original plan that I gave you shows a garage and a side door, a garage and a side door.

Board Member McNulty stated I don't think I have that.

Mr. Alfonzetti stated that was when we were at the work session.

Rich Williams stated sign...

Board Member McNulty stated so how would signage for the tenants work.

Rich Williams stated signage is going to be a problem on this site, absolutely because again...

Board Member McNulty stated that's why I bring it up, so they can plan for it.

Rich Williams stated you know, by our code it is limited to one sign with a maximum of 25 square feet, now he's already got a sign out there that is close to that.

Mr. Monteleone stated right, with everybody's name one.

Rich Williams stated for the one building, yeah.

Mr. Monteleone stated just a little...

Chairman Rogan stated Rich, educate us as to why these, signs for these types of buildings aren't similar to what we just discussed for Patterson Auto Body, where you have 1 and a 1/2 square foot per hundred, up to 100 square foot.

Rich Williams stated that is on the building.

Chairman Rogan stated on the building.

Rich Williams stated I'm talking about the free standing sign out front.

Chairman Rogan stated got it, okay, so building mounted.

Board Member McNulty stated no, I'm talking about on the building.

Rich Williams stated so on the building...

Chairman Rogan stated one the building, they're going to be fine.

Rich Williams stated on the building 1.25 square feet per linear foot of building.

Chairman Rogan stated so the...

Rich Williams stated up to a max of 100 [square feet].

Chairman Rogan stated so the out by the road 25 square foot double sided, can be, these are the business here with slats or whatever and then on the building they have John's Auto or whatever...

Mr. Monteleone stated that's what White Birch has already.

Rich Williams stated or it could...

Board Member McNulty stated that's my question on the building, I don't know how many tenants you propose of this building.

Mr. Monteleone stated it will all be on a little sign right by the entrance but over the door to say which door you're going to go because you'd be going in looking for him or...

Chairman Rogan stated but Rich, so you're saying building mounted signs, you would potentially have 100 square foot for building.

Rich Williams stated yes.

Chairman Rogan stated okay, that's quite a bit of signage...

Rich Williams stated it is.

Chairman Rogan stated it really is, in other words, that allows somebody to have something that is a little bit more...

Mr. Monteleone stated they're not going to see them anyway.

Chairman Rogan stated I was just going to say, you're not going to see this building from the road.

Mr. Monteleone stated whoever is going back there, they know what to look for.

Chairman Rogan stated they know.

Mr. Alfonzetti stated Rich and you were saying that since it's one parcel, the existing sign right now, if it's 24 square feet right now, they're only allowed 1 more square foot...

Rich Williams stated correct.

Mr. Alfonzetti stated is that correct.

Chairman Rogan stated because it's the same property.

Rich Williams stated right.

Mr. Alfonzetti stated the same property.

Rich Williams stated now there are...

Board Member McNulty stated so he couldn't put it at the other entrance, couldn't be a sign there.

Rich Williams stated I think there should be a sign at the other entrance but all our code...

Board Member McNulty stated I do too...

Chairman Rogan stated yeah.

Board Member McNulty stated is a zoning issue again.

Rich Williams stated our code doesn't allow it right now, so again the solution to that is they either need to decide whether they want to take that one sign, break it down to two signs which basically say White Birch Realty Phase I, White Birch Realty Phase II or some designation for the buildings...

Board Member McNulty stated north, south, east, or west...

Rich Williams stated for the overall buildings or go to the ZBA for the second sign.

Chairman Rogan stated yeah.

Board Member Montesano stated so...

Andrew Fetherston stated if you're going to forego, if you don't want all the signs on the building because they're not going to be seen, then would they do a trade, look I'm not going to put anything on the building or something very minimal, let me have some portion of that square footage in the front perhaps and maybe that would be some kind of a tradeoff.

Board Member Montesano stated you've got to go the ZBA for the distance in the rear, correct.

Rich Williams stated I'm sorry, what.

Andrew Fetherston stated yeah, there's variances required.

Rich Williams stated yes.

Board Member Montesano stated the back area we have to go to the ZBA for or they do...

Rich Williams stated there's an area variance, yeah.

Board Member Montesano stated okay, so if they go to the ZBA for that, can they and I'm just talking out loud, they would go for a sign variance at the same time.

Rich Williams stated they could.

Board Member Montesano stated okay, that's all I wanted.

Board Member Taylor stated it seems reasonable, it is an industrial site.

Board Member McNulty stated it's a large enough site, it's not going to get congested with signs.

Board Member Taylor stated yeah.

Mr. Monteleone stated besides it's kind of a private road, so I really don't think somebody is going to be a...

Chairman Rogan stated that road took a beating this winter, I saw it at the front there by Eastern Jungle Gym, it was just tore up.

Board Member Montesano stated you're going to have to get a general, generals get more attention.

Chairman Rogan stated but I mean I think everybody seems pretty positive about what you're proposing, if it fits and everything, you know I like the idea of the green roof, I think that's something everybody is interested in seeing...

Board Member McNulty stated even the initial plan, looks good.

Mr. Alfonzetti stated yeah, it's going to be a nice feature.

Chairman Rogan stated yeah, you know, Rich, do you have anything at this point or Andrew that you want to bring up.

Rich Williams stated I think generally the next step in the process is doing a site walk out there.

Chairman Rogan stated yeah.

Rich Williams stated laid out some suggestions for staking it out.

Chairman Rogan stated sure, yeah, corners of buildings, what else do have out there...

Board Member McNulty stated center of drive.

Mr. Alfonzetti stated corners of building, center of this drive...

Rich Williams stated yup.

Chairman Rogan stated that one is well, that's in, it's already permanently there.

Board Member McNulty stated okay.

Chairman Rogan stated that's the rock.

Mr. Alfonzetti stated you can kind of see it, there is a rock wall...

Chairman Rogan stated yeah, that's been there.

Rich Williams stated and corner of the parking lots.

Board Member McNulty stated those are retaining walls in the front, correct.

Mr. Alfonzetti stated yeah, they are just off the parking lot.

Board Member McNulty stated how high do you expect those to be.

Mr. Alfonzetti stated I believe the highest one is 5' and then it, they're lower than that.

Board Member Taylor stated when we discussed stormwater practices and wetlands, we had said that we would want to be sure that they're equivalent, that the stormwater practice is fulfilling the purpose of what wetlands is doing.

Mr. Alfonzetti stated you mean filtering.

Board Member Taylor stated yes, we would want some kind of documentation on that or some kind of explanation of that.

Rich Williams stated we certainly need more detail than we have right now with the plan and we'll walk you through that as the plan progresses. As I identified in the memo, you're never going to be equivalent but you do need to identify, you know, what the functions are and what the differences are, you're absolutely right.

Mr. Alfonzetti stated yup, no, I realize there is some, you know, information missing as, the stormwater is not 100%, I've been trying to get a lot feedback from DEP, I wanted to get feedback from you guys and then hopefully put it all together and get through this.

Chairman Rogan stated sounds good, yeah.

Board Member McNulty stated is there any reason why, maybe it's prohibitive, I'm not that familiar with the slope, that those parking lots don't link from the existing...

Mr. Alfonzetti stated it's just too steep.

Board Member McNulty stated too much grade.

Rich Williams stated which...

Board Member McNulty stated the new parking lot, the proposed parking lot to the existing one.

Mr. Alfonzetti stated oh here...

Chairman Rogan stated yeah.

Board Member McNulty stated yeah.

Mr. Alfonzetti stated here, they could, we were, our...

Board Member Brady stated I think we drove through there, didn't we.

Mr. Alfonzetti stated we were just thinking an emergency break away gate...

Rich Williams stated no, that's my recommendation that they are linked.

Board Member McNulty stated that's why I bring it up, if it's possible.

Mr. Alfonzetti stated permanently or...

Rich Williams stated I'm not going to go down the road that you couldn't have a break away gate but I think there should be a permanent conduit between the two parking lots.

Mr. Alfonzetti stated okay.

Board Member Montesano stated emergency services.

Mr. Alfonzetti stated no, emergency, absolutely, I have no problem with that but I don't know if the client wants to do something...

Mr. Monteleone stated we might be able to, we can link them, it should be no problem.

Chairman Rogan stated okay.

Andrew Fetherston stated I just had a couple questions, I mean, with the uses warehousing, do you think this, do you think with the given users, do you think you're going to have a stormwater hot spot on this or do you think not.

Mr. Alfonzetti stated I don't think so, I think Pete had mentioned that there was a carpet guy that was interested in a space...

Andrew Fetherston stated okay.

Mr. Alfonzetti stated and I think another cabinet maker...

Andrew Fetherston stated because I didn't see any spaces for like trailers or anything like that, fueling or anything like that that would trigger a hot spot but I was just curious because...

Chairman Rogan stated what do you mean by that.

Andrew Fetherston stated a stormwater hot spot is someplace like a loading dock where, you know, metals can drop off the truck, grease, oil, it changes the classification of the site for DEC for the stormwater. There is some treatment, some treatment, like infiltration for example that you don't want to do, you don't

want to directly inject, should there be a spill or something like that and just because the, because the plans are working through the process that...

Chairman Rogan stated sure.

Andrew Fetherston stated they're preliminary in nature, I just didn't know that, I just wanted to get that out and the front, up front but and the steep slope, you think that might be a, probably a rock cut that upper...

Mr. Alfonzetti stated right here...

Andrew Fetherston stated yeah.

Mr. Alfonzetti stated yeah, definitely.

Andrew Fetherston stated I think it probably will, right.

Mr. Alfonzetti stated definitely.

Andrew Fetherston stated okay, that's really it, I mean, you know.

Chairman Rogan stated so the next, the rock cut is, we're talking about building retaining walls because the rock cut is there.

Andrew Fetherston stated yeah, yeah, yeah.

Chairman Rogan stated yeah, right.

Rich Williams stated yes, it's not always a good thing though.

Mr. Alfonzetti stated there's rock sticking out everywhere.

Chairman Rogan stated if it gives way...

Andrew Fetherston stated you can see it.

Rich Williams stated you get water an all of a sudden you've got...

Andrew Fetherston stated yeah.

Chairman Rogan stated yeah.

Rich Williams stated yeah, you've got to deal with the water then.

Chairman Rogan stated we have to, right at the base of it, deal with some kind of a permanent drain or something.

Mr. Monteleone stated yeah, there will be a permanent drain underneath.

Board Member McNulty stated this plan shows a curtain drain all along...

Mr. Alfonzetti stated yeah, I actually have one on top and one on the bottom.

Chairman Rogan stated sounds good.

Board Member McNulty stated like the initial concept.

Mr. Alfonzetti stated okay, thank you, so the next plan is just let Rich know when we're ready for a site walk.

Chairman Rogan stated sure, absolutely.

Rich Williams stated yup.

Board Member McNulty stated yup, great.

Chairman Rogan stated sounds great.

Mr. Alfonzetti stated alright, thank you.

Board Member McNulty stated thank you.

Chairman Rogan stated thank you, sunscreen.

Board Member Montesano stated you can back now and get in the sun with the screen.

Mr. Monteleone stated DOT can give the permission to put the, I mean it's a piece of cake, just a little section up front, have the sign right by the road, they deserve it, the fire house, why not, I don't even know why they'd say no to that.

Chairman Rogan stated probably not, it never hurts to ask, you know.

Mr. Monteleone stated besides, don't they have the right of way on the main road there on, where they come in and out, they don't have to put it there.

Chairman Rogan stated yeah but they want it further this way, I tink.

Mr. Monteleone stated they want it in the middle there.

Board Member McNulty stated yeah.

Chairman Rogan stated yeah, you know, they want what they want.

Mr. Monteleone stated now does Peckham have the right of way going in and out.

Chairman Rogan stated I don't know.

Rich Williams stated Peckham has a right of way that ultimately crosses the Fire Department property and then Burdick Road which is a Town Road, actually crosses Fire Department Property to get in.

Mr. Monteleone stated why can't they put it on that right of way, so when everybody slows down to cross, they can see the sign.

Mrs. Monteleone stated they only slow down when they think there's a cop there.

Mr. Monteleone stated I mean it makes a lot of sense, if you put all the way in the back, now people aren't going to see it, you put it all up front, be half the size.

Chairman Rogan stated alright, we have Other Business, we have a...

Mr. Monteleone stated okay, good night everybody, thank you.

Mrs. Monteleone stated thank you, good night.

Chairman Rogan stated take care.

9) OTHER BUSINESS

a. A.J. Maxwell – Appearance Ticket

Chairman Rogan stated we have an appearance ticket for Mr. Maxwell, so this appearance ticket this is for Mr. Maxwell using the building that he doesn't have approval for, in essence.

Rich Williams stated correct.

Chairman Rogan stated so obviously Town Court is going to send him to us, right, usually what will happen.

Rich Williams stated I know Mr. Nichols is working on a plan feverishly.

Chairman Rogan stated okay.

Rich Williams stated there he is, for Mr. Maxwell.

Board Member Brady stated where is this.

Board Member McNulty stated the flea market.

Chairman Rogan stated the flea market, down in the back.

Board Member Brady stated okay.

Board Member Montesano stated they have the sign.

Mr. Liguori stated where the biker rally is going to be.

Rich Williams stated yeah, that's where the biker rally is going to happen, oh I've got one better than that.

Chairman Rogan stated alright and...

Mr. Liguori stated you might not want to be there on the 1st...

Chairman Rogan stated want to approve the minutes...

Board Member McNulty stated real quick, Ron did you want to speak about the forum or you have comments.

Board Member Taylor stated I had something else I wanted to bring up.

Board Member McNulty stated go ahead.

Board Member Taylor stated some of the people from Haviland Hollow mentioned to me that a fellow over there, was cutting down trees.

Ted Kozlowski stated I was over there Ron, he's cutting some trees on the slope, it's not a wetland violation.

Board Member Taylor stated okay.

Ted Kozlowski stated I was there on Sunday, Saturday, you know...

Board Member Taylor stated so he's not in the wetland.

Ted Kozlowski stated it looks like to me that he was cutting trees down because he needs sunlight on his pool, that's what I think but I didn't even knock on his door because quite frankly I don't have the authority to question him on it...

Board Member Taylor stated alright, so...

Ted Kozlowski stated you know, he's cut trees down, he cut maybe 10, 15 small trees and what I mean by small, most them I think were under 12" in diameter, so it doesn't fall under any wetland violation...

Board Member Taylor stated ok.

Ted Kozlowski stated he's within 100' of a wetland, a major wetland there but...

Board Member Taylor stated but he's not cutting in the wetlands.

Ted Kozlowski stated no, he's not, those trees were on the side of a hill that's surrounded by field or grass, so.

Board Member Taylor stated alright, I just, they hear the chainsaw going and just, they were wondering what.

Ted Kozlowski stated no, I was over there.

Board Member Taylor stated okay, thank you.

Chairman Rogan stated the forum.

Board Member McNulty stated real quick, went, Ron and I attended the forum, Putnam County forum on Monday night, they touched on a few issues, met Robert or Anthony Ruggerio, Town Planner, I guess you guys all know him...

Rich Williams stated County Planner.

Board Member Taylor stated County Planner.

Board Member McNulty stated County Planner, what did I say Town, County. Seems like a nice, he seems like he's got his hands full with a lot of planning. Also met Meghan Taylor, new president of the EDC...

Andrew Fetherston stated she used to be Orange County Partnership, I know her well.

Board Member McNulty stated that's what she said, she seems like she's got a lot of energy, ready to go.

Andrew Fetherston stated yes, she does.

Board Member McNulty stated one of the things she touched, looking for the Towns is to catalogue vacant store fronts and ready to go projects. I don't know how many we have, maybe we should have brought this up for Mr. Monteleone, it would be good for him to market his property. So if we have any ideas, maybe we can suggest a memo to the EDC, Rich probably has all the details of everything that's ready...

Rich Williams stated I was with Meghan yesterday.

Board Member McNulty stated I'm sure you're way ahead of me.

Rich Williams stated we've had a number of conversations.

Board Member McNulty stated good, she touched on the cluster that you had worked on back in the fall, I don't know, we really haven't too much on that that I know of, unless you're working on something...

Rich Williams stated no.

Board Member McNulty stated but we are working on the commercial property, like Commerce Drive and other things, so I guess we're doing our thing. They talked about CFA, consolidated funding...

Rich Williams stated agreement.

Board Member McNulty stated association.

Rich Williams stated yeah.

Board Member McNulty stated are you aware of that and how, you probably have...

Rich Williams stated some of the state agencies have banded together yeah, to consolidate their funding applications.

Board Member McNulty stated they look like they would assist us on that, can we reimburse any money you just spent on all that project you just worked on for drainage, is there any funding for that available.

Rich Williams stated my god, I wish, no.

Board Member McNulty stated there's just not, huh.

Rich Williams stated no.

Board Member McNulty stated is there any money there maybe, we talked about our Master Plan being update at some point.

Rich Williams stated honestly I've got to get closer to it but right now I would say you know, it's more to do with NYSERDA...

Board Member Taylor stated but they said there was money for Master Plans.

Board Member McNulty stated she said that.

Rich Williams stated she did say that, I'll take a look at it.

Board Member McNulty stated that's what I'm saying, maybe there is something out there we can apply for, all they can say is no.

Rich Williams stated listen, you know, years ago I was applying for everything under the sun and we were doing pretty good, you know, between time and the, three components as to why I kind of backed away from applying for a lot of these grants and I probably should get back into it, one is the time, two is there is always a match and right now, a lot of times we're struggling for that match, I mean the last couple of grants I wrote we almost didn't do them because the Town Board then reneged on the match and the third part of that is the State has kind of moved away from individual grants and they're looking to give them towards...

Chairman Rogan stated partnerships.

Rich Williams stated partnerships, cooperatives.

Chairman Rogan stated cooperatives.

Board Member McNulty stated that wasn't the indication we got in the meeting, it was kind of like there was 8 million dollars out on the table that Putnam County didn't get a dime of last year.

Rich Williams stated but that was for economic development that was through that whole economic development program.

Board Member McNulty stated what about our sewer district expanding is there money there for that, any of the planning or research, they made it sound like...

Rich Williams stated they're not going to qualify because they're under consent order, if I wanted to expand the sewer district because I think we have problems areas and wanted to expand the sewer district that way, I probably could go after it but when you've got somebody like the A&P, they're under a consent order where they've failed.

Andrew Fetherston stated what about in the other direction, we approve some up to go to the garage that was demo'd.

Rich Williams stated yes, possibly there.

Board Member McNulty stated they made it sound like they were willing to help...

Board Member Taylor stated yeah well...

Board Member McNulty stated and do some of this leg work, maybe take some of the pressure off of you, I know you spoke to Meghan so...

Rich Williams stated Meghan's only been there for what, a month.

Board Member McNulty stated yeah.

Rich Williams stated before that, there was nobody. Anthony Ruggiero has only been there 2 ½, 3 months and before that Putnam County Planning was a bus garage, so yeah, I mean...

Board Member McNulty stated I understand but it sounds like it moves in a positive direction, maybe there is some advantage there for us to take, just bringing the awareness out that that's what they touched on at the meeting. They also talked about, which you may have spoken to Anthony about training, Planning Board training at the County level.

Board Member Taylor stated the comments on that were the way I feel about, that you go to these trainings and it's the same old thing, same old thing, same old thing, do something different guys, if you're going to do training, do something different so they were thinking about something more specific to Putnam, specific project maybe something like that, so it might be worth going to then.

Andrew Fetherston stated what does the Board feel, I don't know if you all cumulatively feel the same way, what do you feel like you're lacking because I mean, you guys have diversity up there, you got some guys here that have been on this Board for a long time and some newcomers, what do you feel like you're lacking...

The Secretary stated they're required 4 hours of training.

Andrew Fetherston stated I guess I'm asking a topic, if you think it's the same, stormwater, stormwater, stormwater, or you know if it's, you know...

Chairman Rogan stated right, I think just diversity is always a good thing, so the different trainings that we've done recently where we did the, where Teddy gave us down at Lasdon Park...

Rich Williams stated rain gardens.

Chairman Rogan stated I was going to call them rain gardens but I knew that wasn't the right...

Ted Kozlowski stated oh, rain gardens and wetlands.

Chairman Rogan stated we have, I think, great opportunities for training right here and that's why I said, I think we should do 1 hour some time on some legal issue, so that it's not in front of a client or an applicant

that we're learning, you know, ways to make sure that we build a good record, ways to ensure that we don't say the, I know we joke around one in a while but we don't want to say anything that's going to get us in trouble and so there are things and aspects of the way we do business that we can always learn about. We used to learn a lot about SEQRA and that gets to be...

Board Member Montesano stated well we went to one...

Board Member McNulty stated well I think we have a pretty good grasp, I don't know about Ed because he's new but I think we've been through some of the process, at least I know where to reference now for SEQRA, I have more problem with procedure.

Chairman Rogan stated right.

Board Member McNulty stated what the County is involved in, what the State is involved, what the City is involved.

Chairman Rogan stated yeah.

Mr. Liguori stated the rubric.

Chairman Rogan stated the rubric.

Board Member McNulty stated so that would be something I would be interested in more.

Board Member Montesano stated since our former member has left, we went up to, what was it Pace or we went upstate...

Chairman Rogan stated oh yeah.

Board Member Montesano stated we went up to, the whole thing was, this was all mainly attorneys engineers...

Chairman Rogan stated yeah, we were out of our element there.

Mr. Liguori stated yeah it was a continuing legal education (*inaudible – spoken over*)

Board Member Montesano stated the things was, they had a case that Patterson has won and that was, they were so impressed that we even showed up...

Chairman Rogan stated oh yeah, I remember that.

Board Member Montesano stated because we were Planning Board Members, most of these people were either the town attorneys or the engineers and to have a Board show up was very impressive but we did learn because it's always nice to know before you, although Richie has to control certain people, when you open your mouth, how far your foot can go in.

Andrew Fetherston stated I guess, this is my 4th night out this week, I had a rough week, I'm in Orange County at a Planning Board where one of the members is also an engineer but he is, he's involved with Orange County Planning and he's really active and he's telling me about all the planning training that he has on disc, we can sit down and have a webinar, I could borrow it and bring it up and show it on the wall,

you know, bring that slideshow. I'm in Rockland County last night and one of the guys, one of the chairman of the Rockland County Planning Board and he does a lot of training down there and so I have access to this stuff, so you know maybe I'll just gather up some literature and spread it around, you know see if you guys see something that you have an interest in, you know I can see if I can get it and bring it here, you know.

Chairman Rogan stated we also go, I think we all got the literature in our packets last week from NYMIR which was on the land use planning I believe, there were, NYMIR has all kinds of online trainings that you can log into, they gave that and the Town of Patterson I'm assuming we have all the access to that...

Rich Williams stated now that we're a NYMIR member.

Chairman Rogan stated yeah.

Board Member McNulty stated does that count as our training if we go on.

Board Member Montesano stated yes.

Rich Williams stated yes.

Board Member Brady stated I signed up for it, I didn't start it but start it.

Andrew Fetherston stated how does it get accredited.

Board Member McNulty stated that's all I had on the forum, Ron, I don't know if you had anything you wanted to add.

Board Member Taylor stated oh they just, they did the usual blame the boards for all the problems with business.

Board Member McNulty stated Ron spoke up nicely.

Board Member Taylor stated its like they don't understand that it's really the State, it's DEP, it's those agencies that slow the process down, we push things through but it's...

Board Member McNulty stated no doubt.

Board Member Taylor stated Tom, you know, redesign go back, you know it's, all these, it's, I don't think it's the boards as much as it is...

Rich Williams stated that's true but you 5 don't understand how unique you are, if you go to other boards, they don't move thing through...

Board Member Taylor stated oh okay.

Chairman Rogan stated no, you're right, I hear that a lot.

Rich Williams stated and, yeah, and some of them are absolutely horrendous about dragging their feet and not doing things.

Mr. Liguori stated that's right, I liken some experiences to running through the cheese grater. For instance in North Salem, right, you will not have a public hearing until your project is determined complete, so now we deal with completeness here in Patterson, I mean we certainly do but it's almost to the point where unless you're at the final site plan approval stage before they will schedule a public hearing and then the public will come out and depending in who's agenda they fall into on the board because their Planning Board is not a, I don't know, I look at you guys and I saw hey we're doing great up here because you guys look at every application, you know, as an application not as oh, my neighbors live on this block so I have to make sure nothing, that's what goes on.

Andrew Fetherston stated the mentality of the boards you go in front of are very diverse...

Mr. Liguori stated yup.

Andrew Fetherston stated there are a lot of boards that, how I classify it is, they get it.

Mr. Liguori stated right, right.

Andrew Fetherston stated and there are other boards that I, you know, the, I'm the last person that should be allowed into the town and you know that type of mentality, there's both but...

Mr. Liguori stated yeah.

Andrew Fetherston stated there's a lot of boards that get it.

Board Member McNulty stated okay.

10) MINUTES

Board Member McNulty stated make a motion on the minutes.

Chairman Rogan stated sure.

Board Member McNulty stated to approve the minutes of March 28th and April 4th.

Board Member Brady 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 question for everyone, since we're all still here, I realized and I should have realized this last month but I realized that I will be away for the next regular meeting, not the work session, June 6th, I'm leaving June 5th on vacation.

Mr. Liguori stated you bringing us.

Chairman Rogan stated we don't routinely, I'm sorry.

Mr. Liguori stated are you bringing us.

Chairman Rogan stated if you'd like to go, you're more than welcome.

Board Member Brady stated is it hunting.

Chairman Rogan stated no, no.

Board Member Brady stated oh, forget it.

Chairman Rogan stated but Zoning Board from time to time will change their meeting schedule...

Rich Williams stated from time to time.

Chairman Rogan stated I'm happy to do, you guys do go on without me, that's perfectly fine but if we, is there anything that anybody wants to try to reschedule to an earlier, is there a day of the week that could do that, where this room is available that week.

Rich Williams stated Tuesdays it's always available.

Chairman Rogan stated do you want to try to shoot for...

Rich Williams stated Wednesdays depending on...

Chairman Rogan stated well Wednesday I'll be gone, so it would have to be Tuesday. It would be Tuesday the 4th...

Rich Williams stated the trouble is it screws with everybody, everybody gets used to be Thursday at 7 o'clock, then we got to be...

Ted Kozlowski stated do you really want to do that the night before you're going on vacation.

Chairman Rogan stated well no but I also didn't want to dump it on Tom but I am happy that his project isn't on the agenda anymore...

Mr. Liguori stated right, so you don't have the 3-0 issue.

Chairman Rogan stated so, right, so no I'm perfectly fine.

Andrew Fetherston stated I'm good with the 4th, depends on anybody else.

Chairman Rogan stated carry on with the 6th, I just didn't want to be you know, putting anybody in a position.

Board Member McNulty stated I don't have a problem either way, I don't know my schedule for the 4th.

Chairman Rogan stated no, I mean...

Board Member Taylor stated I prefer to keep it, it's...

Chairman Rogan stated keep it to the 6th.

Board Member Taylor stated like Rich says Thursday night is Planning Board night.

Chairman Rogan stated and I'm, that's what I was kind of hoping you guys would say.

Board Member McNulty stated we won't let you down.

Chairman Rogan stated you wouldn't let me down.

Board Member Montesano stated we have to cancel the meeting anyway, we're all going to be on vacation with him.

Mr. Liguori stated that's right.

Chairman Rogan stated yeah, right, only the quorum.

Board Member Taylor stated he didn't tell us where he was taking us.

Board Member Montesano stated it's sure as heck is not going to be Disney.

Mr. Liguori stated camping.

Chairman Rogan stated anything from anyone else. Motion to adjourn.

Board Member McNulty seconded the motion.

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

The meeting adjourned at 8:57 p.m.