

TOWN OF PATTERSON
PLANNING BOARD MEETING
May 3, 2007

APPROVED
6/7/07 MKR

AGENDA & MINUTES

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|--|---------------|---|
| 1) Telecome Site Plan – Public Hearing | 1 – 7 | Public Hearing opened & closed.
Waived requirement for blacktop. |
| 2) Keasby Subdivision – Public Hearing | 7 – 13 | Public Hearing opened & closed.
Final subdivision approval granted. |
| 3) Dennis & Tiwary W/W Permit Application | 7- 21 | Public Hearing scheduled for June 7, 2007. |
| 4) Unson W/W Permit Application | 21 & 23 | Public Hearing scheduled for June 7, 2007. |
| 5) Hudson Valley Trust W/W Permit Application | 21 - 23 | Site Walk to be scheduled. |
| 6) Greenlands, LLC – Change in Use | 23 – 32 | Resolution approved. |
| 7) Bear Hill Estates | 32 | Applicant was not present. |
| 8) 17 Couch Road Subdivision | 32 – 38 | Discussion on basins and fire tanks. |
| 9) Boniello Site Plan | 38 – 48 | Discussion on buildings, accessory apartment, restroom for new building. |
| 10) Powe Subdivision – Initial Application | 48 – 53 | Site Walk to be scheduled. |
| 11) Other Business | | |
| a. Site Walks – 2J2B w/w Application; Papitto Site Plan | 53 – 57 | Public Hearing scheduled for June 7, 2007 for 2J2B. Discussion on driveway and septic for Papitto |
| 12) Minutes | 57 – 59 | February 22 nd , March 29 th , & April 5 th Approved. |

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**TOWN OF PATTERSON
PLANNING & ZONING OFFICE**

ZONING BOARD OF APPEALS
Howard Buzzutto, Chairman
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PLANNING BOARD
Shawn Rogan, Chairman
David Pierro, Vice Chairman
Michael Montesano
Maria DiSalvo
Charles Cook

**Planning Board
May 3, 2007 Meeting Minutes**
Held at the Patterson Town Hall
1142 Route 311
Patterson, NY 12563

APPROVED
6/7/07 MKR

Present were: Chairman Rogan, Board Member Pierro, Board Member Montesano, Board Member DiSalvo, Board Member Cook, Rich Williams, Town Planner, Gene Richards with the Town Engineer's office, Stantec Consulting Services Inc., Anthony Molé, from the Town Attorneys Office, Curtiss, Leibell and Shilling P.C.

The meeting was called to order at 7:32 p.m.

There were approximately 10 audience members

Michelle Russo was the Secretary and transcribed the following minutes.

Chairman Rogan led the salute to the flag.

1) TELECOM SITE PLAN – Public Hearing

Mrs. Theresa Ryan from Insite Engineering and Ms. Laura Donelan, the Applicant were present.

Chairman Rogan stated thank you, please be seated. Theresa, Telecom Site Plan. For some reason Theresa I have a hard time with this site I keep thinking that it is a cell tower and I apologize.

Mrs. Ryan stated really.

Chairman Rogan stated Telecom, it sounds like a telecommunications, you know.

Board Member DiSalvo stated and everybody is building them too.

Chairman Rogan state you aren't putting a cell tower on this site are you.

Mrs. Ryan stated not yet.

Chairman Rogan stated not yet, that is on the record.

Board Member Montesano stated they are going to tell you to be calm.

Chairman Rogan stated Rich, you said that Ted will not be here tonight.

Rich Williams stated correct.

Chairman Rogan stated we site walked this, was it last weekend, last Saturday, or the weekend before.

Rich Williams stated you have a public hearing.

Chairman Rogan stated we have a public hearing tonight.

The Secretary read the legal notice.

Mrs. Ryan stated thank you. My name is Theresa Ryan, I am from Insite Engineering, I am representing the Applicant, who owns a 1.3 acre parcel on Route 22 in the C-1 Zoning District. We are here tonight because the Applicant has before this Board with an application for a wetland permit. The property contains, when we first made the application in 2004, the property contained a Town of Patterson wetland in the center of it, we were directed by the Planning Board to get input from the Army Corps of Engineers. In January of 2005, we pursued that wetland permit from the Army Corps and during that period the wetland became a DEC wetland and we recently got the joint permit from the Army Corps and the DEC. We are proposing a very narrow gravel driveway at the upper most part of this DEC wetland, it ends right here and flows in this direction. We are proposing a gravel driveway at the upper most part of this wetland and it is to access a gravel parking area in the back that would serve the facility, there is an existing office building here in the front, which has been there a long time. This would be parking that would serve the facility for employees and for any vehicles that they would need the use of their facility. We are proposing to treat the runoff from the gravel area in a storm water basin that meets the DEC requirements and also the Town's and we are also providing wetland mitigation plantings in the buffer area, we have no other disturbance in here. We will only have .026 acres of the disturbance in the wetland and a total of .3 acres of disturbance in the wetland and in the buffer, the site is 1.3 acres.

Chairman Rogan stated do I have any comments from the audience, questions. It looks like they are thinking about it, any comments Edie.

Edie Keasby stated I never saw a wetland that had such straight lines.

Chairman Rogan stated take a motion to close the public hearing.

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

Board Member Pierro seconded the motion.

Chairman Rogan asks for all in favor:

Board Member Cook - aye

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

Motion carried by a vote of 5 to 0.

Chairman Rogan stated motion carried.

Board Member Pierro stated Theresa on our site walk we had some comments from the Member of the Board, you have our site comments.

Mrs. Ryan stated I have them, yes.

Board Member Pierro stated one of the things I was concerned about was a fence between Flood's property and this property, so that it would prohibit people from scooting out over the grass swale, over a pipe that is already in place in the ground and going out Flood's driveway if traffic were to get backed up in that local driveway. Do you think that a post and rail fence would be amendable?

Mrs. Ryan stated along the property line.

Board Member Pierro stated yeah.

Mrs. Ryan stated adjacent to Flood, I will talk to the client about it.

Board Member Pierro stated the client is here.

Mrs. Ryan stated yes.

Board Member Pierro stated oh, okay.

Ms. Donelan stated I don't see any problem with that.

Board Member Pierro stated post and rail fence is cheap, not that expensive and it will keep trucks off of your drainage that is in existence there. The other issue that I had was the need for the parking space, the truck loading parking space, in the place that you have. I understand from Rich at the site walk that part of the driveway is going to be taken up.

Mrs. Ryan stated no.

Rich Williams stated with what.

Ms. Ryan stated you mean removed.

Board Member Pierro stated removed, I thought that you were going to remove part of the driveway on the left hand side.

Rich Williams stated I believe that there is a note on the plan that says remove part of the driveway, up near the septic area. There was a note on the plan.

Mrs. Ryan stated oh, yeah, it is like 2 square feet or something, it is hardly noticeable.

Rich Williams stated its up there, we weren't talking about back by the loading space.

Board Member Pierro stated okay.

Mrs. Ryan stated but that is not by the loading, the loading is over here and that little piece of pavement is right in this area, right here.

Board Member Pierro stated my concern on the site was that that loading zone, where it is located may cause a problem with cars backing out of the spaces there on the side of the building. I thought, I'm not an engineer, but I thought that maybe if we put a loading zone space closest to the building, a longer space then what is already there.

Chairman Rogan stated utilizing the existing space, making it longer.

Board Member Pierro stated use the existing parking space, just making it longer for a truck.

Mrs. Ryan stated this one right here.

Board Member Pierro stated the first one closest to the front of the building.

Mrs. Ryan stated this [points to plan].

Board Member DiSalvo stated up to the left, the left one.

Chairman Rogan stated yup.

Board Member Pierro stated would that be amendable, as opposed to having a loading space in the driveway that may get backed into, may cause a little bit of a traffic jam.

Chairman Rogan stated Theresa, one of the problems that we noted was that if they use that space as it is suggested on the plan, they will probably have to back out on to Route 22 in order to leave the facility and that is a dangerous situation. At least what Dave is talking about, they can pull into the spot and they can back as if they are heading towards the back of the lot and do a 3 point turn and more effectively and safely maneuver in the facility.

Mrs. Ryan stated okay.

Chairman Rogan stated and I think if we can provide a spot that is large enough for a UPS or FedEx type truck.

Mrs. Ryan stated a box truck is, we could do that for a box truck.

Chairman Rogan stated because that is probably what would be.

Board Member Pierro stated we are adding eleven parking spaces, I don't think parking is going to be a problem if you lose one up front and make it a loading space.

Mrs. Ryan stated okay.

Board Member Pierro stated okay, other than that I have no other comments.

Ms. Ryan stated okay.

Chairman Rogan stated Ted had suggested that we do a mitigation plan for the phragmites. A maintenance plan, the phragmites being mowed, I think it was twice a year, his comment says. That is something that Board is fine with and he spoke with the DEC and it is not anything that would need or necessitate a modification to the original permit that you filed. I know that I have that somewhere and actually, you have it there and I can't find it now in my pile.

Mrs. Ryan stated Ted got correspondence from the DEC on that.

Chairman Rogan stated yes, do you want to look at that.

Mrs. Ryan stated yeah.

Board Member DiSalvo stated (unable to hear) at the work session.

Chairman Rogan stated we didn't want to ask something that was unreasonable, that would send you back to the DEC for a new permit.

Mrs. Ryan stated so they can just modify the existing.

Chairman Rogan stated without getting a sense of what it would take.

Mrs. Ryan stated I will give Mr. Rudge a call.

Chairman Rogan stated and I believe.

Board Member Pierro stated there is one other issue, Shawn, I'm sorry. It was the striping of the existing parking lot. It is in comment one, I don't think that that would be too difficult, once they put the new space in they can re-stripe that parking lot.

Chairman Rogan stated Rich where do we sit with the site plan details, have received a site plan that is in a format is appropriate for your review.

Rich Williams stated we have received a site plan and I have heard tonight that there are a number of changes being requested by the Board including adding a loading space in a different area, removing the loading space as it shown on the plan, you probably want to put some notes on the plan as far as doing some maintenance for the phragmites and some minor modifications.

Chairman Rogan stated also I think the split rail fence that we spoke about, if we are going to install a split rail fence, very simple but maybe to screw the rails in place so they are not as easy to just pop out and some decides to drive through, not that they can't unscrew them, it doesn't cost anymore, but I think that it would be appropriate.

Mrs. Ryan stated okay.

Chairman Rogan stated does anyone have anything else.

Board Member Montesano stated no.

Board Member Pierro stated okay.

Chairman Rogan stated alright.

Board Member Pierro stated it is in your park.

Chairman Rogan stated we've had the public hearing.

Mrs. Ryan stated so, once we make these plan revisions, we can come back and get the wetland permit or.

Chairman Rogan stated get the wetland permit, do a performance bond on this. No, not enough changes.

Rich Williams stated we'll take a look at it to see if there are enough improvements, public related improvements that would warrant some sort of performance bond. Just so that everyone is clear, the applicant is clear, I believe that the Board has considered and is not interested in the waiver of site plan and instead what they are going to do, correct me if I am wrong, so that we are all working off the same page, is what you have submitted so far they are accepting as the site plan and the public hearing tonight was both on the wetlands and the site plan application.

Chairman Rogan stated is everyone comfortable with that.

Board Member DiSalvo stated yes.

Board Member Pierro stated I am.

Chairman Rogan stated fine, great. We'll do SEQR next time.

Mrs. Ryan stated okay and the phragmities management plan.

Chairman Rogan stated yes, we are going to defer to Ted on that, he did give us a memo with some, but it, let's see, recommend that the evasive phragmities be controlled by mowing twice annually for five years, that additional red maple trees be incorporated within a planting plan to shade out the phragmities and he talks about that, it is pretty straight forward.

Mrs. Ryan stated and that is Ted's memo, I didn't get a copy of that.

Chairman Rogan stated here, you can have that one.

Mrs. Ryan stated is that an extra.

Chairman Rogan stated that is yours.

Mrs. Ryan stated okay.

Chairman Rogan stated made that especially for you.

Mrs. Ryan stated thank you.

Board Member Pierro stated very well.

Rich Williams stated there is one additional issue that would help us along with wrapping up the design issues on the site plan and that is that Patterson's Code requires that the driveway and parking area be paved, if the Board is amendable to the proposal as it sits tonight, you have to do a waiver.

Chairman Rogan stated we have to do a waiver.

Rich Williams stated you have to do a waiver to allow the gravel surface.

Chairman Rogan stated we can do that upon submission of the next plan, right, just as a condition of approval.

Rich Williams stated you can but then when we review it, we are going to flag it that it needs to be done. If you waive it then.

Board Member Montesano stated I make a motion that we waive the blacktop driveway for Telecom.

Board Member Pierro seconded the motion.

Chairman Rogan asks for all in favor:

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

Motion carried on a vote of 5 to 0.

Chairman Rogan stated okay.

Mrs. Ryan stated thank you very much.

Chairman Rogan stated thank you.

2) KEASBEY SUBDIVISION – Public Hearing

Mrs. Edie Keasbey, the Applicant and Ms. Judy Terlizzi of the Putnam Land Trust, were present

Board Member Montesano stated Gentlemen, we are going to recuse ourselves.

Chairman Rogan stated okay, can you, are you going to state that.

Board Member Montesano stated Ms. DiSalvo and I are going to recuse ourselves from item two under legal advice.

Chairman Rogan stated once, wait until Theresa gets her stuff.

The Secretary stated okay.

Chairman Rogan stated can you please read the public hearing for Keasbey Subdivision.

The Secretary read the legal notice.

Chairman Rogan stated okay, Edie can you just tell the audience briefly what.

Mrs. Keasbey stated hi, my name is Edie Keasbey and I am resident of the Town and live on Couch Road. This is a minor subdivision that is my house there, our septic and this is the property in question which is Couch Road, which joins right here to Cornwall Hill Road. We are dividing this last piece of property by this line and conveying this parcel to the Putnam County Land Trust and Ms. Terlizzi is chair of the Land Trust and is here for support. This is the second public hearing because I just let it slip by, I just had too much on my plate last year, I want the record to show for sure that there have been no changes whatsoever, I haven't even unrolled this since last year, it is exactly the same, the mylar is the same, everything is the same. The reason that we are conveying to this to the Land Trust is that they already have some property on this side of the road and here it connects with, this property connects with the old Cornwall Hill Farm, which is all here, which is now a State wildlife area. This gives another connection from the Sterling Preserve here to here and on so it is just a nice connection. Any questions?

Chairman Rogan stated any questions from the audience, just please come up and use the microphone. Rich, do you want to.

Mrs. Keasbey stated come on up.

Chairman Rogan stated you can use this one if you would like sir.

Bob Bak stated Bob Bak, Edie I have a questions. The sole purpose for you subdividing this is to give the land to the Land Trust.

Mrs. Keasbey stated yes.

Bob Bak stated for the citizens of Patterson, Putnam County to use.

Mrs. Keasbey stated for open space and recreation.

Bob Bak stated no strings attached.

Mrs. Keasbey stated no stings, well if they fail it goes to another NPO.

Bob Bak stated okay, well.

Mrs. Keasbey stated that is about the only string, there will be a path made to connect to the State property over here, that is only thing that will done.

Bob Bak stated so you seek nothing to gain because of this.

Mrs. Keasbey stated no it has cost fortune.

Bob Bak stated why would it cost you a fortune.

Chairman Rogan stated look at the work that has been done.

Mrs. Keasbey stated I mean to do this subdivision.

Board Member Pierro stated the cost of engineering and surveys.

Mrs. Keasbey stated this is a little parking space that we have to do.

Bob Bak stated okay.

Chairman Rogan stated sir, just a point of clarity, if you could address your questions to the Board, it is really a conversation with us, that would be better.

Bob Bak stated okay, okay, this is the second time that she has been here.

Chairman Rogan stated yes because the approvals expired, she needed to do a parking area, that is shown on the plans, the gravel lot, the Board recommended.

Bob Bak stated why does a parking lot have to be put in.

Chairman Rogan stated because the Board required it, we felt that if you are going to provide open space that you need to provide access to that open space.

Bob Bak stated so she is giving something away and you are making her do something additional in order for her to give it away.

Mrs. Keasbey stated in all honesty.

Board Member Pierro stated it is a matter of safety sir.

Mrs. Keasbey stated yeah.

Board Member Pierro stated we can not have cars parking along the road there.

Bob Bak stated they already park along the road up at Sterling Preserve.

Chairman Rogan stated exactly and it is a great point of why we would like to provide and I think that it is providing for two spaces, if I remember correctly.

Rich Williams stated three or four.

Mrs. Keasbey stated no, it is not that many.

Chairman Rogan stated okay but it is not an exuberant number of spaces, it is an area that we selected.

Mrs. Keasbey stated there are two or three here Rich.

Rich Williams stated three or four.

Chairman Rogan stated it is an area that we selected sir because it was minimal grading it wasn't a big encumbrance to do those improvements, at least not from our perspective, Edie I'm sure may disagree but it is something that we required as part of this application.

Bob Bak stated oh okay.

Board Member Pierro stated the portion of Sterling Preserve on the right hand side of the road, which would be southerly or south westerly side.

Bob Bak stated south westerly side.

Board Member Pierro stated that has a pretty wide apron there on the right where the access to Sterling Preserve is, so cars are not really a tremendous impact if they park on the right on the road.

Mrs. Keasbey stated cars parking on the road now is dangerous, especially as the extra traffic goes pretty fast.

Bob Bak stated okay, thank you.

Chairman Rogan stated sir, can you just state your address for the record.

Bob Bak stated 148 Couch Road, directly across from Sterling Preserve.

Chairman Rogan stated I don't know where you live and we need it for the record. There was another question, please.

Bruce Major stated Bruce Major, 166 Somerset Drive, Patterson New York. My only question is really dealing with my concern about the parking lot, with the Land Trust. Are they going to post a bond to ensure maintenance of that parking area.

Chairman Rogan stated no, it will be on their property.

Mrs. Keasbey stated who, me or the Land Trust.

Bruce Major stated no, no, the Land Trust, you are giving the property, I have no problem with you giving the property to the Land Trust. My concern is two fold, you see with governmental agencies that are excluded from regulation, we see it from the DEC that has put in the parking lot on Cornwall Hill Road.

Chairman Rogan stated you are being timed.

Bruce Major stated which is not being properly maintained, there is mud coming out on to the road and my concern with the Land Trust is that I don't know what their budgetary aspects are, I do know that when we had a piece of property and we were dealing with the Land Trust for a conservation easement, they were looking for money from us to provide their ability to maintain the yearly inspections that were required for the funding, so my concern is does the Land Trust have a budget to support the maintenance of this parking area and that is why my concern is whether or not there be a bond.

Chairman Rogan stated it is a valid concern. Land Trust would you like to help us out.

Ms. Terlizzi stated I am Judy Terlizzi and I am president of the Board of the Land Trust and I would like to assure you that we are, we do have a budget to make sure that the parking area is properly maintained, we are spending a lot of money right now to upgrade our properties and the documentation of our properties and this would certainly fall into that category. Thank you.

Chairman Rogan stated any other comments from the audience.

Mrs. Keasbey stated just to add one thing, the parking lot will have an asphalt apron and the lot itself will be item four or something like that, whatever they require.

Chairman Rogan stated a motion to close the public hearing.

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

Board Member Cook seconded the motion.

Chairman Rogan asks for all in favor:

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

Motion carried on a vote of 3 to 0.

Mrs. Keasbey stated thank you.

Board Member Pierro stated Edie, I have one concern, the parcel that you are donating, is going to adjacent to area that is heavily hunted now by bird hunters and occasional shot gun hunters during the winter for deer season.

Mrs. Keasbey stated we know it after this past fall, they were all over the place and much to closer within the 500 feet that they are supposed to stay away from house.

Board Member Pierro stated and the reason for that because I have been hunting that property for years, prior to its to the State of New York. The reason that you had many more hunters there because the State stocked it with upland birds and Mr. Major will tell you that there a lot of them living behind his house now.

Mrs. Keasbey stated yes, we have a few too.

Board Member Pierro stated that got away from the hunters dogs. Have you made any attempts to contact DEC to have them flag this parcel.

Mrs. Keasbey stated it might be a good suggestion.

Board Member Pierro stated 500 feet.

Chairman Rogan stated as a do not hunt.

Mrs. Keasbey stated they may post that 500 feet because they believe me they weren't paying any attention to it.

Chairman Rogan stated they did that over on the Mt. Ninham property, there are signs that says that it is a restricted area. You can go there but you can't shoot within a certain area because they measured that off and that would be very helpfully.

Mrs. Keasbey stated yes.

Chairman Rogan stated the signs are different then the State land boundary.

Mrs. Keasbey stated there were people walking on Couch Road with their shot guns properly open and all with kids this little, I didn't think that that was a particularly good idea.

Chairman Rogan stated (unable to hear) on hunting.

Board Member Pierro stated I won't tell you how tall.

Mrs. Keasbey stated no I'm not against hunting, I used to hunt, I wish that they would control that one place the way they did years ago when we had the co-op here.

Board Member Pierro stated co-operatives.

Mrs. Keasbey stated which works so well and it gave the DEC a lot of information.

Board Member Pierro stated if I might make a suggestion to you when you contact DEC, I know there is a group of hunters that advocate for disabled hunters, especially disabled archers who have motorized wheelchairs and things like that and think that this would be a perfect spot for them to go, be fifty yards from their car and they would go with other hunters. Especially archery, I don't think that you would be too opposed to that if they can dispatch some deer on your property that are eating your plants.

Mrs. Keasbey stated we haven't had any this year. That State land would be good disabled areas, where they would have a blind or something.

Board Member Pierro stated maybe something that you could speak with the DEC about when you contact them.

Mrs. Keasbey stated I will, I will talk to Bill Rudge about it. Thank you.

Board Member Pierro stated on the resolution, in the matter of Thomas and Edith Keasbey Couch Road, I make a resolution that we grant final subdivision approval with the nine general conditions in the resolution dated May 3, 2007.

Board Member Cook seconded the motion.

Chairman Rogan asks for all in favor:

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

Motion carried on a vote of 3 to 0.

Mrs. Keasbey stated thank you.

Chairman Rogan stated thank you.

Board Member Pierro stated thank you Edie.

Chairman Rogan stated Michelle, please let the record show that Board Members are rejoining, Board Member DiSalvo and Board Member Montesano.

3) DENNIS & TIWARY W/W PERMIT APPLICATION

Mr. Tom NeJame of NeJame & Sons, was present to represent the applicants.

Chairman Rogan stated Dennis & Tiwary Wetland/Watercourse Permit Application.

Board Member Pierro stated Tiwary.

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

Mr. NeJame stated good evening my name is Tom NeJame and I am a swimming pool builder representing the Tiwarys, they were not able to make it tonight.

Chairman Rogan stated hi Tom. Okay.

Mr. NeJame stated we were here on the last meeting and I know the committee wanted to look and actually do a site walk of the property.

Chairman Rogan stated which we did.

Mr. NeJame stated and then we got a note from Mr. Williams in regard to showing the existing contours and sloping and what the proposed contours and also the disturbed area. You should have it with you, that actual paperwork and I am here to answer any questions that you might have on what you saw over there.

Chairman Rogan stated from the site walk and from conversations with the Wetlands Inspector we were concerned that you at least show the improvements, the fence of course would be required, the extent of the grading so that we could fully understand what the impact would be. I think that the Board and the Wetlands Inspector was fairly comfortable with an intrusion to the wetland area, this stream area that really wasn't much of a concern. We did however note that it seemed like there was ample room to put this pool in the back yard other than the well line that was marked out. So do want to find out at least a little bit more information because that certainly wouldn't need the amount of grading that is involved, in that relatively flat area.

Mr. NeJame stated actually in the back area there, they have an existing patio and the well line does go through there. Also there is a bit of a steeper slope going down to that area there. If you put the pool maybe right against the house, I think that it would be flatter, I think that it needs some kind of reasonable area so that when came out of the house you wouldn't fall over into the pool and that was their biggest concern. So in order to make it somewhat practical you would be into a steeper slope there.

Chairman Rogan stated you would need quite a retaining wall up to on the hillside.

Mr. NeJame stated and also that area there, there is a swale between the steep slope and the house where the water can roll off and if you put a pool in the middle of that you could obviously do some pretty dramatic drainage but I think the impact would end up being more than what we are proposing. What is wonderful about where it is, is that it is off to the side of the house, it is not in front of the house but the land rolls off and all the drainage goes off and away from the house and also well away from any wetland area. I think that the actual disturbance would be less.

Board Member Pierro stated is there any intent to put a fence up in front of the pool.

Mr. NeJame stated yes, we showed it.

Chairman Rogan stated and, I'm sorry what.

Board Member DiSalvo stated don't forget the filter.

Chairman Rogan stated thank you for remembering that, when we were on the site, we had wondered whether you were going to show where the filter equipment would be housed for this, not only because of an aesthetic concern but a noise concern as well.

Mr. NeJame stated well, we generally have the filter within 25 feet of the pool and one thing we don't want to do is put it where, the filter is an actual electric motor and there is fairly any noise what so ever but you don't want it humming next to your ear. The location would be off to the left side of the pool and kind of on the downhill side.

Chairman Rogan stated so back more towards.

Mr. NeJame stated toward the deep end area, actually toward the deep end area there and we would tuck it in to the slope.

Chairman Rogan stated I would be concerned about some natural screening and some sound buffer and even though it is an electric motor, it is wide open and there is nothing to block it and that sound travels quite far.

Mr. NeJame stated yes, well we would have a slope there and then tuck it into the slope so that it is not sticking up.

Chairman Rogan stated so access to it would be to the down gradient side by access way door.

Mr. NeJame stated no not really a door, you just come around and we take a couple of boulders and get it so that we can get the actual filter into the slope and then do some planting in front it so they don't see it when they are going up the driveway.

Chairman Rogan stated but the filter assembly has to be mounted onto a level concrete pad, right.

Mr. NeJame stated no, it can be on a, the actual filter is on an actual pad, it is composites today, so you don't have to pour this big thing, the air condition pads they have now.

Rich Williams stated Shawn.

Chairman Rogan stated yes.

Rich Williams stated I might jump here. If I am understanding you correctly that is going to place the filter forward of the front of the house.

Mr. NeJame stated no, we can not be forward.

Rich Williams stated it is behind the house.

Mr. NeJame stated it is still behind the house.

Chairman Rogan stated it is still behind that front line, is what you are saying.

Board Member Montesano stated has your client been made aware of this situation.

Chairman Rogan stated are you talking about the bridle path.

Board Member Montesano state yes, there are 46 feet to the trench and 66 feet from the pool to the property line. That means that 100 foot piece unless they get an agreement.

Board Member Pierro stated I understand that Mike, the house is built in the bridle path, right Rich. Early on when this subdivision was, Rich jump in anytime I screw up here, early on when this subdivision was being planned, the owner/developer chose to have or mark out an area where there would be a bridle path so that residents could ride horse throughout.

Mr. NeJame stated throughout the area there.

Board Member Pierro stated what happened was that the project was built out, houses were put in the bridle path, a riding rink, a paddock up above your clients house, is in the bridle path.

Board Member DiSalvo stated it is not.

Board Member Montesano stated no, this is though.

Board Member Pierro stated I thought that we said at the site walk that it was in the bridle path.

Board Member DiSalvo stated when we went up there, the paddock, where the well is, right up there.

Board Member Pierro stated the fenced in area up above.

Rich Williams stated I stand corrected, you are right.

Board Member DiSalvo stated she couldn't really access it that way anyway.

Board Member Montesano stated according to that note, Parker says that there is an agreement, if this isn't the picture of the house that is depicted on the bridle path and showed in the bridle path in this particular, this plan is incorrect and we shouldn't even be looking at it.

Chairman Rogan stated the plan that was submitted for this application shows based on the plan that the house was put about 22 feet into the bridle path, it shows 78 foot to the.

Board Member Montesano stated then this thing is of no use.

Chairman Rogan stated to the property line.

Board Member Pierro stated the survey is not what was built, the survey we are looking at is not what was built.

Board Member Montesano stated what I am saying is that this piece of paper is worthless.

Board Member Pierro stated in reality it is.

Chairman Rogan stated the reality of it is that sir we just need for your client to speak with Laura Parker and come to some sort of resolution as to what is going to happen with the existing 100 foot bridle path, if it is going to be reduced in nature to a 25 foot bridle path, our office needs to know and that is basically, we need them to talk.

Board Member Pierro stated and that would be a matter of having the other residents sign off that they agree that the bridle path is non-existent and is not part of any easement any further.

Chairman Rogan stated Rich, what do you need additional on grading on this because the most recent submission did not meet your.

Rich Williams stated I guess the first question I would have in regards to the grading is what methods you use to come up with the grading for both the existing and the proposed grading that you showing.

Mr. NeJame stated we shot the grades with a laser when we were out there.

Rich Williams stated you did.

Mr. NeJame stated yes and again this is a swimming pool and I could ask them to hire an engineer but that could end up costing more than the pool, I mean it is, and they have been trying to get this going and they are two doctors from New York, they are very, very nice people and they wanted to have a pool for the summer and that is what I am up against.

Board Member DiSalvo stated basically the only thing holding this up would be the bridle path issue.

Board Member Pierro stated I would amendable to granting the wetlands/watercourse permit conditioned upon getting a sign off from the other residents of this subdivision.

Board Member DiSalvo stated would the other people have to sign off on it too, the brick house too.

Chairman Rogan stated yes because.

Anthony Molé stated that would be beneficial.

Chairman Rogan stated yes because it is written into that subdivision for their enjoyment, so it would be reducing their easement or.

Board Member DiSalvo stated I say we'd have to cut the easement right (unable to hear).

Anthony Molé stated it should really be a recorded document because it is something that is recorded now as an easement, to have the bridle path for the benefit for the owners of the subdivision then in order to negate that you will have to have everyone sign off on a recordable document and record it.

Chairman Rogan stated correct me if I'm wrong, they don't necessarily have to do away with the bridle path they just have to put a restricted area in it, in other words they could say well, with the pool and stuff we've only got 50 foot instead of 100, and we want to reduce it down to a 25 strip and delineate that somehow.

Anthony Molé stated right, it's an amendment. It would be an amendment.

Chairman Rogan stated right.

Board Member Pierro stated that would be much easier than removing the whole easement, that would take and file legal documents.

Chairman Rogan stated Rich.

Mr. NeJame stated I think running horses up the back of that house, I think that they would erode that whole bank area, wouldn't they.

Board Member Pierro stated and we tend to agree with you but we can't injure any of the homeowners by granting this wetlands/watercourse permit. I hate to hold you up but that is why I am for granting the permit.

Mr. NeJame stated I will have them call.

Board Member Montesano stated Parker.

Mr. NeJame stated Parker. I must have it in the, is there one person that owns in that area, or are there a few now.

Chairman Rogan stated there are.

Board Member Pierro stated I thought that there were three residences.

Board Member DiSalvo stated there are Laura, Bindra, and DiPasquale.

Rich Williams stated correct.

Chairman Rogan stated there are three houses, one of which is the applicant, is that what you are saying.

Board Member DiSalvo stated there are three properties, Laura doesn't have a house.

Board Member Montesano stated yes but she has to sign off.

Board Member DiSalvo stated yes.

Chairman Rogan stated Rich, we were asking you what you need from the details.

Rich Williams stated as far as the grading, if you are comfortable with the grading that is fine, if you're not, I could probably discuss it with Gene and we can come up with a series of conditions to place in the wetlands permit but that would mean putting it off for another month.

Board Member Pierro stated I am comfortable with the grading Shawn, I don't think that this is a terribly big issue.

Board Member Cook stated if we waited a month, not for waiting for no reason, but if we waited a month, the applicant can get the bridle path issues resolved.

Chairman Rogan stated in terms of construction, it is not going to probably change things.

Mr. NeJame stated yes but the bridle path thing might be settled quickly, it is a phone call to a couple of attorneys.

Board Member DiSalvo stated what about at a work session.

Chairman Rogan stated we can always make a determination at the work session, which is a week prior, which is three weeks from now.

Mr. NeJame stated I mean whatever works for you, I mean the conditional approval would be fine for me, whatever works for you guys.

Board Member DiSalvo stated depending on how comfortable we are with this.

Board Member Pierro stated they are not going to get a C.O., if they started building, digging tomorrow, they could not get a C.O. for this pool until all the conditions are met, correct Rich.

Rich Williams stated they couldn't pull a building permit.

Board Member DiSalvo stated a building permit.

Rich Williams stated until the conditions of the wetland permit are satisfied.

Board Member Pierro stated I am in favor of getting the ball rolling on this and not holding these people up anymore, I don't think that the issues are significant.

Rich Williams stated if the Board is comfortable with doing it tonight, I would just recommend that you include in the resolution that they install appropriate silt fence, erosion controls and that the finished grade has four inches of top soil and is seeded and mulched within seven days of reaching, you know.

Chairman Rogan stated also finished grade has to meet, there has to get requirements on slope on finished grade that they have to, for a project like this, they can't just taper back on a one on one or anything.

Mr. NeJame stated it is going to two on five, that is what we calculated.

Chairman Rogan stated that is one on one and one half, one on two and one half, is that too steep.

Rich Williams stated its not too too steep, we do permit it at time, generally we push for three on one.

Chairman Rogan stated three on one.

Mr. NeJame stated that would just push the toe here.

Chairman Rogan stated to come out a little further, why don't we stick to the three on one on this.

Mr. NeJame stated I would make that a condition and we'll be able to meet that.

Chairman Rogan stated that the finished grade is a maximum of three on one slope. I think that would make.

Board Member Pierro stated okay.

Rich Williams stated there is one other good issue that was just brought to my attention, we have not had a public hearing on this.

Chairman Rogan stated I forgot we have to have a public hearing on a wetlands. I think because if one of the neighbors came out at a public hearing and said I am 1,000 percent against this pool in this location for whatever reason, that is the point of having a public hearing and giving the neighbors a chance to have input into it.

Board Member Pierro stated from what we know, the wetlands, the alleged stream, is an empty swale in the woods.

Board Member DiSalvo stated that includes the bridle path.

Board Member Pierro stated that already includes the bridle path.

Chairman Rogan stated what are the conditions under which a public hearing can be waived.

Rich Williams stated off the top of my head I don't know, I could go get the Code book and take a look it, generally it is some sort of extenuating circumstances, we have only done it once and that was for the retaining wall that was in jeopardy of collapsing.

Chairman Rogan stated well, ladies and gentlemen, just given that, I agree with not holding the gentleman up but given all the conditions that we are tacking on, why don't we get a modified plan showing the grading, showing where the filter assembly is going to be located, show three on one grade and get the ball rolling with the bridle path and we will schedule a public hearing for the next meeting and we will wrap it up then. I think construction wise, it isn't going to put you one way or the other. Can I have a motion to schedule a public hearing for next meeting.

Board Member Montesano stated so moved.

Board Member DiSalvo seconded the motion.

Chairman Rogan asks for all in favor:

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

Motion carried on a vote of 5 to 0.

Mr. NeJame stated making me go to work again, thank you.

Board Member DiSalvo stated (unable to hear).

Chairman Rogan stated that you never know but that wouldn't change whether we approved it tonight or not.

Board Member Pierro stated on the record in this matter, could you just throw in the conditions that.

Chairman Rogan stated we've got them on the record, we were just discussing them.

Board Member Montesano stated you've got a public hearing coming up.

Rich Williams stated being as it went the way it did is that we will pull those out and have the resolution ready for you.

Board Member Pierro stated okay.

Board Member Cook stated this is my pile.

Board Member Pierro stated that is my pile.

4) UNON W/W PERMIT APPLICATION

Applicant was not present to represent application

Chairman Rogan stated okay Unson.

Board Member Pierro stated I think so, oh wait a minute, here is my stuff.

Chairman Rogan stated anyone here for Unson wetlands watercourse permit application. Moving right along.

5) HUDSON VALLEY TRUST W/W/ PERMIT APPLICATION

Mrs. Theresa Ryan from Insite Engineer was present to represent the application.

Chairman Rogan stated Hudson Valley Trust wetland watercourse permit application.

Rich Williams stated Shawn, you can set a public hearing for Unson.

Chairman Rogan stated if they [Unson] don't show up, we'll do that, thanks. Theresa is back.

Mrs. Ryan stated I am sure you are all familiar with this property, it used to be the old Town Hall. Hudson Valley Trust now owns the property and some adjoining property and what they are looking to do is put in a pedestrian trail that would connect the old Lawlor Building to the existing barn at the end of Cann Lane. The pedestrian trail would require putting a bridge in that would cross over an existing stream. They already have an application started with the DEC because they know that that takes longer then the Town, so now we are here before the Town to review a wetland permit application for the same thing.

Chairman Rogan stated we understand the reason for the application is to gain pedestrian access, safe access to the remainder of the lot. What is the proposed use or reason that they would need access, one time I heard them mention the idea of an arboretum on this property, do you have any idea.

Mrs. Ryan stated they plan to have, there are a number of volunteer agencies, one of them is FRoGS and they are planning for the future to have environmental programs and walks and the like and they also have property over here on the other side of the old rail road bed, which has a connection which they have an easement that goes under the rail road bridge, it is an old cattle crossing, so they will eventually continue the trail system through the other properties and then to the DEC wetland.

Board Member Pierro stated and they own, there is an existing barn on this property right.

Mrs. Ryan stated right and that is what the trail is for.

Board Member Pierro stated to access that barn and there is no access from the residential properties in front of that barn.

Mrs. Ryan stated they own this right up to Cann Lane, this is their property right here.

Board Member Pierro stated but there is not access from the street, correct.

Mrs. Ryan stated through Cann Lane but if they tried to make a connection from this building to here through 311, we don't think that that is the safest way to go.

Board Member Pierro stated very well.

Chairman Rogan stated there is no parking provided.

Board Member Pierro stated yeah, there is not parking back there at all.

Chairman Rogan stated can you mark the location of the foot path and the bridge proposals so that we can take a look at it.

Mrs. Ryan stated its there.

Chairman Rogan stated its there, we would have gone and looked at it.

Board Member DiSalvo stated the woods over here to start a path, that is going to be close to [Route] 311.

Chairman Rogan stated it is off the corner of the parking lot. Surprisingly Ted issued a memo on this, and he was, mark this date down, May 3rd, he was comfortable with the idea and had no objections to crossing the wetland and stream.

Mrs. Ryan stated I can get a copy of that, right.

Chairman Rogan stated you can have this copy.

Mrs. Ryan stated thank you.

Chairman Rogan stated anyone else have any questions, comments, concerns.

Board Member Pierro stated no.

Board Member Montesano stated no.

Mrs. Ryan stated so the next step is do the site walk and we will be back next month for those comments.

Chairman Rogan stated yes.

Mrs. Ryan stated thank you.

Chairman Rogan stated engineering wise with the stream crossing, have you guys looked at that, any changes that would.

Rich Williams stated I want to go look at the stream channel and take some measurements.

Board Member DiSalvo stated its like the rapids down there.

Chairman Rogan stated let's take a look at it first, just to make sure that we aren't getting to far ahead.

Board Member Pierro stated can we set the public hearing for Hudson.

Chairman Rogan stated that is what Rich just said and I just was wondering if we wanted to take a look first at the conditions before we.

Board Member Pierro stated and Unson, I mean, number four.

4) UNSON W/W PERMIT APPLICATION

Chairman Rogan stated oh that would be great, step back and do a motion.

Board Member Pierro stated in the matter of Unson Family wetlands watercourse permit, I make a motion that we set a public hearing.

Board Member Montesano seconded the motion.

Board Member Pierro stated for June 7th.

Board Member Montesano stated sounds like a plan.

Chairman Rogan stated Mike seconded.

Chairman Rogan asks for all in favor:

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

Motion carried on a vote of 5 to 0.

Chairman Rogan stated Unson, Hudson, Greenlands, yes.

6) GREENLANDS LLC – Change in Use

Mr. Paul Suozzi, the Applicant was present.

Chairman Rogan stated Greenlands, LLC.

Mr. Suozzi stated members of the Board, I'm Paul Suozzi of Greenlands LLC, we are here tonight to get our final vote.

Chairman Rogan stated Paul, we are sorry if we delayed you, you might have been expecting a vote a month or two ago. The last time you and I spoke because I wasn't at the last meeting, I had stated that this is a Board that works toward approval and that as long as we were working with the Applicant that we wouldn't vote unless you asked us too. The last plan that we have reviewed was the one that you submitted for the March 1st meeting and that is the one that we are basing our determination on. The concerns that we have raised and the feedback our Town Planner, our Town Engineer and the time that we have spent on this application trying to make a safe scenario here. We have a resolution, I will ask if someone would like to introduce the resolution.

Board Member Cook stated I will introduce it.

Chairman Rogan stated okay.

Board Member Cook introduced the following resolution:

AT a duly noticed meeting of the Planning Board of the Town of Patterson, held on May 3, 2007;

WHEREAS, *Greenlands, LLC* is the owner of real property located at 4251 Old Route 22, identified as Tax Map Parcel No. 24.-1-75, and

WHEREAS, an application has been submitted to the Planning Board, by *Greenlands LLC* to amend their site plan of the afore-mentioned parcel pursuant to Chapter 154 of the Town Code, and

WHEREAS, the request to amend the site plan would permit a change in the allowable use of the site to include retail and personal services, and

WHEREAS, a review of the change of use has been conducted by the Town Planner and the Town Engineer who have identified several deficiencies in the site relative to its use for personal services or retail which require changes to the site layout and design, and

WHEREAS, among these deficiencies are site access, a lack of adequate delivery truck loading zones, inadequate truck turning areas, restricted on-site traffic circulation, and concerns regarding an increase in vehicle trips and the location of future business signage, and

WHEREAS, the Planning Board has met with the Applicant to discuss the changes needed to the site to accommodate the proposed use, and

WHEREAS, the Applicant has not addressed, or has not adequately addressed those changes required to the site necessary to support a change in the use of the site, and

WHEREAS, the Applicant has not presented the Planning Board with a site plan showing the changes to the site necessary to support a change in the use of the site for retail or personal services;

WHEREAS, it is the belief of the Planning Board that the site layout and design, in its current form

is not sufficient to permit use of the site for retail or personal services;

WHEREAS, the Applicant has requested a determination on the application for a change in the use of the site;

NOW THEREFORE BE IT RESOLVE THAT in the application of *Greenlands LLC* for final site plan approval pursuant to Chapter 154 of the Town Code, the Planning Board finds that the subject application does not comply with all requirements of the Town Law and Chapter 154 of the Town Code, and the Applicant has not submitted a site plan addressing any of the aforementioned concerns raised by the Planning Board, and therefore the Planning Board hereby denies final site plan approval

A copy of this Resolution shall be filed with the Town Clerk and the applicant upon adoption.

Chairman Rogan stated do I have a second on this resolution. I will second. Can I have a Roll Call Vote please.

Roll Call Vote:

Board Member Cook	-	yes
Board Member DiSalvo	-	no
Board Member Montesano	-	no
Board Member Pierro	-	no
Chairman Rogan	-	yes

Motion denied on a vote of 3 to 2.

Chairman Rogan stated motion does not carry.

Rich Williams stated the next step in the process is a public hearing.

Chairman Rogan stated a public hearing.

Board Member Pierro stated I make a motion that we set a public hearing for Greenlands, LLC.

Board Member Montesano seconded the motion.

Chairman Rogan asks for all in favor:

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

Motion carried on a vote of 5 to 0.

Mr. Suozzi asked what is the reason for the public hearing.

Chairman Rogan stated three of the members I guess believe that they would like to continue reviewing

your application.

Mr. Suozzi stated what is the point.

Chairman Rogan stated you will have to ask them. Ladies and gentlemen, please.

Board Member Montesano stated you applied.

Mr. Suozzi stated there is no sense in coming back, you have already denied it.

Board Member Pierro stated no we have not denied it sir.

Board Member Montesano stated we haven't denied it.

Board Member Pierro stated that motion.

Chairman Rogan stated I voted for the resolution to deny and so did Mr. Cook, these three Board Members voted against that denial.

Mr. Suozzi stated I thought that is was the other way around.

Board Member Pierro stated no.

Chairman Rogan stated the resolution was to deny.

Board Member Montesano stated you have the opportunity now to either come in with a new plan at the public hearing or ask for a second vote on getting your items done the way you have them, that is for you to decide.

Mr. Suozzi stated I am a little confused, what did you.

Chairman Rogan stated I am too.

Board Member Pierro stated if you come in with some adequate changes, you read the resolution or you heard it, do you have a copy of the resolution.

Mr. Suozzi stated yes.

Board Member Montesano stated yes.

Board Member Pierro stated there are may be some changes that you could make specific to that resolution that may get you an approval for a portion of your site to be used as personal service.

Board Member DiSalvo stated well let's.

Mr. Suozzi stated I thought that we went through that on the site plan two months ago.

Board Member Pierro stated right, what we are saying to you, what this vote just said to you is that we want to continue for you to have the opportunity to come in and get this approval successfully. It is not over.

Board Member DiSalvo stated well let's stick to personal services or retail, we have to define it more.

Board Member Pierro stated I would.

Mr. Suozzi stated the way I understood two months ago was what I submitted, you guys didn't like and I don't see too many other options left to me so.

Board Member Pierro stated there may be a way for you to come with something better to improve the flow of traffic in this site, improve the loading space issue that we had by widening the front driveway in some.

Mr. Suozzi stated I made suggestions that I thought might help but other than what I suggested already, I don't see how it works without spending a ton of money.

Board Member Pierro stated if you would like sir, I will change my vote to a no vote and send you home.

Mr. Suozzi stated that is what I thought we were here for.

Board Member Pierro stated no.

Chairman Rogan stated do you want us to do another vote.

Mr. Suozzi stated yes, because I can't just keep coming back.

Board Member DiSalvo stated well then.

Mr. Suozzi stated open ended, I can't do miracles on the site.

Board Member DiSalvo stated if we accept this then you are stuck with what you have.

Mr. Suozzi stated I understand, there are other avenues to go.

Board Member Cook stated let's ask Anthony.

Board Member DiSalvo stated what would be.

Mr. Suozzi stated I am going to talk to my attorney about it.

Anthony Molé stated I am just going to intercede for a moment.

Chairman Rogan stated our Town Attorney would like to speak.

Board Member DiSalvo stated what if (unable to hear, too many speaking).

Anthony Molé stated just as a point of procedure, the resolution was introduced.

Board Member Pierro stated denied.

Anthony Molé stated there was a vote on it, that vote stands. If you are saying that you don't want to

continue with the application, you have the option to withdraw.

Mr. Suozzi stated I thought I was clear, I submitted everything I want to submit.

Anthony Molé stated okay, well you have the option to withdraw you application if that is the case or you can continue with the application at the public hearing that the Board is going to set. If you come back to the public hearing and you have made no changes to the site plan which I imagine is what the Board is looking for, then obviously you will have maybe another vote at that meeting or at the next meeting.

Mr. Suozzi stated I don't want to withdraw my application, you can vote on it so that I can go to the Zoning Board of Appeals or take legal action.

Anthony Molé stated well they voted on it.

Mr. Suozzi stated is there such a problem voting it down.

Board Member DiSalvo stated we didn't vote it down.

Board Member Pierro stated we didn't vote it down.

Mr. Suozzi stated you didn't.

Anthony Molé stated are you looking for it.

Board Member Pierro stated we are giving you the opportunity to come back with some more changes.

Mr. Suozzi stated I can't do what you are looking for.

Board Member Pierro stated Mr. Chairman I make a motion that we have another vote on that matter.

Chairman Rogan stated can we procedurally have another vote or procedurally do we have to have a public hearing to have another vote. I guess that is probably the biggest question.

Anthony Molé stated if the Applicant is representing to the Board that he doesn't intend to make any changes to his current submission to address any of the Boards concerns that they have raised over the past few meeting, then we with that new information, if the Board would like to reintroduce the resolution based upon that and make another vote, you certainly can do so. Did I accurately state you intention.

Mr. Suozzi stated yes.

Board Member Pierro stated just make a motion so introduce.

Chairman Rogan stated you do not have to read the entire resolution, you can just introduce it and then I will ask it to be read.

Anthony Molé stated Shawn, did someone make a motion to set a public hearing yet or no.

Board Member DiSalvo stated did they take.

Board Member Pierro stated no we didn't vote on it.

Chairman Rogan stated we didn't vote it.

Anthony Molé stated you have to withdraw that motion.

Board Member Pierro stated we didn't vote on it.

Anthony Molé stated okay, did you make the motion, just rescind the motion and then.

Board Member Pierro stated I rescind the motion to set a public hearing on Greenlands, LLC.

Chairman Rogan stated all in favor to, who had seconded that.

Board Member Montesano stated I did and I'll rescind my second. I second the motion.

Chairman Rogan asks for all in favor:

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

Motion carried on a vote of 5 to 0.

Chairman Rogan stated this is getting more confusing by the moment.

Board Member Pierro stated now we have to re-read the resolution.

Chairman Rogan stated no you just have to introduce it, I can.

Board Member Pierro stated okay.

Chairman Rogan stated would someone like to introduce the resolution, Charlie.

Board Member Pierro stated Charlie.

Board Member Cook stated I.

Anthony Molé stated you just want to state for the record why you are re-introducing the resolution based upon the new information that has been provided.

Chairman Rogan stated I am going to make this painless enough. I'll make a motion that we introduce the resolution for Final Site Plan Approval, given the fact that the Applicant has decided not to amend his application or provide any additional information. The resolution is to deny the final site plan approval for Greenlands, LLC. Can I have a second.

Board Member Montesano second the motion.

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WHEREAS, *Greenlands, LLC* is the owner of real property located at 4251 Old Route 22, identified as Tax Map Parcel No. 24.-1-75, and

WHEREAS, an application has been submitted to the Planning Board, by *Greenlands LLC* to amend their site plan of the afore-mentioned parcel pursuant to Chapter 154 of the Town Code, and

WHEREAS, the request to amend the site plan would permit a change in the allowable use of the site to include retail and personal services, and

WHEREAS, a review of the change of use has been conducted by the Town Planner and the Town Engineer who have identified several deficiencies in the site relative to its use for personal services or retail which require changes to the site layout and design, and

WHEREAS, among these deficiencies are site access, a lack of adequate delivery truck loading zones, inadequate truck turning areas, restricted on-site traffic circulation, and concerns regarding an increase in vehicle trips and the location of future business signage, and

WHEREAS, the Planning Board has met with the Applicant to discuss the changes needed to the site to accommodate the proposed use, and

WHEREAS, the Applicant has not addressed, or has not adequately addressed those changes required to the site necessary to support a change in the use of the site, and

WHEREAS, the Applicant has not presented the Planning Board with a site plan showing the changes to the site necessary to support a change in the use of the site for retail or personal services;

WHEREAS, it is the belief of the Planning Board that the site layout and design, in its current form is not sufficient to permit use of the site for retail or personal services;

WHEREAS, the Applicant has requested a determination on the application for a change in the use of the site;

NOW THEREFORE BE IT RESOLVE THAT in the application of *Greenlands LLC* for final site plan approval pursuant to Chapter 154 of the Town Code, the Planning Board finds that the subject application does not comply with all requirements of the Town Law and Chapter 154 of the Town Code, and the Applicant has not submitted a site plan addressing any of the aforementioned concerns raised by the Planning Board, and therefore the Planning Board hereby denies final site plan approval

A copy of this Resolution shall be filed with the Town Clerk and the applicant upon adoption.

Chairman Rogan stated without objection I would like to ask the Secretary to enter the resolution as though it was read into the minutes please.

Chairman Rogan asked for all in favor:

Board Member Cook - nay

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

Motion carried on a vote of 5 to 0.

Chairman Rogan asked for any opposed.

Board Member Cook stated opposed.

Chairman Rogan stated you're opposed.

Board Member Cook stated I am not sure what we.

Chairman Rogan stated what did you just say.

Board Member Pierro stated he's not sure now. He is not clear.

Chairman Rogan stated to clarify this resolution that I just introduced and Mike seconded is the resolution that you just read, is a resolution to deny the application for Greenlands, LLC.

Board Member DiSalvo stated do you want to do a roll call vote.

Chairman Rogan stated the roll call vote and I apologize for the confusion Mr. Suozzi. The roll call vote will be to approve the resolution, the resolution is to deny. I know the confusion is that we don't usually don't do a lot of denials and in voting for the approval you are voting to deny the application. If you do not want to deny the application, you would have to vote against the resolution, yes. So a vote in favor is a vote of denial, that sounds so crazy but that is the way it is in this case.

Board Member Montesano stated it sounds like we are going to vote now.

Board Member Pierro stated on the motion Mr. Chairman.

Chairman Rogan stated are clear, is everyone clear.

Board Member Pierro stated I'm clear, on the motion Mr. Chairman.

Chairman Rogan stated can I have a roll call vote, please.

Roll Call Vote:

The Secretary stated Board Member Cook.

Board Member Cook stated start at the other end.

Board Member DiSalvo stated start with Shawn.

The Secretary stated I can't start with Shawn, he's the Chairman, and he's last.

Board Member Pierro stated he's last.

Board Member Pierro	-	Vote to Deny
Board Member DiSalvo	-	Vote to Deny
Board Member Montesano	-	Vote to Deny
Board Member Cook	-	Vote to Deny
Chairman Rogan	-	Vote to Deny

Motion carried on a vote of 5 to 0.

Chairman Rogan stated motion carries to approve the denial resolution. Thank you, I am sorry for the confusion.

Mr. Suozzi stated will there be another resolution printed out or will you mail it to me.

Board Member Pierro stated no.

Rich Williams stated we will mail it to you or you can pick it up, probably the middle of next week I would think.

Chairman Rogan stated thank you. Before we proceed to the next agenda item, I can appreciate the Board's confusion on this matter because we do not do many denials, but remember that if a resolution is for a denial that you are voting for the resolution if you want to deny, if you want to not deny, it is just a confusing matter, regardless. I appreciate the Board Members wanting to work with the applicant, we all have, but not getting any additional information and not satisfying our concerns, I don't think that the Board had any other alternatives. I think that we are a Board that has always worked with the Applicants and so okay.

7) BEAR HILL ESTATES – SUBDIVISION

Applicant was not present to represent application.

Chairman Rogan stated moving right along, 17 Couch Road Subdivision.

Board Member Cook stated Bear Hill.

Gene Richards stated is Bear Hill off.

Chairman Rogan stated yes, for the record, Bear Hill Estate Subdivision is off the agenda.

8) 17 COUCH ROAD SUBDIVISION

Mr. Joseph Buschynski of Bibbo Associates and Mr. Thomas Frasca, the applicant, were present.

Chairman Rogan stated I think that was definitely the most confusing vote I have been part of.

Board Member Montesano stated you never saw elections done that way. To get something they had to vote no and if you voted yes (unable to hear). That is exactly what they wanted.

Chairman Rogan stated it gets all messed up.

Board Member Pierro stated they still didn't file the subdivision plat, the application.

Rich Williams stated (unable to hear).

Chairman Rogan stated two, two separate votes, which I am still not sure the outcome.

Board Member Pierro stated it was a denial.

Board Member Montesano stated it is like playing Russian roulette, he can put 6 bullets in a 6 barrel gun, you think he wants to.

Chairman Rogan stated remember we had the Eastern Jungle Gym and Herb was so excited he thought we were going to denied he said I've never done this, this is something we've never done, but of course it didn't go that way. I think that alone, that last case will show how amendable this Board is with working with applicants, that we don't know how to vote to well on a denial.

Board Member Montesano stated its not that we didn't vote, we tried to give the man an opportunity to keep the business going.

Chairman Rogan stated I can't wait to read the minutes on that one.

The Secretary stated me either.

Chairman Rogan stated good evening Joe.

Mr. Buschynski stated good evening, we are back. Since our last appearance we've provided a circle of more detail and what the project will require for drainage. We received comments from the Town Planner and Town Engineer, a considerable number of comments; we still have a ways to go. One of the comments is the disposition.

Chairman Rogan stated Joe, I'm sorry to interrupt but you speak so softly, can you use the microphone.

Mr. Buschynski stated the disposition of the open space parcel that is to be transferred and the suggestion was made for a conservation easement to be prepared and I was curious as to why if the parcel is going too transferred by deed.

Rich Williams stated two reasons, one it is a requirement of the Code and it was built in as a requirement of the Code to ensure that it always did remain protected open space so that the Land Trust in the future could not try to sell it off for development.

Mr. Buschynski stated I understand.

Rich Williams stated it is an additional safe guard for the Town.

Mr. Buschynski stated I see, that answers that.

Chairman Rogan stated if want to come up and use the microphone, we will be happy hear what you have to say. State your name please.

Mr. Frasca stated Tom Frasca, I am the president of Couch Road Corp. What we planned to do was a reversionary deed, in the instance where that occurred if they were to use the property for anything of then passive recreational use, which would be basically hiking trails, then it would revert back to the Town in an open space, for your open space use.

Rich Williams stated Anthony, could that deed be amended in the future to take that clause out.

Anthony Molé stated there is more of a problem with that too, that will just result in litigation on whether it reverts back or not and whether the use violated the restrictions, it just complicates the issue and it just more clear if there an conservation easement there.

Mr. Frasca stated alright.

Anthony Molé stated it is just you know, possible cluttering of.

Mr. Frasca stated it is just the language that we need to frame that in.

Anthony Molé stated yes.

Mr. Frasca stated okay.

Mr. Buschynski stated the final plat in under preparation by the surveyor, we owe you that with the application and application fees and the supporting easement agreements.

Chairman Rogan stated so we are down to a lot of storm water.

Mr. Buschynski stated yes.

Chairman Rogan stated engineering, are these slopes on the storm water basins such that we can do plantings on any of the slopes to try to get back some of what were trying to attain with the subdivision concept.

Rich Williams stated we do have a landscaping plan, there are some trees, the inherent problem with storm water basins is that you can't plant in the berm and you can't plant in the basins themselves because then you run into a problem with future maintenance.

Mr. Buschynski stated do you want me to pin up that plan.

Chairman Rogan stated no, not necessarily, I was just asking the question because I think that the Board liked this plan so much of the alternatives and this actually is a combination of the alternatives that were presented initially was that were gaining some screening and trying to maintain the corridor, that road way and more of a natural setting. Of course through no fault of ours or yours just with the nature of the basins

we are losing a lot of that, a good percentage of that and I just trying to maximize that visual screening effect of driving, the aesthesis of driving down that road and maintaining some of that rural character. Instead of a hill with basins and houses setting above them, that is really the reason I bring up that comment.

Mr. Buschynski stated yes there is considerable planting proposed in the area. You have to remember that from the road the embankment up to the stone wall is relatively high, eight or nine feet, quite a bit more down in this location but that is not where we are working. That in itself, that embankment up would tend to obstruct the view into the basin areas, you wouldn't be looking into holes, at least not from the road perhaps, homeowners will but the view from the road will be modified obviously because of the vegetation removal initially.

Chairman Rogan state do you, Gene or Rich, have anything that you want to comment on at the meeting, or is it just getting down to technical aspects of the plan.

Gene Richards stated just to stay with what you are just asking about is one thing that Joe hasn't mentioned is that this latest plan did eliminate one pond at the very bottom of the property at lot six, so I would imagine that would maintain that existing.

Chairman Rogan stated yes, that is definitely going to help.

Gene Richards stated forest area. I just wanted to recognize for Joe's sake that this latest submission was much improved over the prior submission plans, they are very much cleaner, more legible, we do appreciate that. There are engineering comments that do have to be resolved and I am sure that Joe will work on this.

Chairman Rogan stated great, any other comments from the Board.

Board Member Pierro stated none here.

Board Member DiSalvo stated these houses to come forward, a deck or is there enough room in the back so that we don't have the problems that we have with Burdick Farm on some of those lots.

Mr. Buschynski stated lots of room to the set back.

Chairman Rogan stated yes.

Board Member DiSalvo stated the sides are okay.

Mr. Buschynski stated the sides also.

Board Member Pierro stated that wasn't an issue.

Chairman Rogan stated the beautiful part here that if we need a little more room, we could bump back the property lines and reduce the conservation area but I think that when we set that up, there was sufficient room.

Mr. Buschynski stated and the Board's intent was to try keep them a little forward off the ridge.

Chairman Rogan stated so the ridge will act as a back drop to the house so they won't be a visually, they won't pop out on anybody.

Board Member DiSalvo stated (unable to hear) pool coming out over here, on the side.

Chairman Rogan stated no, I don't think so.

Board Member Montesano stated I am not.

Chairman Rogan stated when we walked that, there is some pretty level area if you remember when we were up in there.

Board Member Montesano stated I am looking at it (unable to understand) the back yard and everybody starts hiking one of the trails.

Chairman Rogan stated oh yeah.

Board Member Pierro stated Joe will you refresh my memory, where is the location, excuse me, can you refresh my memory, where is the location of the fire tank to be installed.

Mr. Buschynski stated here [points to plan].

Board Member Pierro stated and what lot is that.

Mr. Buschynski stated that is lot number six.

Board Member DiSalvo stated six.

Mr. Buschynski stated and that was at the recommendation of the Fire Inspector, that location.

Chairman Rogan stated that is closest to what, [Route] 164.

Board Member Montesano stated yes.

Board Member Pierro stated yes and that is going to be a stand alone system without a well or electricity going to is.

Rich Williams stated that is correct.

Board Member Pierro stated the same scenario that we approved for Paddock [View Estates].

Rich Williams stated very similar.

Board Member Pierro stated and whose property is that going to be on.

Rich Williams stated a private home owner.

Board Member Pierro stated so there would have to be an easement for access to that tank.

Rich Williams stated correct.

Board Member Pierro stated very well.

Chairman Rogan stated would it make sense for them to divide off just the property needed and ten foot or so around and have it on a parcel that is owned by the fire district or does it really not make a difference.

Rich Williams stated if we are going to do something like that, I would suggest that you put it in as part of the road right of way. It makes it simply to do.

Chairman Rogan stated is that cleaner from the stand point that they won't have easements to deal with and it really doesn't matter one way or another to the. If I were the homeowner I would rather it not be on my property even with easements.

Rich Williams stated probably cleaner.

Mr. Buschynski stated well you would have to change the road right of way, it is the same thing as creating an easement.

Chairman Rogan stated okay, but if that something that is worth looking.

Rich Williams stated again, the difference Joe is one it becomes fee simple and becomes part the road right of way, it is the Town's responsibility, everything is, the other way it is an easement. There is an encumbrance on the property that when the property owners go to sell or anything, it might raise a red flag to the mortgage company.

Chairman Rogan stated and if it part of the right of way, it doesn't change the road frontage at all on the lot because the.

Rich Williams stated no.

Chairman Rogan stated so that doesn't effect the.

Board Member Pierro stated the other thought is that we live in a litigious society as we spoke at the meeting earlier, if a fire fighter comes up to do some maintenance or pump out this tank or put water in this tank and falls down, he can have an action against the homeowner. I would rather him have an action against the Town of Patterson.

Mr. Buschynski stated so we will plan on moving our evidence.

Chairman Rogan stated in the interest of the homeowner.

Board Member DiSalvo stated they would have to get a line.

Board Member Pierro stated in the interest of the homeowner, that is something that we fail to do around here on a regular basis, on the interest of the applicants and the homeowner.

Chairman Rogan stated so why don't we take a look at that, there might be a cleaner way of doing that.

Mr. Buschynski stated alright.

Board Member DiSalvo stated how will the fire department access the pipe for that tank, it is going to be, you said that the wall is, the grade is up higher over there. You have the pipe towards the street level.

Mr. Buschynski stated it is about 7 or 8 feet above the road and then there is a pipe back to a hydrant along the road.

Chairman Rogan stated okay.

Board Member DiSalvo stated would that have to be protected, the hydrant from snow plowing.

Chairman Rogan stated I would imagine that it would get the same protection of.

Rich Williams stated it should be set back far enough so, set back has to provide a snow shelf.

Board Member Pierro stated there should be some bollards planned.

Mr. Buschynski stated bollards each side.

Board Member Pierro stated and maybe dug out in such a fashion where you could get a two and one half inch line to lay on either side of the hydrant to hook up to a truck.

Mr. Buschynski stated oh yeah, the hydrant has to be.

Board Member Pierro stated you have to have the clearance.

Mr. Buschynski stated yes, right, okay.

Chairman Rogan stated anything else ladies and gentlemen. Thanks Joe.

Mr. Buschynski stated thanks.

Board Member Pierro stated could have said (unable to hear, papers shuffling).

Chairman Rogan stated he doing really well on this, give him a minute to pull down all of these plans, I am sure that Mr. Greenburg has plans to put up, so we don't want them fighting over here. My money is on experience.

Board Member Montesano stated Shawn, are we going to get back to number four.

Board Member Pierro stated we did.

Chairman Rogan stated number four, we set a public hearing for next meeting, unless they show up, there is nothing else.

9) **BONIELLO SITE PLAN**

Mr. Joel Greenburg and Mr. Anthony Boniello were present to represent the application.

Chairman Rogan stated Boniello Site Plan.

Board Member Pierro stated Congratulations Mr. Boniello.

Mr. Boniello stated thank you.

Chairman Rogan stated for what.

Board Member Pierro stated Anthony Junior.

Chairman Rogan stated Congratulations, very nice.

Board Member Montesano stated Congratulations, where are the cigars.

Mr. Boniello stated what's that.

Board Member Montesano stated where's the cigars or at least (unable to hear).

Mr. Boniello stated (unable to hear, too far from microphone).

Board Member Montesano stated alright, you can bring a couple of (unable to hear).

Board Member Pierro stated no, sorry.

Mr. Boniello stated do you need help [to Mr. Greenburg, hanging plans].

Chairman Rogan stated there you go, he's tall.

Board Member DiSalvo stated look at all the color markers.

Chairman Rogan stated yeah.

Mr. Greenburg stated one of questions was because we haven't been here for a couple of months.

Chairman Rogan stated Joel, can you just pull that microphone out, you are so soft spoken.

Board Member Pierro stated state you name for our Secretary please.

Mr. Greenburg stated my name is Joel Greenburg; I am the architect for Mr. Anthony and Mr. Michael Boniello. As you know, you've been to the site, so you know where the project is located on Route 22, there are three buildings that are on the property at the present, building two, building one, four buildings excuse me, this building, excuse me, five buildings. Three of these building will be coming down and in place of those areas of impervious surface we are going to be putting up a 60 by 120 building which will basically be all repair bays and one small show room. The area itself around the existing buildings is where the maneuvering and the parking is presently located, we will just obviously formalize it based on the requirements of the Code. We are also going to be adding some parking and some handicap parking along

the entrance, which is presently paved and we would like to pave these parking spaces that are along the entrance drive. This piece of property which was known as the Bruen property will be merged into this property so it will be all one large lot with basically these two existing buildings and one new building and I will try to answer your questions.

Mr. Boniello stated I'm sorry.

Mr. Greenburg stated sure.

Mr. Boniello stated building one is, this is all.

Mr. Greenburg stated that will all be merged into one deed, so, no.

Chairman Rogan stated I appreciate that you put a driveway in, an access way to that building because that is a proposed driveway, the one that is shown on the plan.

Mr. Greenburg stated this one [points to plan].

Chairman Rogan stated yes.

Mr. Greenburg stated no, this is existing.

Board Member Pierro stated that is existing.

Chairman Rogan stated I apologize.

Mr. Boniello stated that's on the house.

Mr. Greenburg stated this is an existing house, which will remain, at one point we were thinking of eliminating that driveway but again because it is already there and it is already paved, we felt that we should keep it, it is to an existing house, so that even though it is all part of one deed to let the resident of the house to have their own separate driveway and not have to park in the commercial parking lot. These are all exiting uses.

Chairman Rogan stated I'm sorry, building number two, even with my glasses I can't see that far. Building number 2, the existing.

Mr. Greenburg stated this building number two.

Chairman Rogan stated no the one marked building two, the existing retail show room area.

Mr. Greenburg stated yes.

Chairman Rogan stated there is a fence company in there.

Mr. Boniello stated yes, I lease to a fence company.

Chairman Rogan stated I remember when we did that, your business for the showroom which will remain.

Mr. Boniello stated my business, probably half and then I do rent another little piece, maybe 700 feet for office space.

Chairman Rogan stated is there, I don't recall, is there an upstairs.

Mr. Boniello stated there is an upstairs, there is an apartment upstairs.

Mr. Greenburg stated there is an upstairs.

Chairman Rogan stated so you have an apartment in that and you have the residence which is one rental or two.

Mr. Boniello stated this residence has its own.

Mr. Greenburg stated this residence has its own septic and its own well. This building also has its one separate septic system and well and we have already reviewed this with Mike Bushinsky from the Health Department to.

Mr. Boniello stated that there is enough fields and frontage.

Chairman Rogan stated and the proposed use of the large building, the new building.

Mr. Greenburg stated this is basically going to be a repair garage for the vehicles and one area where.

Mr. Boniello stated I have my other company which, we do excavating, some of trucks and some of the machines, another repair shop. You've been up to my place, there is stuff all over the place and I want it to look nicer, rather than stuff all over the place. It is stuff that won't be remaining outside, it is stuff that will be stuffed in crates that isn't put together yet.

Chairman Rogan stated so it's new, its stuff that doesn't have oils in it or anything, it hasn't been filled yet.

Mr. Boniello stated no.

Mr. Greenburg stated no and the whole purpose, as Anthony said would be to get all the stuff that is being worked on out of the outside.

Chairman Rogan stated the intent of this application it sounds like you will be utilizing this new building for your own business not be rented out to other contractors'.

Mr. Boniello stated it was a consideration, if the fence guy who already rents the front of building, he said if you have a bay, the right number, can I rent the bay out and it is not going to bring more traffic then there is already, but it is definitely a consideration of mine.

Chairman Rogan stated it is not going to bring more retail.

Mr. Boniello stated it is not, it definitely is, obviously the building is expensive and whatever I can get out of it.

Mr. Greenburg stated it will be making each of the businesses there more comfortable and be able to do

what they are supposed to be doing.

Mr. Boniello stated basically when I spoke with, if you don't mind, is that I am going have probably just a bathroom right in the middle of the building so that it can be used.

Mr. Greenburg stated a common bathroom.

Mr. Boniello stated my place, Empire Tools and Boniello Industries company and then if I do rent a bay out, (unable to hear).

Chairman Rogan stated so if it is a multi bay it would be a wide open building or with partitions.

Mr. Boniello stated definitely partitioned off.

Chairman Rogan stated so how would they get to that bathroom.

Mr. Boniello stated well.

Mr. Greenburg stated basically as you can see here, that there are one two three, there are five bays here, with the bathroom, there will be connecting doors with a hallway so that everybody can get access to the bathroom.

Mr. Boniello stated if it going to be one.

Mr. Greenburg stated if it going to be one tenant, then you won't need that.

Mr. Boniello stated it is not going to be more then one tenant, I mean it is going to be one, me and my brother, I need the space for myself and my company I need a lot of it to put machines inside, there will probably one available if possible.

Board Member Pierro stated Anthony, one of the concerns we have at the site walk and we understand that this is a pre-existing site but our Code and State Law has changed regarding any intrusion closer to the pond and wetlands. There are, let me count them real quick, one, two, three, four, five, six, seven, eight, nine, ten, eleven parking spaces up against that pond, is it possible that that area can be pulled back.

Mr. Boniello stated yes.

Mr. Greenburg stated are you talking about these parking spaces over here.

Board Member Pierro stated yes.

Mr. Greenburg stated yes, again that area, already, if you have been to site, most of that area is already being used and it is pre-existing but if you want, we do have some room here that we can pull those parking spaces.

Mr. Boniello stated we can make parking lot this way and some of the big trucks, if they can.

Mr. Greenburg stated the whole idea of leaving this open area was so that the trucks can maneuver but we can probably get this in but I don't think that we are getting any closer then the existing usable area that is

being used at the present time.

Mr. Boniello stated and basically the usable area is Matthew's Fence, he parks his truck there.

Board Member DiSalvo stated well Dave, how many feet were you talking about pulling them in.

Board Member Pierro stated how far away is that edge of the parking space to the pond.

Mr. Boniello stated the way it is now.

Board Member Pierro stated yeah.

Mr. Greenburg stated I will tell you exactly.

Board Member Pierro stated I would much rather see these parking spaces used for stacking new equipment wrapped in plastic then having vehicles up against it because I think that is the concern for Rich and other members of the Board. How many parking spaces are we required to have on this site.

Mr. Greenburg stated you are right, this is probably more parking spaces then we actually need but the number of parking spaces, if you look at the other sheet where we have the zoning table, actually we have the correct number of parking spaces based on the Zoning Code, do we need them, the answer is no.

Rich Williams stated I will disagree with that but the Board has the ability to vary those standards so they can work with the applicant.

Mr. Boniello stated but you are also going to have, this, I am removing pretty close to 4,000 feet, demolishing.

Chairman Rogan stated if you are demolishing 4,000, how many square foot is the new building.

Mr. Boniello stated it is probably 7,200.

Chairman Rogan stated so you are adding like a little over 3,000 square feet.

Mr. Boniello stated from the front, that is what I need. We are taking basically this garage when it comes down, we can also have parking, right in front, right where the front building is, that is where my showroom, see where my showroom is going to go, it is going to be all open space here. People can pull right in.

Board Member Pierro stated I see a lot, knowing the way your business operates, I see people, when this new building is built, I see people coming in the main driveway and pulling up parallel to the front of the building.

Chairman Rogan stated especially like the landscape trailers and stuff.

Board Member Pierro stated and if you have enough room for a landscape trailer to pull in parallel to the front of the building and make a U-turn and pull out, I know I could do that swing.

Chairman Rogan stated God help you when the homeowner comes in with a landscape trailer.

Mr. Greenburg stated you actually just gave me an idea, maybe depending on the size of the trucks, make almost like a loop here and try to get the parking in the middle, so that the trucks can, will make the turning radius, I can make sure it works so that they can just do this and come around and go out, that maybe a possibility too.

Chairman Rogan stated that is tight.

Board Member Pierro stated that may put you close to the pond as well.

Mr. Greenburg stated but there won't be parking there, they would be traveling by it.

Chairman Rogan stated a very minor issue but while it is one the top of my head, looking at this building, the residential building that is on the site but separate from the site. Let's plan for at least some kind of fence between the two because whoever is there, God help them if they have children but where do they actually, other then going into the house, what do they actually do.

Mr. Boniello stated I don't know, my brother is planning on moving into that house.

Chairman Rogan stated your son will be there one day visiting and you don't want him running into Route 22.

Mr. Boniello stated there is definitely going to be a border, I spoke to my brother already, what I wanted to do, he didn't want to do it come in here and make this really wide over here.

Board Member Pierro stated another curb cut on Route 22.

Chairman Rogan stated yes.

Mr. Greenburg stated this also gives you a little bit of a buffer here too, so like what you said Shawn, was that whoever does live her can at least have a little bit of open area that is not part of the commercial.

Board Member Pierro stated Rich, go ahead Gene sure.

Gene Richards stated Joel, one thing that you should do for the Boards benefit is actually talking about carrying out storage for whatever is crated, show an area on your plan for outdoor storage.

Mr. Greenburg stated okay.

Gene Richards stated and whatever area he needs to accommodate his stock just so that it is memorialized on the plan.

Chairman Rogan stated do you want to talk about the issue with the records on the property. Which building, I don't recall which building it relates to.

Mr. Boniello stated what happened.

Rich Williams stated Anthony, you know I like you.

Mr. Boniello stated yes, I know, am I going to get arrested or something.

Rich Williams stated no, not at all. In going through our records, the records at Town Hall, one of the records that we have is a letter from you and Craig Vogl stating that there are no residential units on the property in 1996.

Mr. Boniello stated and my name is on there.

Rich Williams stated yes.

Board Member Pierro stated do we have that letter.

Mr. Boniello stated I would love to see that.

Board Member Pierro stated do you have that letter handy.

Board Member DiSalvo stated I have it somewhere.

Chairman Rogan stated for Tax Assessment, there is no resolution.

Mr. Boniello stated the only thing that I remember with taxes is.

Chairman Rogan stated you are going to need to use a microphone.

Mr. Boniello stated I struggled a long time up there, the only thing that I can probably, that apartment has been up there since we've been there, I moved in there, Craig was in there. The only thing that I can honestly say that I think may have happened is that we were trying to budget ourselves and we already had at that time probably 200 dollars a month on garbage, so it could have been something, my house I live in, right next to my shop, I called and it was the thing, and they said well no, you denied access to the garbage and I said then why am I paying the taxes. I still bring garbage from my house into my garbage truck.

Rich Williams stated that is exactly what the letter was, the letter was you asking to have your assessments reduced because you wanted to get out from under having to pay for that garbage pick up.

Mr. Boniello stated it could have been, I just didn't want it because I am paying for it and I am not using it. It could have been but I remember that.

Rich Williams stated it was in response to you approaching our Assessor.

Chairman Rogan stated well take a look at it and see if it is your signature.

Rich Williams stated it is not his signature, it is from the Town.

Board Member DiSalvo stated it says signature of applicant.

Rich Williams stated oh it is his signature.

Mr. Boniello stated it looks like my signature.

Board Member Montesano stated is this yours [holds up application].

Mr. Boniello stated no, that's my brothers.

Board Member DiSalvo stated this looks like your brother.

Chairman Rogan stated those are different signatures.

Board Member Montesano stated I am not a handwriting expert, take a look at it.

Chairman Rogan stated it really doesn't.

Board Member Montesano stated it doesn't matter.

Chairman Rogan stated we are looking at an approval on a site plan.

Mr. Boniello stated I understand.

Chairman Rogan stated we were just making sure that is your hand writing.

Mr. Boniello stated I am paying a lot of taxes there commercially and I have never dropped a dime on a single person and so many people in house have illegal apartments and mine is in a commercial place, it is there, I'm not hiding it, I lived there, Craig lived there and now there is a tenant that lives there but it definitely is going to hurt my profit, this is my life, my life for 16 years has been in Patterson.

Rich Williams stated there are a couple of different ways that I see that this can be addressed and Anthony, our Attorney may want to jump in on this. Either we can get sufficient documentation that shows it was a pre-existing non-conforming apartment regardless of that letter, adequate documentation so we put the issue to rest or, I don't know how this is going to fly but the Planning Board can make a recommendation, maybe at this junction in time, the Town wants to consider putting residential space above commercial buildings in limited areas, just two suggestions.

Board Member Pierro stated and I don't think that either one of them is insurmountable but I think that it might be easier for Anthony to go back and look at the original files from when your late father purchased this building and see if there is a title report or a civil inspection done by the Town or someone to see if that apartment was there. If it is there in the old records from 16 years ago.

Mr. Boniello stated I remember something but I don't remember signing something, that is definitely my handwriting.

Chairman Rogan stated we are speaking specific to the rental above the retail store.

Mr. Boniello stated yes.

Chairman Rogan stated not that.

Rich Williams stated no that is definitely alright.

Mr. Greenburg stated let's take your idea and try first what documentation we can find, why don't we do

that. Anything else that we should into.

Rich Williams stated the one thing I would like to say Joel is that Gene and I generally do from time to time technical reviews on the submissions that you make and it would be helpful if you could respond back item for item for our memo so that we know how you are addressing them. If you don't do that and you don't address something, then we are not sure why you are not.

Mr. Boniello stated he is not doing his job, is that you are basically telling me, he's not doing his job.

Rich Williams stated excuse me.

[Board Members laugh].

Rich Williams stated what I am doing is suggesting how we can reach better clarification on the design issues.

Mr. Greenburg stated we do this in other towns and it is no problem.

Chairman Rogan stated that is why this memo reflects, the most recent, they just crossed out what you had addressed. Also given the use of the new building, do we have to talk about oil/water separator for or is that because we are talking about maintenance on excavators and.

Mr. Boniello stated that is something that I would definitely consider investing in because we do a lot of pressure washing, that is a very good suggestion.

Chairman Rogan stated it protects you then.

Rich Williams stated it is something that the Board has required on every other site similar to this but my hesitation revolves around the lack of drainage on this facility, I don't think that there are any catch basins or any storm drains.

Chairman Rogan stated there are going to be floor drains in the facility it sounds like, if you are going to power washing, why not slope everything and put them into floor drains and deal with it.

Mr. Greenburg stated if we do that then we are going to have put some type of outdoor leaching basin for this water to eventually go into.

Mr. Boniello stated and oil separator is pretty basic, obviously the oil rises to the top and the water goes to the bottom, you clean the top, you can have a regular basin and see the oil come up, that is basically an oil separator. If you have a tank the water goes in, the oil and gas floats to the top and once every two months, you pump the top of it off and the rest of it.

Chairman Rogan stated and the rest of it goes out to some sort of absorption.

Mr. Greenburg stated yes, absorption.

Chairman Rogan stated rather than a sheet flow out onto your parking lot.

Mr. Boniello stated the out would probably be about 2 feet lower then.

Board Member Pierro stated and you burn the remnants of that if you chose to filter it and keep the water out of it. Do you still intent to burn your waste oil as a heating.

Mr. Boniello stated I think that is definitely something I will talk to my brother about it, we have a lot of waste oil. They came a long way with the product and I have been researching it and it is definitely a consideration, it is very expensive but I am definitely considering it.

Board Member Pierro stated are you burning it now or are you having it taken away.

Mr. Boniello stated no, we have AmeriLube take it away every couple of weeks.

Board Member Pierro stated okay Joel, you've got some direction.

Mr. Greenburg stated okay.

Board Member Pierro stated step by step notes to Rich.

Chairman Rogan stated I don't think that there is any insurmountable on this, we just have to iron some things out. It is an existing use but if you look at it you are completely maximizing whatever available space we have, so we want to make sure that you don't go more then what you currently have, clean it up, keep things organized. I have concerns about, you see that your current site, because there is so much bulk out any guy that is not comfortable with a trailer pulls in, I can't imagine how they get out of that place, it must be hilarious.

Mr. Boniello stated now it is.

Chairman Rogan stated right, that is my point and people park wherever.

Mr. Boniello stated with the additional 3,000 feet, is going to be a machine, that additional 3,000 feet is going to allow me to put, if I could put another floor and stack the new stuff coming in and everything is inside, that is a suggestion.

Mr. Greenburg stated I think Shawn, also with demolishing, with this particular building that sort of restricts all of the maneuverability within the property, once this building is gone and this is opened up, I don't think that you are going to see him waiting 10 minutes to get out of his own property.

Chairman Rogan stated I hope not, get a bigger truck and just push them out of the way.

Mr. Greenburg stated bigger is better, right. Thank you very much.

Chairman Rogan stated thank you gentlemen.

10) POWE SUBDIVISION – Initial Application

Mr. John Karrell was present to represent the Applicant.

Chairman Rogan stated I mispronounced this at the work session, Powe Subdivision, I said Pow Subdivision as first.

Mr. Karrell stated that is close.

Chairman Rogan stated well you know, Michelle agreed with me, she's nice like that. Good Evening Jack, can you please state your name for the record.

Mr. Karrell stated my name is John Karrell, I am the engineering for Mr. Reggie Powe. Mr. Powe owns a piece of property on Cushman Road right down by the intersection of Route 311, next to Red Shutters Farm. The total piece is approximately 22 acres, a touch more, he wants to subdivide it into 3 lots, one a 14 acre lot, with the existing house and two 4 acre lots for 2 new houses. Kyle Kayler did the survey work and located the wetlands, the blue line represents the 100 foot wetland setback, and obviously the red is the two new houses with septic in the front with driveways off of Cushman Road. Basically, approve it tonight, you have a resolution.

Chairman Rogan stated is that a resolution to approve or deny.

Mr. Karrell stated that was pretty tough.

Chairman Rogan stated yes, we talked at the work session the first thing that popped out was the lot to the right of your plan, not having a whole lot of back yard to the wetland buffer and we wondered if there was a way to pull the house forward or pull the house over to another spot on the property so that we gained more useable area, so that we didn't end up with a situation where the owner was right away coming for all sorts of wetlands permit. It seems like there is a lot of property to the north on that lot, useable property, I am looking at your north arrow.

Mr. Karrell stated this is north, well the wetlands line comes up and it pinches in and that is why I kept the house to left but I can move that house forward.

Chairman Rogan stated can the septic come closer to the road.

Mr. Karrell stated oh yeah, I mean sure.

Chairman Rogan stated you can pull everything forward another 30 feet.

Mr. Karrell stated 30 feet for that house only.

Chairman Rogan stated well the other one has plenty of room behind it.

Mr. Karrell stated that's fine, I have about 50 feet to the wetland buffer and 30 feet to the disturbed area, I can pull that forward, I just didn't want to go this way because then it gets closer to this property, I think that he wanted to keep the houses kind of.

Chairman Rogan stated so he can consolidate the disturbance.

Mr. Karrell stated yes.

Chairman Rogan stated so this property when you go on to Cushman, it is the property immediately to the

left.

Mr. Karrell stated yes.

Chairman Rogan stated okay, we said we wanted to go take a look, the wetland flagging on this. Rich, did Ted give us anything on this, he wanted to verify.

Rich Williams stated he has not been out there yet.

Chairman Rogan stated I realize that, it said on the plan who did the wetlands survey, his only comment was he wished that they had called him because he would have met them out there and verified then when they did it but at least we are in the wet season right now, so he will certainly go out and verify that. Also if you could give us, what do we usually get on septic, corners of the septic area.

Rich Williams stated usually you have it staked in the center, the corners of the house, centerline of the driveway.

Chairman Rogan stated the centerline of the driveway and just have that reflect moving the house forward or having that reflect moving things forward. We'll get a pretty good sense.

Mr. Karrell stated from Mr. Powe, I put some flags on this property, these property lines. It is basically located on physical features from the property line. You want the centerline of that driveway staked, centerline of the driveway.

Rich Williams stated just do the center at the road.

Chairman Rogan stated and just put a stake center of each house and center of each septic.

Mr. Karrell stated okay.

Chairman Rogan stated what would be good is, the wetland flagging is existing, it should be visible.

Mr. Karrell stated it should be still out there.

Board Member Montesano stated with that one house, I would like to see corners, especially the rear corners.

Chairman Rogan stated the one all the way to the right.

Board Member Montesano stated right, because I would like to see how close it is.

Chairman Rogan stated so just some stakes.

Mr. Karrell stated if he is going to go out there, I will have him stake the four corners of each house, septic system, driveways at road, when do you think you can go out.

Rich Williams stated well let me ask you a couple questions, well a question anyway to start. Do you want to see this plan flagged or do you want to see the new plan with the houses pulled forward flagged.

Chairman Rogan stated well the other, I think the middle lot I think that one has plenty, that one is probably fine the way it is because that has plenty of back.

Board Member DiSalvo stated you don't want to move the other house so far forward that they can look into it.

Chairman Rogan stated I'm sorry.

Board Member DiSalvo stated you don't want the other house so far forward that people can look into from the other house.

Chairman Rogan stated right.

Mr. Karrell stated maybe I will move both of them forward so that we keep the same.

Chairman Rogan stated alright.

Rich Williams stated we have an issue with amount of disturbance out there too, it would help him to pull the houses forward to get out from under some of the requirements.

Chairman Rogan stated that would be great.

Board Member DiSalvo stated Jack, how big are these house going to be.

Mr. Karrell stated [points to plan] That big.

[Board Member laugh].

Mr. Karrell stated they are like 50 by 30, they will probably be 5 bedroom houses, 50 by 30, maybe 60 by 30, I think 2,000, so 2,000 square foot footprint, they are not huge.

Board Member Pierro stated 4000 square feet.

Board Member Montesano stated under 35 feet.

Mr. Karrell stated I don't think the neighbors on that road would like to see anything big there.

Chairman Rogan stated you don't know any neighbors on that road do you.

Mr. Karrell stated I don't know anybody.

Chairman Rogan stated can't see it from his house.

Rich Williams stated I got it.

Chairman Rogan stated I didn't hear it so. Just let us know when we can go and take a look at it, we'll do it before next meeting.

Rich Williams stated that is an existing residence out there, so is there a contact number that you can

provide for us so that I can call and let them know when somebody is going out.

Mr. Karrell stated I will give you a call, he is usually not there, he uses it as a weekend house so, but I will give you a number in the city.

Board Member Pierro stated Rich you had a question about some of the existing out buildings on the main house at the work session.

Rich Williams stated there were a couple of questions about some of them were, yeah.

Board Member Pierro stated right, so we can walk those.

Rich Williams stated we can see what we have out there.

Board Member Pierro stated just to let Jack know ahead of time.

Mr. Karrell stated I didn't color in the main house, I colored in the barn. The main house is here and the barn is here.

Chairman Rogan stated you colored it red at least.

Mr. Karrell stated its colorful.

Rich Williams stated no one was going to see that and you had to point it out Jack.

Board Member Montesano stated no you see, you are going to have to explain why the house is the same color as the barn.

Board Member Pierro stated he is an honest man.

Mr. Karrell stated was there a question on what the houses were.

Rich Williams stated what the out buildings are, we were just curious about what they are being used for, some of them are very close to, if not in the wetland buffer.

Board Member Pierro stated are there residential accessory apartments in the barn type of thing.

Mr. Karrell stated I believe so, I believe that there is a care taker cottage in the barn. Does that cause a problem.

Board Member Pierro stated if it doesn't have an accessory use permit, we will have one at the end of this application.

Chairman Rogan stated a fourteen acre lot, isn't it a right of use.

Board Member Pierro stated he can get it.

Rich Williams stated when was the apartment put in, is it pre-existing non-conforming, do we need a special use permit, if it is a horse barn.

Board Member Pierro stated I think it is permitted under Code.

Rich Williams stated certain sections of our Code permit, some of them require special use permit.

Board Member Pierro stated right.

Mr. Karrell stated we can talk about that, it is not insurmountable.

Chairman Rogan stated nothing out here really seems to (unable to hear).

Board Member Pierro stated while we are cleaning this whole thing up, let's take care of business.

Mr. Karrell stated it sounds like a plan.

Board Member Pierro stated okay.

Chairman Rogan stated you let Rich know when we can go take a look and we'll get out there, notify the owner at least so that they expect us, whether they are there or not, we usually do Saturday mornings, unless we do this one after work.

Mr. Karrell stated is it better if he is there because he comes up on weekends.

Rich Williams stated generally they like to go out without anybody.

Board Member Pierro stated it would be great if we could do that within the next two weeks on a Saturday.

Mr. Karrell stated it will all depend on how quick Kyle can get out there and stake, I will talk to him.

Chairman Rogan stated thanks Jack.

Mr. Karrell stated thank you.

Board Member Pierro stated thank you.

Chairman Rogan stated I am determined to get out one of these (unable to hear, too many speaking).

Board Member Pierro stated I saw one standing right across the street, I couldn't believe it.

11) OTHER BUSINESS

a) Site Walks – 2J2B w/w Application; Papitto Site Plan

Mrs. Theresa Ryan, Mr. Bruce Major, and Mr. John Boyle were present to represent 2J2B.

Chairman Rogan stated do we have any one, Theresa, are you here for either one of these site walk comments.

Mrs. Ryan stated yes, 2J2B.

Board Member Pierro stated Mr. Chairman I will recuse on this matter.

Chairman Rogan stated thank you, let the record show that 2J2B wetlands/watercourse permit application that Vice Chairman Pierro has recused himself.

Board Member Montesano stated he accused himself.

Chairman Rogan stated he accused himself, I didn't say that.

Board Member Montesano stated I just wanted to verify.

Chairman Rogan stated site walks comments, you got. We went out there, that was a while ago, a couple weeks ago at least, before the major flood.

Mrs. Ryan stated was there a memo from Ted on that.

Rich Williams stated I don't believe Ted did anything.

Chairman Rogan stated you did, you had a site walk, no that is Papitto.

Rich Williams stated I don't believe I did a memo on this because they were all related to the issue of the wetland and the only real issue I heard from anybody was from Ted saying that the boundary wasn't correct.

Chairman Rogan stated these gentlemen probably remember better then we do, they were at the work session. Ted, if I can try to, you can help me out here, but he felt that the wetland may come up a little bit into the area down hill of the septic area towards the right hand property, not that is was big issue but one that needed to be addressed with possible drainage under the road, felt that there was connectivity between the field area and that area. When we were out there, there was a lot of water, the water was running off the septic area, it was all over the place, you walked in the field and it was wet, but it is what it, it's a flood plain, so generally, we didn't even walk up to the house location because it is not part of the application, the ticks were out that day, we had ticks all over us, it was really bad that day. The existing drive, people didn't have a problem with, we are happy that you are using that as opposed to an new area, I think that is was really just Ted having some concerns and making sure that they were mitigated and dealt with appropriately.

Mrs. Ryan stated okay, I did have a conversation with Ted and he did mention that to me before we went away, wherever he went, he said he wasn't going to be here tonight and we are going to take a look at that. He also said that he didn't have a problem with the driveway so we are going to assess the wetlands to find out where the locations is and I guess he didn't also have a chance to put new flags up because I did ask him to do that. I was wondering if we could start the SEQR process on this.

Chairman Rogan stated there is nothing out there, short of mitigated that little bit of water.

Rich Williams stated how would you like to start it.

Chairman Rogan stated we have a (unable to hear).

Rich Williams stated what are you going to do.

Chairman Rogan stated it is just a wetlands permit so.

Rich Williams stated you start, you finish it with making a determination on this.

Chairman Rogan stated so she wants a determination.

Rich Williams stated I think that is what shes looking for.

Chairman Rogan stated is there a curtain drain on the top of that septic area.

Mr. Major stated yes.

Mrs. Ryan stated proposed yes.

Chairman Rogan stated proposed, that is what I meant. The outfall for that, should that be incorporated into whatever drainage and dealt with that is going to go under that road.

Mr. Major stated the plan that had been previously approved by the Health Department shows it running from south west to north east to south west again, underneath the driveway and just to about 2 to 3 feet before the wetland on the north side of the driveway. In other words it is on the far side of the property, in other words the drain does up and down.

Chairman Rogan stated between the septic and the house, okay.

Rich Williams stated 2 to 3 feet from the wetland buffer.

Mr. Major stated buffer.

Rich Williams stated thank you.

Chairman Rogan stated so it would not be the outfall or the daylight of the curtain drain would not be in the area where we saw the water running, which was closer to where the driveway just makes the turn.

Mrs. Ryan stated the opposite.

Mr. Major stated 60 to 70 up.

Chairman Rogan stated given the amount of the water that we saw running off that hill, will that be picked up by the curtain drain. Will that curtain drain protect that, there was a lot.

Mr. Major stated it covers the entire back end of the septic.

Chairman Rogan stated okay, there was a lot of water running that day, a lot of erosion underneath, or hitting that, it seemed like because there is not a pipe that would hit the old road bed and kind of permeate through.

Mr. Major stated there was one under there originally but it is has probably collapsed over time.

Mrs. Ryan stated and Ted mentioned that he would like to see that addressed.

Chairman Rogan stated addressed, okay.

Ms. Ryan stated could you schedule a public hearing.

Chairman Rogan stated I don't see why not.

Rich Williams stated I am fine with the application, it all comes back on Ted and whether Ted determines it complete.

Chairman Rogan stated why don't we set a public hearing and if we can get squared away with Ted, we can possibly wrap it up. Motion to set a public hearing on 2J2B.

Board Member DiSalvo seconded the motion.

Chairman Rogan stated they fought for it Michelle, I don't know who go it.

The Secretary stated Maria.

Board Member Montesano stated take your pick.

Board Member DiSalvo stated was I there first.

Chairman Rogan asks for all in favor:

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

Motion carried on a vote of 4 to 0.

Chairman Rogan stated okay.

Mrs. Ryan stated thanks.

Chairman Rogan stated so now Papitto Site Plan, that is the Von Essen, I am having a hard time keeping all of the project straight, especially even like Telecom. That we discussed the driveway issue and making grade.

Board Member Montesano stated that was the main thing.

Chairman Rogan stated there were some minor issues about trying to.

Board Member Montesano stated trying to save some of the trees.

Board Member DiSalvo stated the design of the building, the material they were going to use.

Chairman Rogan stated yes.

Board Member DiSalvo stated get a copy of something from the Health Department.

Chairman Rogan stated what was it, I don't remember.

Board Member DiSalvo stated the culvert under the road.

Board Member Pierro stated we were wondering where the septic.

Board Member DiSalvo stated the culvert under the road.

Chairman Rogan stated is there going to be a bathroom in the proposed building.

Rich Williams stated we don't know that yes.

Chairman Rogan stated they should have on probably and have it either tied into the existing septic or whatever they have to do.

Rich Williams stated I don't know.

Chairman Rogan stated I wouldn't think that they would want to be in that building doing work on their equipment and be greasy then going into that house.

Rich Williams stated I agree, I am just thinking that the septic is all the way in the front of the house.

Chairman Rogan stated so maybe they can do a little mini system in, but that is for them to figure out. We talked about not allowing these big buildings go in without a bathroom because we have had problems in the past and they came back and didn't have a bathroom.

Board Member Pierro stated right.

12) MINUTES

Chairman Rogan stated minutes for February.

Board Member Montesano stated February 22nd, March 29th, and April 5th.

Board Member Pierro stated is that a motion Mike.

Board Member Montesano stated that is a motion.

Board Member Pierro seconded the motion.

Chairman Rogan asks for all in favor:

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

Chairman Rogan stated except I will abstain from the minutes from the April 5th meeting since I was not present.

Board Member Cook stated I will abstain from that also, as well as February 22nd.

Board Member Pierro stated one more thing on Boniello, you had made a suggestion that he either comes up with documentation relative to the proof that that apartment is pre-existing or we make a recommendation to the Town Board to approve residential apartments in a mixed, in a commercial setting in certain areas. Would you formulate a letter to the Town Board in that regard, so we can possibly investigate that option.

Chairman Rogan stated let's kick it around for a second, what is the intent of that, you would be allowing residential in commercial areas in certain setting, would the settings be circumstantial or geographical.

Board Member Pierro stated I think that is it is circumstantial, Costa's has.

Chairman Rogan stated you have a special use permit for that one.

Board Member Pierro stated Costa's has pre-existing but there were some violations there because an apartment turned into an SRO.

Rich Williams stated multiple apartments, right.

Board Member DiSalvo stated what do we do with that trailer that is still parked over there.

Board Member Pierro stated I understand the building is on the market and they are trying to transfer title so we are going to get that in, I'm sure.

Rich Williams stated I am not even sure who owns it at this point.

Board Member Pierro stated I think Costa still owns it. We should ask Boniello, I don't if Dave Bruen took it back.

Rich Williams stated Mike Bruen.

Board Member Pierro stated Mike Bruen took it back, that is Boniello's father-in-law.

(TAPE ENDED)

Board Member Montesano motioned to adjourn.

Board Member Pierro seconded the motion.

The meeting ended at 9:30 p.m.