

**TOWN OF PATTERSON
PLANNING BOARD MEETING
June 1, 2006
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PLANNING DEPARTMENT

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

Melissa Brichta
Secretary

Richard Williams
Town Planner

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



ZONING BOARD OF APPEALS

Howard Buzzutto, Chairman
Mary Bodor
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Maria Di Salvo

**TOWN OF PATTERSON
PLANNING & ZONING OFFICE**

**Planning Board
June 1, 2006 Meeting Minutes**

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

Present were: Board Member Mike Montesano, Board Member Shawn Rogan, Board Member Maria DiSalvo, Rich Williams, Town Planner, Gene Richards, Representative from Town Engineer's Office, Stantec Consulting Services Inc. and Ted Kozlowski, Environmental Conservation Inspector.

Meeting called to order at 7:31 p.m.

22 members in the audience.

Vice Chairman Montesano took the seat of the Chairman in his absence.

Vice Chairman Montesano led the salute to the flag.

1) MACAL/DEW SITE SIGN APPLICATION

Greg Macaluso and Bill Finney, Applicants were present

Rich Williams stated Mr. Chairman as you will recall at the work session we discussed this. I did notify the Applicant that they do need a variance for the sign and believe they are in the process of the variance application.

The Secretary stated they did come in and pick up the application they will probably be at the June 21st meeting.

Board Member Rogan stated they are here tonight. We have to do a recommendation or did we do it at the work session.

Mr. Bill Finney stated we have the application we need to fill it out and bring it in.

Board Member Rogan asked Rich please refresh my memory on the variance needed from zoning.

Rich Williams stated the issue is this they are proposing a sign that is about forty-eight square feet I believe it is. Our Code limits the size of the sign to twenty-five. The mitigating factors are that they are two separate properties and they are looking to share the one sign. There are extenuating circumstances why the Board did do a favorable recommendation to the ZBA for the larger size sign but regardless of that fact the Board can't actually take an action because the sign is larger than what our Code allows without the variance from the ZBA.

Board Member Rogan thanked Rich Williams.

Board Member Rogan stated but the justification I mean I think you will have good luck the Board felt that having the one sign would be less of a disturbance, less of a block to site visibility when you exiting your site so we get the variance we should be in pretty good shape.

Vice Chairman Montesano asked do you want to make a recommendation to the ZBA.

Board Member Rogan replied we did it at the work session.

The Secretary stated they just have to come back here July 6th.

Board Member Rogan thanked them.

2) PATTERSON COMMONS CHASE BANK SIGN APPLICATION

No one was present representing the application.

Rich Williams stated if I may, this was an application made by a sign company from Albany who is representing the Applicant, Chase Banks. There were some questions that came up about sign at the work session. They had submitted materials suggesting that they were only going to put the sign on the plaza side, after discussing it with them actually, the individual who was representing them on the phone had to go back to the Designer's to try and figure it out also, they are putting a sign on both sides, both the north side and the south side but what they are doing is instead of taking the whole ten foot long width of the sign they are breaking it in half and the half that they are going to be using is on the plaza side.

Board Member DiSalvo asked so the part that is not facing the plaza is just going to have the whole sleeve there.

Rich Williams replied let me run it to you again. The width of the pylon sign is ten feet, instead of using that whole long strip they are breaking it in half and the Chase sign not as it is represented on the picture there is going to be on the other side. It is going to be on the plaza side so there is going to be another blank section.

Board Member DiSalvo asked on both sides.

Rich Williams replied on both sides that somebody can put another sign there.

Board Member Rogan stated and then the other sign is the building mounted. Rich the other sign as the Applicant shows is on the building.

Rich Williams replied correct. It is actually two separate sign applications.

Board Member Rogan stated so the dimensions for the first sign will be about seven square feet if that is correct.

Rich Williams stated yes.

Board Member Rogan asked Maria, would you like to do the motions on this.

Board Member DiSalvo made a motion in the matter of Patterson Commons Chase Bank Sign Application that the Planning Board approves the first sign application for the free-standing sign and it will be half the size of what is there now,

Rich Williams stated five feet by sixteen inches.

Board Member DiSalvo stated five feet by sixteen inches and that will be on both sides of the free-standing sign and the second sign is 28.70 square feet that will be mounted on the A&P building above the entrance way and that will reflect the new Chase Manhattan colors which will be gray background with gray letters and blue emblem and blue trim.

Board Member Rogan seconded the motion.

Vice Chairman Montesano asked all in favor:

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

Motion carried by a vote of 3 to 0.

Board Member Rogan stated I want to add to that motion a negative determination of significance of SEQRA.

Board Member DiSalvo stated yes amend the resolution.

3) NYSEG SITE PLAN - Request for waiver of site plan

Ms. Karen Hanratty, Lead Analyst with NYSEG and Mr. Ronald Barron, Lead Engineer with NYSEG were present.

Ms. Hanratty stated I am Karen Hanratty I am the Lead Analyst in the Property Management Department at NYSEG in the Brewster Division and I have with me the Lead Engineer from our Corporate Office in Binghamton, Ron Barron.

Board Member Rogan asked could you explain the proposal.

Ms. Hanratty replied yes. What we are proposing is an expansion of our existing substation which we refer to as our Kent Substation. It is located off of Terry Hill Road, on the corner of Terry Hill and Fair Street in the Town of Patterson and a portion of it, the back end of our property is located in the Town of Kent but the equipment portion of our facilities are in the Town of Patterson. What we are doing is we want to add an additional transformer. We are proposing to expand, this indicates (referring to the plan) what is there now and we want to expand the fenced area out to accommodate an additional transformer and to allow space to have our mobile substation parked there for maintenance purposes. We are at a point now where we have to increase the capacity of our substation for the demands that have been placed on our system. That is why we are here before the Planning Board. We have already went to the Zoning Board and got a waiver for the approval there and we have come to you for a waiver of site plan approval.

Board Member Rogan asked what waiver was given at Zoning.

The Secretary replied a Use Variance.

Ms. Hanratty stated I am sorry a Use Variance.

The Secretary stated to allow it because it is in a residential zone.

Board Member Rogan asked can either you or your Project Engineer speak to the equipment, what it is used for, what kind of noise levels maybe associated with the equipment things of that nature.

Board Member Rogan asked please state your name for the record Sir.

Mr. Barron stated Mr. Ronald Barron. We are installing new 46 kb to, what is the distribution voltage,

Ms. Hanratty replied forty-eight hundred.

Mr. Barron stated forty-eight hundred transformer, which would be in the portion of the substation, and it is going to be there to accommodate the increasing electrical demand in the area.

Board Member Rogan asked is the area depicted on your map or your survey, you have a rectangular box that shows your area with the fence.

Ms. Hanratty stated this is what is there now.

Board Member Rogan asked is that fenced in.

Ms. Hanratty replied yes.

Board Member Rogan asked but the property line is the entire site.

Ms. Hanratty replied correct.

Board Member Rogan asked and how many feet between your property lines from the proposed fence at the top of your plan, right there yes.

Mr. Barron stated you have got about I would say fifty feet, forty-five feet.

Board Member DiSalvo asked how big would that mobile unit be.

Mr. Barron replied it is like the size of a tractor-trailer.

Board Member DiSalvo asked a tractor-trailer body, thirty, forty feet long.

Mr. Barron replied yes.

Ms. Hanratty replied yes they back it in and drop it there.

Board Member DiSalvo asked it won't be on wheels it will just be stationery to the ground.

Ms. Hanratty replied no it is on wheels, they back it in just like a trailer would back in. That is used when we are doing maintenance on our system because we have to take the substation off line which means they have to kill the power but you can't shut everybody's power off to their homes so this mobile substation acts as a temporary system for our voltage for everybody.

Vice Chairman Montesano asked it is a temporary system that you use while you are maintaining the other one.

Ms. Hanratty stated while we maintain the equipment. It is not there all the time.

Vice Chairman Montesano asked is that going to be a permanent mobile station location.

Ms. Hanratty replied the location will be yes but,

Vice Chairman Montesano asked in other words it is not going to be mobile,

Ms. Hanratty stated it won't be there all the time it is just when we need to go in and do maintenance.

Board Member Rogan asked so it would be brought on site at a time when maintenance was scheduled.

Ms. Hanratty replied yes.

Board Member Rogan asked how often does that usually occur.

Mr. Barron stated it is only regularly scheduled every four years. Each transformer is tested and completely gone through every four years.

Board Member Rogan asked so the portion of this proposal is that you can bring in a mobile unit.

Ms. Hanratty stated just to have room to park it.

Board Member Rogan asked once every four years for a period of what a couple of weeks.

Mr. Barron replied right and also we are adding another transformer too.

Ms. Hanratty stated this is a cross section of what it looks like.

Board Member Rogan stated I know that the Board last week at the work session was interested in seeing this site so we are going to take a look at it. We are going to go out and we realize that a representative of your company wants to be present so we can set that up with the Town Planner. That might be something we can do in the evening rather than on a Saturday.

Vice Chairman Montesano asked on this diagram we have new distribution pole location to be determined by Division. Is that,

Ms. Hanratty stated there has to be a pole placed here for the equipment, the lines coming in.

Vice Chairman Montesano stated I am looking at a different drawing apparently, because I have a pole sitting out, is that the same pole we are looking at.

Board Member Rogan stated you know what it is your map is turned.

Board Member Rogan stated I think the Chairman's question is it seems to be up in the air as to where the pole is going to be located. The notation on your map says to be determined at the discretion of and I think that is his concern.

Ms. Hanratty state we can put a stake out there to mark it but this is the location that we picked.

Board Member Rogan stated so rather than the note saying to be determined you are saying that it is going to be located and that just needs to be amended.

Ms. Hanratty stated it has been determined and that could be staked before the field walk.

Board Member DiSalvo asked now presently there is a driveway access to access this property.

Ms. Hanratty replied yes.

Board Member DiSalvo asked to set up the mobile unit you are going to have install another driveway to access that.

Ms. Hanratty replied no. We would come in the same access off of Terry Hill.

Mr. Barron stated we are going to have to widen the driveway because the driveway as it is comes into the existing substation it will come in the same way and then it will get widen out so that you can also come to the new expansion area.

Vice Chairman Montesano stated you are taking down some trees that are apparently is in the way here.

Ms. Hanratty stated there is a couple of trees.

Mr. Barron stated there is one large tree that has to come down.

Vice Chairman Montesano stated all right we better go look at this.

Vice Chairman Montesano stated okay we have to take a look at it, mark where that pole is to be designated.

Board Member Rogan asked you have also had a chance to review the Town Planner's memo.

Ms. Hanratty stated I just looked at it real quick.

Board Member Rogan stated so we will need to obviously get some of those issues resolved on the next submission and we will coordinate a site walk thank you.

Gene Richards stated Ma'am, excuse me before you take that down, just looking at your plan there, my name is Gene Richards I am with the Town Engineer's Office, where you are showing that proposed pole that is kind of sitting out in front of where you are going to need access for that mobile trailer. Is that really an appropriate place for that pole. You are going to need room to maneuver that trailer in and out of there. It looks like there is a swing gate.

Mr. Barron stated this drawing here does not show the actual location of the gate. The gate is actually going to go more over here. Karen, do you have the foundation plan drawing. This does not properly show.

Ms. Hanratty looked for the plan.

Vice Chairman Montesano stated if this will do you any good (referring to a plan) your gate on this particular one would be further closer to where the substation is to be located.

Mr. Barron replied yes that is,

Ms. Hanratty stated I don't have the foundation plan.

Mr. Barron stated that is not the final location of the gate. The gate is going more over here.

Ms. Hanratty stated we will get you the right plans because I don't have those.

Ms. Hanratty asked so you want to do the site walk,

Board Member DiSalvo stated soon.

Vice Chairman Montesano stated as soon as we can.

Board Member Rogan stated I would say within the next two weeks.

The Secretary stated Rich will give you call when they get a date.

Board Member Rogan stated so we can get modifications to the plan and we can get you back in for next month.

Ms. Hanratty stated okay thank you.

4) CLOVER LAKE SITE PLAN

Ms. Susan Bay, Clover Lake representative representing the application was present.

Ms. Bay stated Hi, I am Susan Bay I am the Executive Director at the Plaza at Clover Lake. Our application is to have accepted an amended site plan which shows the construction of a sidewalk around the building connecting all of the emergency exits to a walkway, a hard surface walkway that in turn connects to a paved surface on both ends, roads. That is so that in an event of an emergency evacuation of the residents who are largely senior citizens in the eighty to eighty-three age range would not have to walk over lawn area, which might be bumpy in order to again get to a road area. The project also involves well actually the walkway pretty much follows the layout of the ground all the way around except for on the north end of the building where the grade from the I guess the lawn area up to an existing sidewalk and roadway area. There is no way to expect residents to climb that hill so we constructed at that end a staircase and a ramp next to it which will have a fence on the left side of the stairs, on the right side of the stairs and the ramp is to the right of the stairwell and on the ramp side of the fence there would be a handrail to be used during the ramp, if the ramp was going to be used.

Board Member Rogan asked I am trying to think back to last week did we have an issue with the slope, we don't know the slope on that ramp.

Rich Williams replied yes there were two issues that came up in my review of the project. One was not knowing the slope of the ramp and there are maximum requirements for the slope for a ramp of this type the other was the lighting of the walkway. It appeared from the Building Code that there may be a minimum requirement for lighting and again, we had Paul Piazza here and he couldn't respond to either of those issues.

Board Member Rogan stated Susan what the Board discussed much like the last application was going out and just taking a look for ourselves and seeing it. We may very well be able to do it the same day as the last one it is right in the same area. I think what we would like to do is take a look at it. How are we going to address the slope issue on that sidewalk. It is already in place. Do we need them to determine the slope, do we have Paul go out and determine the slope.

Rich Williams replied if you want to we can determine the slope then and there. It is not that difficult.

Board Member Rogan stated yes just bring a tape measure.

Board Member Rogan stated okay.

Board Member Rogan stated I know that the Building Inspector did say by and large that he didn't have a problem with the placement. If they had some input they might have put them in a little bit different location but seeing as they are in we are going to go look and see if they are acceptable.

Ms. Bay stated okay.

Ms. Bay asked will somebody give us a call and let us know when you are coming out.

Board Member Rogan replied we usually elect Rich to do that to make the phone calls. Thank you Susan.

Ms. Bay thanked the Board.

5) BURDICK FARMS SUBDIVISION

Mr. Vinny Condito, Applicant was present.

Board Member Rogan stated good evening Mr. Condito.

Mr. Condito replied Mr. Rogan how are you.

Mr. Condito stated I am Vinny Condito with the Burdick Farms Subdivision I want to talk about the road improvement projects and the progress we have made at this point for this project. In March of last year we were given a Findings Statement on the project and said that mitigation for the increased traffic from the subdivision would require fixing the intersection at Ice Pond and Bullet Hole Road and the required fix was to acquire a couple of acres of barn property and the Town was then responsible for going ahead and fixing the road improvements itself. So, at that point in time I started negotiating with the property owner and continued to do that with due diligence and in January I came back to the Board and said that I didn't think I could possibly do that and that the property owner had sold the property to a new owner and I didn't think that we were going to be able to make a deal. I submitted a rather lengthy report detailing all of those due diligence and showing what went through at that point in time. At that point in time, I came to the Board and I suggested three different things. One was that maybe we could get some representative from the Town maybe the Town Attorney or the Supervisor to negotiate for the property themselves since I obviously had no leverage in acquiring that property. The second thing I asked for was an engineering study that maybe we could go back and re-study what was possible at that intersection where it might be interested for the Board and the third thing was the only new thing that we thought that we could possibly add for that intersection was a stop light, a stop light instead of a stop sign improvement and so I suggested that possibly what we could do is go ahead and change our amendment to go ahead with that way of the project. I didn't get any response from the Board in January but I did get yelled at quite a bit at the time. Basically I think it was for reasons of selling the property about five years ago in supposed in avoidance of this condition. In the meantime I went back and I have done a couple of things since then. The first thing is we did go back and talk to the new property owner, the property owner bought the property in February for about a million dollars and would sell the property back to me for a million and a half dollars so I can clearly say now that it is impossible for me to meet the subdivision, to meet the requirements from the Findings Statement. After that I then went back and made an offer to the Town Supervisor to switch places in the Findings Statement so for an offer of three hundred thousand dollars in cash I would then be responsible for helping with the improvements of the property itself and the Town would be responsible for acquiring the property themselves this way the Findings Statement would have been acceptable or attained and we could move on from that point in time. The Town Board discussed it and they came up with a finding that they thought that maybe what would have to happen is that the Planning Board would have to have some input on what would be possible other improvements that could be done to that point in the project so that is one of the reasons that I am here tonight is to discuss all the improvements that we have talked about in the past and to come up with a recommendation that we can go back to Mike Griffin with and talk about future negotiations on how we can go forward on that proposal. I also talked to Rich a little bit about that and he suggested that one thing I could do is talk to Charlie Williams and also to the Town Engineer about re-studying that intersection and then making a proposal to the Town Board that the intersection was un-safe. I wrote a letter to both of those people. Charlie is not responding to my letter and I did talk to the Town Engineer and basically they need the Planning Board to force them or ask them to go out and do that study to go ahead and do that. So, if you guys would like to go ahead and do that I would be happy to supply my traffic consultant to talk with Gene and go over the possible issues. What I did want to

do was to go over that second thing that shows the improvements that we possibly could do. What I have done is I have just taken some Google maps of the intersection and with some photo shots showing the different intersection that we have actually talked about. It is not supposed to be an engineering drawing, these engineering drawings have already been submitted many times in the past but it is just a review of what is going on. Basically, if you look at the intersection picture from the satellite photo there Bullet Hole meanders around from the north left side of the picture and goes down and then back up and Ice Pond is the intersection road there. Right now there is only one stop sign at the intersection which is on the Ice Pond side and clearly the problem is the site distances at that intersection especially where Ice Pond is looking at. The second picture there shows the Findings Statement requirement to acquire the barn property and then to smooth out the intersection so that the road is improved there and clearly the site distances is improved. It is not up to Code but it is better but clearly that is going to require taking some property from that property owner from that since I can't acquire that property myself and to make that improvement. That improvement is fairly expensive. The third picture there shows another method that we had discussed which is taking some of the property on the north side of the intersection and cutting the intersection. That was not improved in the Findings Statement but we did at one point say that the Planning Board would find that intersection acceptable and I assume it still would. Clearly there is a lot less property taken at this point but there is a septic system that would probably have to be moved in order to do that. Again, there is property that is taken and the intersection is not obviously a hundred percent fixed.

Board Member Rogan stated if I could just interject one thing on that note because you said that the Planning Board would accept it. My recollection of that was that the Chairman Herb Schech said that that may be one area you may want to consider looking at but we never really, we did get some ideas but we never had anything to affirm what was possible there so we haven't really studied that because we never knew what was available.

Mr. Conditto stated in November I came to the Board and I said that I didn't think, could you give me an option to discuss the other property with the other property owners and at that time you guys said that it would be okay to do that in lieu of the other side so that I had some option to go back and forth and I did talk to the property owners and it was impossible for me to make a deal with them as well. The point that I want to make was that it wasn't approved by the Findings Statement and is therefore,

Board Member Rogan stated I understand.

Mr. Conditto stated now the next picture shows just that we would place three stop signs on all sides of the intersection so that the Bullet Hole traffic would be forced to stop going east and west at that point in time. Looking back over the notes that we had from 2000, 2001 the biggest complaint about that intersection improvement of a stop sign was that basically the traffic wouldn't stop through this intersection but even if it didn't stop it, it would be slowed down enough possibly to improve the intersection or the line of site distance for that speed required. The next one shows a two way stop sign,

Rich Williams stated before we get too far past that one if I could just interject something that was a statement made by the engineer but it has always been my opinion that the problem with that intersection is the horizontal and vertical geometry and the stop signs present a couple of different problems. First, the approach from the southwest to that stop sign is at a ten percent grade, slippery, icy conditions somebody is going to try and stop for that stop sign, go right over the bank or right into a guard rail that would have to be erected. The other is the approach from the northeast again, we are coming up to a stop sign at a ten percent grade again, and you have problems with traffic flow when you are coming up to a stop sign. Then the third thing is we are trying to address a site distance deficiency so if you go out and actually look at the intersection in order to get the vehicles to stop and yet still be able to execute a turn off of the stop signs,

the stop signs actually have to be passed each other and there is no way that is ever going to be something that is ever going to be approved by this Town. So, yes the Town Engineer did make some statements about they didn't think that people were going to be stopping for the stop signs because they are putting the stop signs up on a through road but there are other issues with putting the stop signs up it is just not so simple as people not obeying the law.

Mr. Conditto stated I would make a point that those issues were not brought up at the time that we talked about those issues and we did have a plan that showed the stop signs there and they showed that they looked like they were correct not the way you are describing them so if you go back through the plans.

Rich Williams stated no I have seen Collins' drawings I just don't agree with them never have.

Mr. Conditto stated the next one shows a two way stop sign which is a little different basically this allows the through traffic on Bullet Hole in both directions and the only people that are forced to stop are the people making the you called it the northeast direction going on to Ice Pond so there would be a third lane in the middle of the road that has the stop only in it and the other two lanes would continue to stop and we had talked about that as well. The last thing that had been talked about was actually make it a T-intersection.

Mr. Conditto asked did that not make sense, Mike .

Mr. Conditto stated the last thing that we talked about years ago was a T-intersection, Ice Pond to let's see the eastern path of Bullet Hole becomes the through road and Bullet Hole itself has to stop and you can see here that you can make a nice T-intersection and have efficient line of site distance at that point. Now, the biggest negative of that is that the Bullet Hole Road traffic is greater than the Ice Pond traffic but in both cases it is relatively small amounts of traffic. The final one is not one we had talked about years ago but just basically a full light at that intersection like we had talked about in January. So, at this point in time we have reviewed these issues, we have talked about them previously. My traffic engineer does not have any further ideas on this intersection and I don't know if you guys do or don't. I would like I said two things one is for you guys to make some suggestion to the Town Board if any of these other intersections would be reasonable for them to proceed as a way to mitigate this traffic issue and the second thing is if you want to and I am willing to do this we can re-open up a SEQRA event to go ahead and re-study this and go back and have Gene and John Collins take a look at these intersections and decide what to do about it.

Board Member Rogan stated the original traffic study we were just talking about this before is I had guessed and thought it was around seven or eight years and it was more like ten years ago it was done.

Mr. Conditto stated well no this amount of work here was done between 1991 and 2001. The very first thing that the Board,

Rich Williams stated if I could just jump in here because you know having read Mr. Conditto's letter that he submitted in support of tonight's discussion I realize we have to be very, very particular and very careful about making sure that things are accurate. The original traffic analysis with traffic counts done by Day, Oswald & Gillespie was done in 1996, May of 1996. The subsequent study that was done by John Collins Associates which was based on the Day, Oswald & Gillespie was done in 1998.

Mr. Conditto stated but the 1996 study also had increased traffic loads based on,

Rich Williams stated well there was a two percent factor for increasing the traffic counts over the study period which was five years similarly John Collins did the same thing I mean that is just standard practices when you are looking at a build out scenario.

Mr. Conditto stated if you look at the numbers on that Bullet Hole Road itself can support about from my understanding from the traffic study is about a thousand cars per hour and right now it is doing about a hundred cars per hour so no matter what numbers you want to use for the traffic we are still miles away from where the capacity of the road is.

Rich Williams stated that comes out of the traffic study and that was based on the intersections. One of the issues was nobody has ever looked at the underlying geometry of Bullet Hole Road and there are procedures, there are methodologies to do that but they have never been applied to this project. It is one of the deficiencies in both of those studies in my opinion.

Board Member Rogan stated it is something that we could look at with a supplemental traffic study.

Mr. Conditto asked so if the Board feels or if the consultants feel that the Findings Statement was the right and only mitigation that could be possible that is fine too and we can go back and tell the Supervisor that that is the case and in that case if he is willing to accept and I am asking the Town Engineer to give a recommendation that that intersection as it is with its horizontal deficiencies is deficient then he can make a case in front of the Town Board to go ahead and say yes we need to fix that intersection now with or without the improved traffic. We are only adding twenty-five cars per hour so it is hard to say really that we are going to increase the traffic to the point where it breaks the intersection. I mean that is not going to happen. I am happy for him to say that is what I would like Gene to review this with Collins and to say hey, there needs to be something done and then the Town Board can justify taking the offer that I have presented so that we swap positions and then go ahead and annex the property and then fix it properly and then the Town Board will then have the funds to that.

Board Member Rogan stated I appreciate you providing the summary document that you did it gives a good account at least from your perspective as to how we got to where we are. I couldn't help when reading it I couldn't help but see that there were opportunities that somehow seemed like either you sabotaged them or something you had, in one part you talk about a letter of intent that you had with the former owner of the property,

Mr. Conditto stated that was in the actual SEQRA documents yes.

Board Member Rogan stated yes and then in your own words you say you turned around and then reduced your offer thereby basically destroying the deal and it seems like there are,

Mr. Conditto stated no that is not true.

Board Member Rogan stated that is what your words say.

Mr. Conditto stated well then I must have misspoke. What I said was that it was a requirement of the SEQRA document that I show that the property owner was willing to negotiate so I had a blanket statement from her at the time that said yes I am willing to negotiate and that is all it said.

Board Member Rogan stated you went on to say in your document I am using what you gave us not even my own recollection of it because my recollection is not as prevalent as your document but you had made

negotiations with the son of the owner and he was very happy with those negotiations and then you were talking further about it and then you reduced your offer by seventy-five percent and that is when negotiations stopped.

Mr. Conditto stated no, no, when I approached him, he was approached, what the documents say was he was approached five years ago with an offer and when I approached him, I approached him with a different offer but he had the assumption that the old offer was still standing which wasn't the case.

Board Member Rogan asked why would you make an offer and then change that to.

Mr. Conditto replied five years ago. There were forty-nine lots at that time. There is only thirty-seven now.

Board Member Rogan stated but the value of the property that you were looking to buy didn't change if anything that increased over time.

Mr. Conditto stated well as it is showed by the appraisal I did of the property that I was actually offering about twenty times of what was really worth. So it is hard to say.

Board Member Rogan asked who did the appraisal on that.

Mr. Conditto replied a legitimate appraisal company.

Board Member Rogan asked an accredited local appraiser.

Mr. Conditto replied yes it was Lane Appraisals out of somewhere I am not exactly sure where he is. He is off 95 somewhere. It is a legitimate appraisal.

Board Member Rogan stated you really gave a lot of information here.

Mr. Conditto stated but Shawn can I just go back. Let's take the sale price of February of a million dollars for a hundred acres that is ten thousand an acre. I was offering fifty thousand so even at that very high price I was still five times the number.

Board Member Rogan asked when you called the current owner to make an offer you knew that he paid a million dollars and yet when he said I want a million and a half you say that is an impossible deal what did you expect the guy to say. He paid a million you think he is going to say give me a million and one dollars to me that seems kind of silly.

Mr. Conditto stated no I am not asking for a hundred acres. I am asking for one acre.

Board Member Rogan stated no I realize that I understand that.

Mr. Conditto stated so I am not going to back it back,

Board Member Rogan stated so in other words the idea was because he was not willing to sell that particular portion it is not possible.

Mr. Conditto stated no what the new property owner said is that he is not willing to subdivide the property into one acre.

Board Member Rogan stated I understand.

Mr. Conditto stated for whatever reasons and he wants to sell the whole thing for a hundred acres and for a million and a half dollars and that is obviously uneconomically feasible for me to do.

Board Member Rogan stated okay I understand.

Board Member Rogan stated my last concern because you have spoken very highly that will be working for you on this project whether it be Toll Brothers.

Mr. Conditto stated it will be Toll.

Board Member Rogan stated in the beginning of your document you layout having people working for you that obviously don't listen to you and I am a little concerned that you talk about Tom Scott all through the beginning of the document giving him clear direction on Quaker Manor and making a total disaster of that project you and Mr. Koelsch requesting him to put a binder statement in that if you sell the property you can buy it back and yet he does not do that.

Mr. Conditto stated I am not his boss.

Board Member Rogan stated if you don't have control over the people that work for you,

Mr. Conditto stated I was his partner not his boss and that was his portion of the project to work with.

Board Member Rogan stated your statement seems to indicate the reason that he sold it in his opinion maybe not in yours but what you are saying is because you felt like the Town was trying to stop the project by that action.

Mr. Conditto stated we had had several incidents, what I was trying to say in that thing is that we had several incidents to us that were unreasonable requests by the Town for example we were asked to do a traffic study, okay we did a traffic study then we were asked to study intersections which were as far as two miles away from this thing. It was Fair and 311 and few other, 164 and 311. A fair number of intersections that we couldn't possibly have anything to do with and at one point in time there was talk about maybe putting an intersection light at 311 and Fair Street because of the traffic increased by the thing so there were a lot of attempts at that time which were perceived from our standpoint as unreasonable things. When this issue first came up okay so let me continue and I made this point in my little study there. This property was for sale for three years and there was a very large sign at the intersection right there that everybody in this Town probably saw and for the first three years until the very point where this property was under sale, under contract that is the very first time the Town Board,

Board Member Rogan asked the Town Board or the Planning Board.

Mr. Conditto stated the Planning Board talked about making that a requirement to deal back that property so at that time it was not a requirement and it didn't become a requirement of any official document for a year later.

Board Member Rogan asked is that because the official documents were not ready at that point.

Mr. Condito replied no.

Board Member Rogan asked because you say in here that you were fully aware of that prior to selling it otherwise you would not have asked Tom to binder on it you could buy the property back.

Mr. Condito stated well that is playing defense right. I could have played defense and done that. The approach,

Board Member Rogan stated we are beyond that I realize because it is not but my point is that your information here that you provided here to us it shows a lot of inconsistencies. In one aspect you are going to offer the Town three hundred thousand dollars which will be more than enough for eminent domain proceedings and doing the road work improvements and then in another part of your document you say Mr. Kellard estimated the work at three to five hundred thousand dollars to me that is extreme inconsistencies not with fact but with the information you provided.

Mr. Condito stated I think you are interpreting that incorrectly as well Shawn. What I am trying to say is that we sold the property, I sold the property in 2000 for three hundred thousand dollars so that is the reason I picked that number back so that Mr. Schech could feel that whatever gain, ill gotten gain was gotten from the sale of that property that I am returning it back to the Town. I am not saying that the whole intersection will be paid for in that. As a matter of fact the offer letter does not even require you to fix the intersection. What it says is you can use that money for anything that the Town deems and I will find that acceptable.

Rich Williams stated Shawn, I just want to divert from this a little bit. This was an issue that was before the Board before and it is off the table at this point. It probably should not be discussed in this detail. We do have here tonight a representative of the current property owner. I don't know if the Board wants to hear from them very briefly.

Board Member Rogan stated that would be fine.

Vice Chairman Montesano stated no problem.

Rich Williams stated at this point we have moved by this issue.

Board Member Rogan asked who is the gentleman, can you come up and state your name for the record Sir and use the microphone please.

Mr. Michael Ligouri stated good evening Members of the Board my name is Michael Ligouri I am an Attorney at Hogan & Rossi. I represent Bob Mancini he is the current owner of the property. I am here tonight with Tom Duorio who is Bob's business partner and I just wanted to make the Board aware that there was a communication from Mr. Condito's Attorney to Mr. Mancini's Broker but that was really the extent of the communication. I think it would have been a little bit more adequate to receive a formal offer in writing regarding acquiring the barn in order to dedicate that land to the Town to make the improvements. What I would like to state is that if Mr. Condito wants to make an offer to us I will leave my information here and we can leave it at that. If that is okay with you but we have never received a formal written offer to Mr. Mancini. We purchased the property on February 8, 2006 and that is it thank you.

The Board thanked Mr. Ligouri.

Rich Williams stated at this point Mr. Chairman I did provide you a memo. My opinion on where we need to go with this is we have an existing Findings Statement which is based on a Supplemental Environmental Impact Statement and an Environmental Impact Statement both and the only way to change that Findings Statement is to actually do a new Environmental Impact Statement, Supplemental Environmental Impact Statement focused on the relevant issue not open up all the other issues which for the most part have been adequately addressed at this point. That has been and continues to be my recommendation in this issue. To do that the first thing you are going to need to do is re-circulate notice to the other involved agencies of your intent to reestablish Lead Agency and to do a Supplemental Environmental Impact Statement relative to the traffic issues.

Vice Chairman Montesano asked do you want to bring this further or do you want to make a motion, or how do you want to do this.

Board Member Rogan stated one other thing that I want to add is that all through the process at least since I have been on the Board I have always said on the record to you Mr. Conditto that we have never looked at alternatives that would not require these mitigating circumstances. Now, your statements tonight seem to indicate that based on traffic studies you feel comfortable that there won't be a problem with the increased flow. I hope that is the case but if I were you I would also be looking at as an alternative build out of some lesser number that would say, and I don't know what that number is but my point is I have said many times on the record that we have never looked at that and certainly there must be an option that would mitigate not having to have these improvements.

Mr. Conditto stated I think that is fine. I think a traffic study will show that thirty-seven lots, or twenty-four lots or fifty lots would give some number.

Board Member Rogan stated as long as you are willing to put all your eggs in one basket.

Mr. Conditto stated I don't think that I have a choice. I am happy, let me make that very clear if you want to go back and re-study the traffic we will present basically the same information. I don't know how to go forward in that and we can talk it about it again during the SEQRA issues. I don't have anything new to say about that. I don't think John has anything new to say about that.

Board Member Rogan stated I think we do need to assess the traffic on the road. I mean it is ten years difference in those numbers alone.

Mr. Conditto stated well let's double from those numbers that would be what a fifteen percent change per year.

Rich Williams stated I think if we are going to do it we are going to do it.

Board Member Rogan stated rather than assume.

Vice Chairman Montesano stated I don't see any gain by,

Rich Williams stated we are not going to guess.

Mr. Conditto stated okay well that is fine. So, item one I think basically what you are saying is you are willing to open the SEQRA and I am fine with that.

Board Member Rogan stated sure.

Mr. Conditto stated item two is I would still like to go ahead and talk to the Supervisor about possibly swapping issues with the Findings Statement that we have now. Would you willing to give him some input as to which one of these intersections that we previously talked about that you might be able to consider.

Vice Chairman Montesano stated I wouldn't.

Board Member Rogan stated none other than what we have already accepted in the Findings Statement which is the realignment.

Mr. Conditto asked so just the one.

Board Member Rogan stated we also as a Board were interested in the one where you cut out the corner but you said that is not an option so there is no point.

Mr. Conditto stated no, no, again both of them as far as I am concerned are not options because both property owners don't wish to sell.

Vice Chairman Montesano asked how can we give you a recommendation if we are going to go through this entire process again and we don't have the information yet. You want us to give a recommendation mine would probably be at the present time to hold up until we get the information that we require and I am not going to say go ahead and use 'a', 'b', or 'c' that exist right now until I find out what the other stuff will be.

Mr. Conditto stated I guess what I am saying is I can't understand in my mind from an engineering standpoint what information would be new that would change your mind about one intersection or the other.

Vice Chairman Montesano stated we would have to find out if there is new. If the report comes back that everything is exactly the same that is fine but if it comes back differently then I have to consider 'a' and 'b'. I can't get oranges and apples off the same tree.

Mr. Conditto stated okay so let's say that the recommendation that you give the Supervisor and I will talk to him tomorrow about that that at this point it is only the Findings Statement that you find adequate.

Vice Chairman Montesano stated no I am not saying that to me that is more information that I would have to make a decision in my own mind.

Board Member Rogan stated I want to talk just to that point because I think what Mr. Conditto is saying is that at this point he is trying to get an idea that the Planning Board is only willing to look at what we had previously approved which was that forty-eight,

Mr. Conditto stated forty-nine.

Board Member Rogan stated the forty-nine lot which was the realignment through the area that is the barn property and that is still my position currently with the information we have. If the traffic study comes back identical to what it was five years ago I can't see how we would not be in the same boat that we are in right

now other than the fact that you changed from forty-nine to thirty-seven and so that would be maybe a mitigating factor. That would be reasonable but also before we make this motion and close this out we seem to again, have conflicts of information that not a real offer was made and you might want to revisit it.

Mr. Conditto stated I disagree. It is true that we did not make an offer, a written offer but we did exhaust it. We talked with real estate representative at that time, several times maybe four or five times we talked with him and the answer was always the same.

Board Member Rogan stated so what you are saying is that we are not willing to sell a section of the property.

Mr. Conditto replied that is correct and if we sold it it would only be for this price. That is what we were told now maybe I am happy, tomorrow we will give them a written offer of you know three hundred thousand dollars for that one acre if they take that then the Town of Patterson will be responsible for building out the rest of that intersection.

Board Member Rogan stated which the Town has been willing to look at. I just think that seems to make a lot of your troubles go away with acquiring the property.

Mr. Conditto stated of course but I guess let me put it this way the argument that I will make to the Town Supervisor is that let's say that I hand you the deed tomorrow okay that means that the Town will be required to come up with three hundred thousand or more to do that. That is going to be a requirement of the Town because I am giving you funds to improve this intersection and I expect you to do the like so that means everybody in Patterson there is what twenty thousand people in Patterson they all have to put up fifteen dollars for that intersection. Does that sound like a good deal for the Town.

Rich Williams stated just so we can be clear that is not exactly how the scenario is going to play out.

Vice Chairman Montesano stated right I agree with you.

Mr. Conditto stated let me make the third suggestion, request that I had tonight was is it possible that we could ask either because I have be ineffective at this we could ask either the Highway Superintendent or the Town Engineer to review that intersection and make a recommendation to the Town Board based on what its present safety issue is now. I mean you guys are all telling me that there is a safety issue there today.

Board Member Rogan stated I think there is a safety issue there today. I put on record every time I have observed an accident in that area.

Mr. Conditto stated I can get the Highway Superintendent to tell me that and obviously I can't ask the Town Engineer to do the work but if you ask the Town then the Board can justify doing that.

Rich Williams stated I have got a lot to think about.

Vice Chairman Montesano stated so do I. I don't know if we can. It is going to be very interesting for us to get the Town to approve the fact that we can ask the engineer to do an engineering job.

Rich Williams stated all right I will say it I just think it is an incredible conflict of interest if we are going to reopen the SEQRA process and do an engineering evaluation which the Town Engineer is going to be required to review unless he is willing to step aside and then we will have to then contract,

Vice Chairman Montesano stated maybe we can hire another engineering firm to review his engineering firm. We have consultants with attorneys we can get another consultant for Gene.

Mr. Conditto stated I don't think that we are saying that though. I think all we are saying is that we have an existing condition with no new subdivision and the existing condition as it is today is that a dangerous condition or is not a dangerous condition. I don't see what the conflict is.

Rich Williams stated I think the question is we have an existing condition that is going to be made more of a problem, worsened by the additional traffic.

Mr. Conditto stated right but that is not the issue.

Rich Williams stated no that is exactly the issue.

Mr. Conditto stated no, no basically what Mike's letter said was that without the recommendation from the Highway Superintendent and the Highway Superintendent doesn't have any new traffic to look at.

Rich Williams stated exactly what Mike's recommendation was not that he needs a recommendation from the Town Engineer but that he has no recommendation from the Town Engineer. There is a subtle difference there. It wasn't that he is looking for a recommendation it was that he was letting you know there hasn't been one and unless there is one he is not in a position to move forward.

Mr. Conditto stated that is why I am asking for the Planning Board to suggest to the Town Engineer to study that and make that recommendation so that we can say that intersection is presently safe now or not safe now. I mean basically what you are telling me, I mean you know your argument is that it is unsafe now and that one car on that intersection will break it essentially.

Board Member Rogan stated I haven't said that.

Vice Chairman Montesano stated I think we are going to go into further review & discuss it again.

Mr. Conditto asked so will you make a motion then on the SEQRA now.

Board Member Rogan asked do you want me to do this Maria.

Board Member DiSalvo replied yes.

Board Member Rogan made a motion in the matter of Burdick Farms Subdivision that the Planning Board circulate it's intent to be Lead Agent and reopen the SEQRA process for a Supplemental Environmental Impact Statement specifically regarding the traffic study and the Bullet Hole Road, Ice Pond intersection.

Rich Williams stated let's just leave it.
(TAPE ENDED)

Board Member Rogan stated I will amend the motion to be just opening the Supplemental Impact Statement for a traffic study. Board Member DiSalvo seconded the motion.

Vice Chairman Montesano asked all in favor:

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

Motion carried by a vote of 3 to 0.

Board Member Rogan commented it does not take a lot in favor tonight.

Mr. Conditto stated I noticed that.

Mr. Conditto thanked the Board.

6) D'OTTAVIO SITE PLAN

Mr. Harry Nichols, Engineer and Mr. Steve D'Ottavio were present.

Vice Chairman Montesano asked Harry do you want to tell us about what you want.

Board Member Rogan stated Mr. D'Ottavio is a very patient man. He sits quietly with a smile on his face.

Mr. D'Ottavio stated I am going gray from this.

Vice Chairman Montesano stated okay Harry the floor is yours.

Mr. Nichols stated I think one of the points of concern was the location of our discharge coming out of basin #11. We have shifted it to the south per the recommendation. I understand that there are a few numbers that have to be corrected. That will be taken care of. We have submitted a cost estimate for the bond amount. The easements that had been requested are currently being prepared and the plat being prepared by Terry Bergendorf for the final easements, we had preliminary ones before. I have one question with regard to the bond estimate. We do have to pay fees for inspection to the Health Department for water and sewer and I notice you are including it in your estimate which I did not include in mine.

Gene Richards stated that is from the Town Code actually water and septic systems have to be included.

Mr. Nichols asked even though we are paying fees to another agency we still have to pay them to the Town.

Gene Richards stated that is a Town Code requirement so that is why we added it and Tom noted that you did not so that is probably the biggest difference. I guess if you want to contest that you can go to the Town Board.

Mr. Nichols replied no I am just curious.

Gene Richards stated that is the only reason that we did include it because it is right out of the Town Code.

Mr. Nichols stated the fee comes out to just about equal to what we are paying them. It is not that much.

Board Member Rogan asked how are we doing with DEP.

Mr. Nichols replied we have gone out there and done some additional testing with them. We have submitted our reports to them.

Board Member Rogan asked they are not going to change our project around are they.

Mr. Nichols replied no.

Board Member Rogan stated I think we all would have a heart attack at this point.

Mr. Nichols stated they have the final drainage analysis and the septic designs and they are currently going through their review. I will try as I can, I will push them as fast as I can.

Board Member Rogan asked did you receive the bond calculations, did we receive those. I know that you were just speaking about it but,

Gene Richards replied you got that tonight.

Board Member Rogan stated oh, sorry.

Gene Richards asked Harry, did you look at the bond calc that we did then.

Mr. Nichols replied yes.

Gene Richards asked are you okay with the dollar amount based on the fact that the Code requires it.

Mr. Nichols stated we like the lower amount unless Mr. D'Ottavio objects to it.

Mr. D'Ottavio stated I thought the wells were high for a small well like that.

Mr. Nichols stated you could probably do it for five thousand but take five percent of that it is not big numbers.

Mr. D'Ottavio asked do you have those guidelines maybe we will get those when you get a new clock on the wall. (Some laughed).

Board Member Rogan asked Rich, obviously we need the approvals by the other agencies for final but for site plan approval, wetland watercourse permit and bond calcs what do we need done at this point to move this along.

Rich Williams replied I have one issue that I would like to kick around with Harry a little bit tonight but other than that I think we are pretty well set. Most of my comments were pretty straight forward and innocuous as far as changes to the plan and I think Gene feels the same way that we are in pretty good shape here. All the outstanding issues have been addressed. I don't know if Ted wants to rescind his negative recommendation on the project. I can tell you Dave Raines does not other than that like I said my only big

concern here is the other agencies we really don't have anything from the DEP other than that letter that questions whether they would let them go forward and put any impervious surface down within a hundred feet within that watercourse even though most of it is already there.

Mr. Nichols stated the fall back to that would be the open pavers which DEP advocates.

Rich Williams stated yeah, yeah, yeah we are going to approve open pavers for a commercial driveway.

Mr. Nichols stated well again we are caught between a rock and a hard place between your requirements and their recommendations however they have approved pavement going in when there is more than one lot being served. They are doing it on a small subdivision that we are working on in another town with DEP.

Rich Williams stated and I also understand that the person who is actually going to be reviewing this is not the person that wrote the initial letter so there may be difference of opinions in that regard also but the bottom line is that we have not seen anything from the DEP or the DEC at this point and we don't know how they are reacting to this plan or if they are proposing some changes. I know there are some design issues that you have got with the driveway entrance coming out on to Route 22. I am not so sure that DOT is going to actually approve but I am waiting to see what they do.

Mr. Nichols stated we have met with DOT on this. What they are doing is they are now pulling out all the information that was submitted at that time and the reaction of the permit engineer was he didn't see a problem with it.

Rich Williams stated that is fine.

Mr. Nichols stated because it is opposite a signalized intersection even though it is a flashing light.

Rich Williams stated if we had that here on file in writing I think we would be in much better shape.

Mr. Nichols stated they don't write all kinds of letters.

Rich Williams stated I know they don't.

Board Member Rogan asked can we do a resolution on this for the next meeting.

Rich Williams replied they essentially have met almost all of the Code requirements. They could get a conditional approval here tonight. Again, my only concern in all this is that we don't know what DEP is going to do, we don't know what DOT is going to do, we don't know what the Health Department is going to do but usually that is pretty straight forward. Harry just brought up, right now we have a plan showing pavement what happens if DEP says no pavement and they already have a conditional approval from this Board. We start over. We don't want to do that.

Mr. Nichols asked you can't make a modification to a conditional approval because of outside agency requests.

Rich Williams replied it depends on the approval. We ran into this with Deerwood Harry and I always go back to Deerwood where we approved the subdivision conditionally, we felt bad for the Applicant, it had been around for God only knows how many years and we gave it conditional approval before we had

anything from DEP. After DEP got done with it we have now five or six properties out there where their backyards are entirely stormwater ponds that if we had known that going in I don't think that project would have gotten an approval from this Town. I don't want to see the same thing happen here. The other thing is we don't want to sit here or my recommendation anyway to the Board is not to give a conditional approval that we are going to have to sit on now and give extensions for the next year, year and a half. I sympathize with the Applicant. We are ready to go.

Board Member Rogan asked what has to happen from today between not only the Planning Board but I am more concerned with the other agencies for this project to start construction. You have to get approval from the DEC for stormwater correct.

Mr. Nichols stated I have a letter from DEC. The only thing he had in there was the use of silt sacks which have now been eliminated. I have that letter which I will give you a copy.

Board Member Rogan asked so you get DEC approval, DEP approval, State DOT approval, Town approval,

Mr. Nichols stated Health Department.

Board Member Rogan stated Health Department those five agencies and then when that is all said and done you have got your final site plan and you apply for your building permits and start your construction. I am trying to understand the process outside of this Board to realize how everything ties in.

Mr. Nichols stated we do have to appear here to have the approval granted.

Board Member Rogan stated it is amazing how many agencies are all involved in this process.

Vice Chairman Montesano stated the fun of it all is no matter how good you are or how much you want to see a project get done there are certain key issues that you are stuck with and like the man said you didn't make the rules you are just stuck with them. It is the same way with most applications and unfortunately you try to improve on a process and it can get extremely difficult.

Board Member Rogan stated so what we need really is we need some kind of either approval or letter of intent with acceptance of the plan as it is from DEP.

Mr. Nichols stated you review tonight's memo that would indicate or reflect that there are no significant changes.

Rich Williams stated yes I mean I would certainly feel more comfortable making a recommendation, if the DEP issues to us a notice of a complete application.

Board Member Rogan stated that is reasonable.

Vice Chairman Montesano asked can we do the bond calculations on this.

Board Member Rogan stated that may change.

Rich Williams stated absolutely.

Board Member Rogan asked yes.

Rich Williams replied yes.

Board Member Rogan asked if DEP changes something on their stormwater that won't change those calcs.

Rich Williams replied I am really more concerned about the driveway.

Board Member Rogan asked do you want to do the bond calcs.

Vice Chairman Montesano replied it is up to you.

Board Member Rogan stated go right ahead Mike.

Vice Chairman Montesano made a motion in the matter of D'Ottavio Site Plans that the Planning Board recommends to the Town Board that the performance bond be set in the amount of \$414,000.00 with the inspection fees of \$20,700.00. Board Member DiSalvo seconded the motion.

Vice Chairman Montesano asked all in favor:

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

Motion carried by a vote of 3 to 0.

Board Member Rogan stated get a letter from the DEP and wrap this one up.

Rich Williams stated there are a couple of outstanding issues that I would like to just touch on. One of them being we did hold the pubic hearing, we do need to take an action within sixty-two days that would be June 29th at the latest at our work session unless the Applicant and the Board are going to agree to waive those requirements.

Board Member Rogan asked what is the likelihood because if he got the information from the DEP that he needs we could do it on the 29th.

Rich Williams replied sure you could.

Board Member Rogan stated but if not why don't you waive those requirements just in case you don't get it done by then.

Rich Williams stated there is a letter that they would need to sign off on that we can give them a copy of if they are so inclined to sign off on it if not then the Board will have to take an action on the 29th. The other issue I just want to kick around this issue that you and I keep going back and forth on, on the berm in the back and I have just suggested essentially so everybody is aware of what it is, on the eastern side of the property he is talking about putting an earth and berm up to prevent any runoff going down the slope and my suggestion was that he put the earth and berm up and put some sort of emergency spill way in it, rip rap with some geotextile underneath so that if water ponds up in there while he is doing the rest of the

excavation on the site the water has a place to go. Harry is pretty insistent about he does not want to do that and he wants to put the drainage system in all the way through the pond.

Mr. Nichols stated I am not fighting you on it I am just debating it with you.

Rich Williams stated that is fine we are debating it here.

Mr. Nichols stated my concern was if you go in there you create the berm prior to having a place for the water to go, you are going to be subjected to more of a chance of that berm material eroding down the slope. If we do nothing more than cut trees down in that area, don't disturb the cover of the roots but we then put our pipe and inlet in which will take the water away and take it to the detention pond and once that is functional we then go in and place the berm in. That was my thoughts on it now if you want it done the other way we will do it the other way.

Rich Williams asked well maybe you could educate me as to why that way is better than the way I am suggesting. Here is the way that I see it in order to put that drainage system in you have got to put the manhole in next to Building "A" correct.

Mr. Nichols replied you mean here yes.

Rich Williams asked is the top of that manhole going in at grade.

Mr. Nichols replied the top is 508 and a half and the grade is roughly 508.

Rich Williams asked 512.

Mr. Nichols replied no.

Rich Williams asked existing grade.

Mr. Nichols replied you are talking about existing grade. The existing grade is 512.

Rich Williams stated right so you need a four foot cut.

Mr. Nichols stated we can cut out the slot.

Rich Williams stated yes but that manhole is what eight feet in the ground so now you have got a fourteen foot hole that you are working around. Would it not be easier just to take that whole area down to grade one shot.

Mr. Nichols stated as I said we will do it either way.

Rich Williams stated I am just looking for the easiest way to build this site out.

Mr. Nichols stated my concern was to go in disturb it and place the berm and then end up with an erosion problem going down the back slope then we would be subject to criticism and if we try to put the pipe in first before we put the berm in.

Rich Williams stated no you are going to put the berm in, you are going to seed it right over, you are going to get some good grass growing in a few days that will keep it stable.

Mr. Nichols stated okay.

Rich Williams stated meanwhile you can go in and then do all your cut sections because you have got to cut I mean the catch basin you have got to cut down a foot and the manhole you have got to cut three feet in that whole area and I just thought it would be easier to go in there with a machine and do the cut in one quick and easy operation.

Mr. Nichols stated as I said we will perform to what you are requesting.

Mr. Nichols asked you are sending the bond over to the Town Board.

Board Member Rogan replied yes.

Mr. Nichols asked Rich do you have that form you could fax to us.

Rich Williams replied sure or Steve can stop in and sign it.

Mr. D'Ottavio replied I will stop in and sign it.

Mr. Nichols and Mr. D'Ottavio thanked the Board.

7) BEAR HILL SUBDIVISION

Mr. Rob Cameron, Insite Engineering was present representing the Applicant.

Ted Kozlowski stated it is nice to see that vernal pond (unable to hear).

Mr. Cameron stated I am glad we made you happy.

Mr. Cameron stated we have submitted this five lot subdivision plan which four lots are proposed to be developed. We are here tonight to ask for minor subdivision approval. I am also requesting a SEQRA determination. I need the SEQRA determination so I can get the stormwater submitted to the DEP so if that could be accommodated tonight I would appreciate that because that was one of the comments that Rich had that we do need to start to address stormwater. I would like to get that plan submitted to the DEP.

Board Member Rogan stated in your review memo Rich you show that we did the classification of this in February.

Rich Williams stated yes.

Board Member Rogan asked did we do it as a major and then we switched the lot count and now we are looking for a minor because I don't recall.

Rich Williams stated we initially did it as a major many years ago. I believe in February we re-classified it as a minor.

Board Member Cameron asked did the Board actually vote on that.

Rich Williams replied I believe so yes.

Board Member Rogan stated February 2nd that is why I was asking the question.

Mr. Cameron asked I do have a question for you, on one of your comments was that we need to go to the DOT. Why would we, I am not proposing any changes. Didn't you have a comment.

Rich Williams asked comment or did I just list them as a referral agency.

Mr. Cameron replied yes.

Rich Williams stated that may have been a carry over from a long time ago. I don't know that I would suggest that you go. Gene do you see any reason why he should go to the DOT.

Gene Richards replied from what I can see as Rob said they are not modifying the entrance so unless you are running drainage down to 311 and you are not doing any other improvements then no there would be no permit from them.

Mr. Cameron stated I think most of the other comments I will be able to address except the hammer head.

Rich Williams stated yes we were not going anywhere until that got brought up.

Mr. Cameron stated that was originally proposed on one of our earlier plats when it was not known that this was not the Applicant's property with that condition, I mean we were planning on grading off into here but we can't do that now. This is an extremely steep hillside. I don't know how we could accommodate a turn around.

Rich Williams stated I have not gone up there and taken a look at it. I don't know that anybody from Gene's office has either but I wanted to get the Board's feeling on considering the number of lots that are being proposed out there whether the Board still wanted to pursue a hammer head. We had looked initially years and years ago back in the early nineties at doing a cul-de-sac out there and recognized that it just wasn't feasible. I am talking about 92 now 93 different configuration all together we came up with a concept of having a hammer head out there at the end to provide for some sort of turning around for trucks and emergency vehicles and cars that wandered in there by mistake. Currently at the end of this long road there is no,

Vice Chairman Montesano stated we have plenty of driveways.

Rich Williams stated I don't know what the Board's pleasure is.

Board Member Rogan stated I am fine with not providing the hammer head.

Board Member Rogan asked Ted have you had a chance to look at the latest plan on Bear Hill Estates. We are away from that vernal pool which I am very happy to see.

Ted Kozlowski stated yes very happy about that.

Ted Kozlowski stated the trade off in my mind Shawn was I think that is Lot 1 or 4, what is that one.

Mr. Cameron stated five.

Ted Kozlowski stated the expansion of the septic is in the buffer zone but that to me was a trade off for losing the lot for the vernal pond. I just thought that the Applicant giving up on that sat well with me.

Board Member Rogan stated asked the grading on that house Rob on Lot 5 you have got about fourteen foot of elevation change from top corner to opposite corner on that house. That is going to provide for some interesting topography around that house.

Mr. Cameron stated actually I was planning on having like an open basement, the garage would enter through that and the first floor would be above that. I was just going to grade the house right into the hillside. The main floor would be at the grade elevation and the basement would be at the garage entry the lower elevation.

Board Member Rogan asked so looking from the road the slope is going to go from right to left, it is going to go down gradient.

Mr. Cameron stated right it is going to go down gradient into the garage so you are going to enter it like drive right into the garage and then you are going to walk up grade to get to the first floor.

Board Member Rogan stated it is a shame to have such a large lot and such a little area to use. I agree with what Ted said about the trade off from the other side of the road.

Board Member Rogan asked Rich one question that I have if we do a SEQRA determination tonight it says then we can start the public hearing process but do we have to start it. Do we have time that we can work through the review and then set it.

Rich Williams stated yes procedurally I prefer to see the SEQRA process started that tells you you have got a complete application and then go right into the public hearing. I don't think that there is any requirement that you do that, that you do the public hearing right away like I said the only concern is when you do a SEQRA determination you are basically saying you have got a complete application. Once you have got that then the clock starts. As long as the Applicant acknowledges that there is going to be some duration of time over and above what is normally allowed while they work out the issues with some of the other agencies and such.

Mr. Cameron stated we have no problem to granting an extension of time if that becomes the case.

Ted Kozlowski asked can I ask a question.

Board Member Rogan replied sure use the microphone please Sir.

Ted Kozlowski asked the vernal pool, that section that remains part of Lot 5 what happens to that.

Mr. Cameron replied three.

Board Member Rogan stated part of Lot 3.

Ted Kozlowski stated part of Lot 3 okay, which snakes around Lot 1.

Mr. Cameron replied well it snakes around the lands now or formerly of Morrissey. Basically this guy will never do anything or use it.

Board Member Rogan stated it would not be very realistic for him to use any of that.

Ted Kozlowski asked are the other lots conforming.

Board Member Rogan stated four acre.

Ted Kozlowski stated no I mean Lot 1 would it be,

Rich Williams stated they are all conforming.

Mr. Cameron stated yes Lot 3 is 4.93.

Board Member Rogan stated except for Lot 4, which has a variance.

Rich Williams stated there is one more issue I would like to just make everybody aware of I talked to Dave Raines earlier and he has done a recommendation on this, don't kill the messenger, apparently Paul has it and he has not yet released and I am not sure why. Dave Raines is our Fire Inspector, you know what he is looking for.

Mr. Cameron stated a turn around.

Rich Williams stated no.

Vice Chairman Montesano stated it starts with a t.

Rich Williams stated he was looking for a twenty thousand gallon water supply with a dry hydrant.

Mr. Cameron stated I guess I will cross that bridge when I get the memo and see what the criteria is. I know there is a State Fire Code and NFPA criteria but honestly I don't think for the size of this subdivision that it would meet that requirement. At this point in time I really can't answer that so after I get the memo I will look at it.

Ted Kozlowski stated sprinkler the houses and it will take care of that question.

Board Member Rogan stated we have not even done Intent to be Lead Agent on this. We will do that first.

Board Member Rogan made a motion in the matter of Bear Hill Subdivision, Bear Hill Road that the Planning Board declares their intent to be Lead Agent and conduct a coordinate review. Board Member DiSalvo seconded the motion.

Vice Chairman Montesano asked all in favor:

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

Motion carried by a vote of 3 to 0.

Board Member Rogan made a motion in the matter of Bear Hill Subdivision that the Planning Board finds that there are no significant environmental impacts and grants a negative determination,

Rich William stated wait, wait.

Rich Williams stated if you are going to do Lead Agency you need to circulate to the other agencies and they need to respond or thirty days needs to elapse before you make a SEQRA determination.

Board Member Rogan stated okay I am sorry. I thought we could do both tonight. I apologize.

Mr. Cameron stated unless you did it as an un-listed action then,

Rich Williams stated un-coordinated.

Mr. Cameron stated un-coordinated yes.

Rich Williams stated that is true but then DEP is going to make their own determination. The DEP gets to determine whether they are going to issue a neg dec or pos dec. That is the problem.

Board Member Rogan stated Melissa, please strike that second motion.

Board Member Rogan asked so what do we do get back approvals that we are Lead Agent and at the next work session we could even do it well it is thirty days that they have to respond. If they don't respond within thirty days does that mean by default then you are,

Rich Williams replied yes.

Board Member Rogan asked do they usually respond Rich or do they sometimes just,

Rich Williams replied DEP typically always responds, Health Department will some of them don't.

Board Member Rogan asked if an agency contests Lead Agency status not that it would in this case but I am thinking of other projects is that where you need an outside agency or an outside individual to look at the I am thinking of Patterson Crossing,

Rich Williams replied the Commissioner of DEC then makes the determination.

Rich Williams stated Rob, what I need is six copies of the application and the site plan to circulate to the other agencies.

Mr. Cameron asked are we able at this time to do a public hearing. Can we start that. I mean you could do the determination at the public hearing. I would like to just start the public hearing. I mean if you want we can always keep it open. I would like to start to get comments if any on this to resolved those as early as possible if there any.

Rich Williams asked was there ever a clear direction on what to do about the hammerhead.

Vice Chairman Montesano stated I can see that would be the most sensible thing that we have discussed as far as putting some form of a turn around so that we don't have to use other people's driveways every day.

Board Member Rogan asked what happens when they plow up this road.

Rich Williams stated they push it off to the side.

Board Member Rogan asked they back up and do what pull into someone's driveway.

Mr. Cameron stated it is wider up at the top so they do plow it off to the side and I don't know how the trucks, I mean you can see that it is wider in here and they just push the snow off to the side.

Vice Chairman Montesano asked if we recommend a hammerhead do we have to contact our Highway Superintendent to see his reaction.

Board Member Rogan stated the flip side is could we request a recommendation from Charlie just specific to that issue. He is not going to respond.

Rich Williams stated I don't know that Charlie is going to respond. We can ask and make the request.

Vice Chairman Montesano stated it is our recommendation that you accept it because that is what we are going to approve.

Board Member Rogan stated my point is if the Highway Superintendent does not have an opinion on whether or not he needs a turn around space up there for plow trucks. If he does not weigh in on it then I don't think we need it. It is his court.

Board Member DiSalvo stated if he does not need it there now.

Rich Williams stated I will send him a letter over.

Board Member Rogan asked do you guys see it as any,

Board Member DiSalvo asked has he ever expressed a concern about it.

Vice Chairman Montesano stated no I don't see any reason for it the hammerhead is there that would be the most sensible for the design.

Board Member Rogan stated my point is if Charlie says you know we don't need a hammerhead there then there is the Highway Superintendent saying we don't need and not this Board.

Vice Chairman Montesano stated well you are going to need the opportunity of the truck being able to go this way and plow this out then you can either back it around.

Board Member DiSalvo stated they are doing that now.

Vice Chairman Montesano stated this gives you a little more leeway.

Board Member Rogan asked so if we were to entertain the idea of setting a public hearing on this we would have to do it contingent upon approval of Lead Agency status and a SEQRA determination prior to the public hearing correct.

Mr. Cameron stated I don't think there are any requirements.

Rich Williams stated no you would not have to do it contingent on anything.

Board Member Rogan asked you would set it and if those conditions were not met you would just cancel it.

Rich Williams replied no there is no requirements that you have those as conditions.

Vice Chairman Montesano stated you can have the public hearing and it is a public hearing.

Rich Williams stated the only reason that I raised the issue of the hammerhead was the property owner's at the end. If we are going to require a hammerhead out there that may require considerable grading and such and it is going to be a bigger impact on them they are going to want to know about that and if there is not any requirement then we are good to go with the plans there. I don't see any additional changes really.

Mr. Cameron stated what I can do is come up with as best as I can do I did explain that we are limited on area here as far as what we can do for grading I will grade this out as best as I can to increase that area and I can submit it as alternate if you want.

Rich Williams stated you can do that.

Vice Chairman Montesano stated it would give us something to work with then we can go from there.

Mr. Cameron stated if the Highway Department says this thing works fine then we don't have to do it.

Board Member DiSalvo asked are we holding off on the public hearing.

Board Member Rogan replied no it sounds like we can set it.

Board Member DiSalvo made a motion in the matter of Bear Hill Subdivision the Planning Board schedules a public hearing for July 6, 2006 meeting. Board Member Rogan seconded the motion.

Vice Chairman Montesano asked all in favor:

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

Motion carried by a vote of 3 to 0.

Board Member Rogan asked Rob, Lot 1 the house, the corner is right at the rear yard setback it leaves the people that eventually own that house very little room to do anything in their back yard in terms of pools, outbuildings or whatever without, is there any way that you could pull that house forward a little bit to give them a little bit more usable room for a backyard. If you look between the septic area and the rear yard setback you have got a very small triangle of maybe a thousand square foot to use as a backyard for any kind again, say a pool for instance.

Mr. Cameron replied I could shift a little bit. Honestly, when their septic area is graded all off that is really going to be their backyard. It is going to be on top of the septic just like my house. My backyard is my septic field and that is where I do anything.

Board Member Rogan stated yes but certainly you would not put a pool over your septic area would you.

Mr. Cameron replied no I can move the house farther away. I will just shift it over.

Board Member Rogan stated just consider that because again they have four acres and they have a thousand square foot of a yard area for structures.

Vice Chairman Montesano asked you have an application fee too.

Mr. Cameron replied yes I will take care of that. It was in Rich's memo.

Mr. Cameron thanked the Board.

Board Member DiSalvo stated remember when we did the site walk we were concerned about where one of the driveways was going to go on one of the lots that it should not be directly going down into that woman's driveway, the house that is there now.

Rich Williams stated I don't recall right now.

Mr. Cameron thanked the Board.

8) FIELD & FOREST APARTMENTS SITE PLAN

Mr. Harry Nichols, Engineer was present representing the Applicant.

Vice Chairman Montesano stated we have a bond recommendation.

Mr. Nichols stated we accept the bond amount.

Board Member Rogan asked is everybody okay with this.

Vice Chairman Montesano replied yes.

Board Member Rogan asked Gene you are fine with the bond calcs.

Mr. Richards replied you have my recommendation, Tom McGinn looked at the calcs and came up with our numbers, which are higher than what Harry submitted. Again, primarily because of septic and water.

Board Member Rogan stated Harry says he agrees fully with anything that you have to say tonight something along those lines.

Board Member Rogan made a motion in the matter of Field & Forest Site Plan that the Planning Board recommends to the Town Board to set the bond amount at \$806,000.00 with the appropriate inspection fees being \$40,300.00. Board Member DiSalvo seconded the motion.

Vice Chairman Montesano asked all in favor:

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

Motion carried by a vote of 3 to 0.

Mr. Nichols thanked the Board.

9) EASTERN JUNGLE GYM SITE PLAN

Mr. Rob Cameron, Putnam Engineering and the Applicants were present.

Mr. Cameron introduced himself and stated with me tonight is also the owners of Eastern Jungle Gym.

Mr. Cameron stated at the last meeting I thought we could address most of the comments and in Rich's most recent memo he expresses some additional concerns. I think the larger one to address here tonight amongst some of the others is the diesel tank where they are filling the trucks. I understand that you had gone out there and you had noticed that there was a spill or some diesel fuel.

Rich Williams stated it was leaking down the side of the tank on to the parking lot yes.

Mr. Cameron stated oh, it was leaking down the tank.

Rich Williams stated I have been out there twice, most recently to look at the stream with Ted and both times the nozzle is just left hanging down on the side of the tank and whatever is in the hose is leaking down the side of the tank on to the parking lot. Regardless of that, I mean that is something that could be corrected with appropriate training with the employees, regardless of that if you go through the DEC regs I believe the DEC regs talk about whether you need containment for a fuel tank over a thousand gallons mandates that you have it in a secondary containment.

Mr. Cameron stated actually this tank is in a secondary by the,

Rich Williams stated besides that.

Mr. Cameron stated so you are asking for a third containment.

Mr. Honigsberg stated and that is okay. What would your recommendation be for a third containment because the tanks that they did sell, the ones that were smaller were single wall and they were in like a dyke with the two rubber flaps on top and then when it went to this tank you eliminated that because of the double wall tank and there is an inspection port that can be checked so that you will always know whether or not that inner tank is failing. If there is something else that is sold, I called Ira Conklin the company that sold the tank to me.

Rich Williams stated there is a couple of different ways I believe you can go. One is to have an electronic monitoring system within that port so you always,

Mr. Cameron stated have a high level alarm.

Rich Williams stated if there is a leak right. There are a couple of other additional features that I believe you have to put on the tank to make sure that there is no spill while you are filling the tank. There is a couple of other things. They are all in the DEC regs. Those regs are right on line if you want to take a look at them. So, you can go that way by putting in an electronic alarm, which feeds into the interior of the building. You probably want to talk to Dave Raines, the Fire Inspector a little bit about that I am sure he has a lot more expertise than I do on that and the other is just that dyke. Just a concrete dyke around the tank.

Mr. Honigsberg stated his name and stated Rich, when I called the company that sold me the tank it was funny they didn't have a product to sell because it was already sold as a double wall. What he did recommend was to call a precast company that sold septic tanks and he said they would probably have something of a design that the tank would sit inside that so that if there was ever a leak it would go inside that precast.

Rich Williams stated that would be good or you can manufacture it yourself.

Mr. Honigsberg stated pour the forms,

Rich Williams stated yes just make sure they are sealed up.

Ted Kozlowski stated we are just worried about a catastrophic.

Mr. Honigsberg stated that is understandable.

Ted Kozlowski stated we are worried about a catastrophic leak and going right into the stream. That would go right into Clover Lake and that is what we are worried about.

Mr. Honigsberg stated I understand.

Ted Kozlowski stated you have a lot of stuff going on there somebody could back a truck up into it, you know things could happen and things usually do happen not intentionally, not something that you are doing maliciously.

Rich Williams stated like I said, I reviewed the DEC regulations for this and I believe, I am a little concerned the way DEC does things because it is a self assessment that the DEC expects but based on my read of their regulations I think it is required as part of the permit. They are basically saying you have already done the self assessment. It is as much to protect you as it is to protect the environment.

Mr. Cameron stated I guess if we went with that precast tank I could eliminate the bollards then.

Rich Williams replied yes absolutely.

Mr. Honigsberg stated they would almost be the bollards.

Rich Williams stated yes.

Mr. Honigsberg stated so I would do it either through the precast or pour it out ourselves that is reasonable to me.

Mr. Cameron stated I did go out and check that parking and I measured this out and that is right where that line is.

Rich Williams stated okay.

Mr. Cameron stated these a/c units are right here it is like 4.5 feet away from the a/c unit. I measured it from this corner of the building out there I think it was like thirteen or fourteen feet and that is right where it is at.

Rich Williams stated all right I am not going to dispute it.

Mr. Cameron stated we can address the trash container the hundred foot setback I will take care of. The excess parking spaces,

Rich Williams stated let's take a step back to the trash container. One of the issues is that has always been a concern with the Board about having open containers and blowing trash. The Board is okay with an open container out there.

Vice Chairman Montesano replied no it has got to be covered.

Mr. Honigsberg asked what is the alternative to an open container because that is pretty much what I have seen anywhere where they have those type containers. It is a big twenty yard container.

Board Member Rogan stated it is a twenty yard container.

Mr. Honigsberg stated thirty yard I am sorry which means it is a twenty with higher walls. I thought earlier that we had said that the fence is up along the water that is going to catch if anything did blow out up against that fence and it would not go into the stream. As far as that container goes it is not visible, the only time that I have every seen them screened off if it is at the mall or if it is something that is visual. This is in the back of the building.

Board Member Rogan asked what constitutes the majority of the garbage that you are throwing into this because you obviously need a thirty yard.

Mr. Honigsberg stated a lot I would say is wood scraps.

Board Member Rogan stated I guess that is where I am thinking at this if we have it at a facility like a Dunkin Donuts for instance. You don't want the garage to fly out, you don't want the crows to get into because there is a food hazard. In this case, that portion of worker's lunches and stuff is minimal comparative to wood scraps and things that they are using so it is less apt to fly out so I can understand not having it completely fenced in in that case. Still of course having the fencing that we just spoke about along the wetland. I mean that is reasonable.

Vice Chairman Montesano stated what I am worried about is with all the debris that is in there, it is an open container if we get a night like tonight all that moisture coming down at one shot so you could get a half inch of water pouring through that running down there and through the parking lot,

Board Member Rogan stated the containment area that we usually talk about is just fenced in it is not water tight. I mean routinely it is a matter of aesthetics.

Rich Williams stated but there is more than that I mean Mike has a valid point for the average dumpster they are all supposed to have lids and the lids are supposed to remain closed. You are not supposed to have garbage piling in. Again, we go back to there are some big differences here in that what they are using the dumpster for is generally wood products there is not a lot of contaminants.

Board Member Rogan stated there is not a lot of contaminants right. If they were putting things in these dumpsters that were more hazardous I could understand some type of an apron or something that would collect the water and either hold it or put it to some type of treatment something but I don't think that is the case here either.

Ted Kozlowski stated what is the twenty percent that goes in it.

Mr. Honigsberg replied probably the office bags, paper, and cardboard.

Ted Kozlowski asked you don't recycle. (Some laughed)

Ted Kozlowski stated I am sorry that was a cheap shot. So, what I am getting out is if you want to throw paints in there, solids,

Mr. Honigsberg stated no.

Ted Kozlowski stated I know you are not allowed to but,

Mr. Honigsberg stated but we don't.

Board Member Rogan asked Maria, how do you feel on this trashy subject.

Board Member DiSalvo stated I don't have a problem with them not putting a cover on.

Board Member Rogan asked how about you Mike.

Vice Chairman Montesano stated no as long as there is not going to be any, I will take his word for it.

(TAPE ENDED)

Board Member Rogan stated because of the type of business, number of employees I didn't see a problem with that parking because that is for people who are going there to buy something and employee parking and there is not a lot of traffic in that regard. I am glad that most of the spaces are the full width because maybe not with gas prices going up now but right now we drive very big vehicles and you go into these nine foot spots and there is not enough room to get out the truck so I would be fine with reducing that standard to the twenty-four parking spaces of which all but one stall #20 that would be nine foot wide all the others would be ten foot wide.

Mr. Cameron stated twenty is actually an odd spot. It is nine at one end but it is like twelve at the other end. If you have a mini-van like mine and your doors are in the front it is perfect.

Board Member Rogan stated if you remember when the Board first walked this site the main concern was that a lot of those areas that is designated for parking was being used for building debris. I mean when we first went out there and so if we use that as parking the way it is designed I don't see that as a problem.

Mr. Cameron stated and they are doing that now actually.

Board Member Rogan stated the last two or three times that I had been near and by the site I thought it looked pretty good. I have driven by and I know it took a lot of effort on you guy's part and I appreciate that.

Mr. Mark Honigsberg stated we are trying to accommodate.

Mr. Scott Honigsberg stated and just so you know this is our busiest season and now it tapers down (unable to hear the rest of his statement).

Board Member Rogan made a motion in the matter of the Eastern Jungle Gym that the Planning Board allows for the reduce number of parking spaces the number being twenty-four parking spaces of which one does not meet the code requirement of ten foot wide that is stall #20 which will be nine foot wide at its entrance. Board Member DiSalvo seconded the motion.

Vice Chairman Montesano asked all in favor:

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

Motion carried by a vote of 3 to 0.

Board Member Rogan asked Rich, do you want to speak to item number six, the potential fire hazard with the extra box truck that potentially would be on the site.

Rich Williams stated multiple box trucks. Previously, you heard from the Fire Inspector who made a recommendation that at a minimum through that lumber storage area to the rear of the building there should be an aisle. I concur with his concerns over the issue with trying to get to the back of the building in case there is some sort of fire in the middle of the night and I raised the issue about all the various features that

are being proposed to be placed behind the building are going to severely limit the access to that rear of the building. In the middle of the night if there is a fire and the likelihood, I don't know that there is any likelihood of that occurring but if it were to occur on the site it is most likely to start in the manufacturing area of the building which is the rear of the building which is where all the equipment is being stored. I raise the concern that there may be just too much going on behind the building to have safe access during a fire emergency.

Mr. Honigsberg asked would that be because of the trucks that are parked. Is that the concern because I read the memo.

Rich Williams replied it is a combination of everything. The truck by themselves I don't think is that big of an issue, the lumber by itself is not that a big issue.

Mr. Honigsberg stated okay so it is the both together. If I was to propose and we have them doing part of it but if I was propose to park the trucks where the spots are because the trucks are not twenty feet, they are fourteen foot long, all the box trucks and they are actually very short turning radius, better than cars. They fit in any standard parking spot at the mall, at the store, at the deli anywhere. We could park them in the spots. The only time that they would need to be parked in the back of the building is the scenario where everybody came to work and the installers and they didn't go out and the trucks stayed there and that just does not happen. The installers come in they take the truck so the trucks would be park in the parking spots where we park them now. You would not want to see all the trucks parked with all the material in the back and no entrance into the back of the building.

Rich Williams stated from a fire safety,

Mr. Honigsberg stated from a fire safety point.

Rich Williams stated from a fire safety perspective I would be more comfortable with a scenario like that.

Vice Chairman Montesano stated yes definitely.

Mr. Honigsberg stated and for us it just made more sense, there is so much available now since we moved all the building materials, the trucks can be parked on the side of the building because the parking lot is empty. I don't know if you have driven by but have you seen it with the trucks are lined up nice and neat in the parking spots.

Board Member Rogan asked are they line up in the parking spots,

Mr. Honigsberg stated on the side of the building where the cars are parked generally. It is at the end of the day and that is the best place to park them.

Board Member Rogan asked you don't mean the parking that is next to Northeast Mesa. You mean closer to your building.

Mr. Honigsberg replied actually either side would be fine. The proposal was if everybody was at work and nobody left to go install which does not happen there is enough spots for the employees, the customers and all the trucks there at the same time. It just makes no sense, somebody comes in and they are working on the truck, they take the truck and they leave.

Board Member Rogan stated fine.

Rich Williams asked that scenario is okay.

Vice Chairman Montesano stated yes as long as it is not going to be an obstruction if they want to get back there.

Rich Williams stated I guess the reality is if the installers are not going out they don't need the employees so.

Board Member Rogan stated it looks like the rest of the issues are pretty minor.

Mr. Cameron asked so I will just take all these trucks off and indicate that the trucks will be parked.

(Too many talking at the same time unable to transcribe).

Mr. Cameron stated I guess it would be on the Mesa side because obviously if we parked them on this side we are again, in front of the building.

Vice Chairman Montesano stated the lights they have never been installed and they are not on this plan and they were on the original plan.

Rich Williams stated and I am not suggesting necessarily that they have to go in.

Vice Chairman Montesano stated they were on the original if we are going to eliminate them we can eliminate them and we don't have to worry about it being on the original because you didn't put them on.

Mr. Cameron stated right because they are not there.

Rich Williams asked that is okay they are out.

Vice Chairman Montesano replied I am just trying to see what is the benefit of having them versus not having them at all.

Rich Williams replied lighting the parking lot.

Mr. Cameron stated we don't need to light. I think they were shown, where were they shown, shown in the back.

Rich Williams replied one was up around parking space 17 and the other I think was in the back.

Mr. Cameron stated we don't really need to illuminate anything back over here. It is going to illuminate the guy over here and this guy has a bunch of lights over there already. I prefer not to unless you want extra light.

Mr. Honigsberg replied no.

Mr. Cameron stated the only illumination,

Board Member Rogan stated it is a pretty secure site with wetlands all behind you. If they walk in through there and take something God bless them.

Mr. Honigsberg stated they can have it exactly.

Vice Chairman Montesano asked that parking lot light up in the front is it satisfied that he don't have it.

Board Member Rogan stated I am sorry Mike I did not hear you.

Vice Chairman Montesano stated we eliminated the rear parking light. The one up in the front of the building do you feel that would be necessary there.

Board Member Rogan asked what kind of parking lot lighting currently exists and is it sufficient for people when they are coming out of the building when it is dark out going to their cars for safety and that sort of thing. If it is not then I would say throw in some type of either building mounted or pole.

Mr. Cameron stated we have the building mounted lights along this side.

Board Member Rogan asked and they cast out into the parking lot.

Mr. Cameron replied yes.

Vice Chairman Montesano asked is that going to be sufficient for that whole parking lot.

Board Member Rogan asked are they on right now.

Mr. Honigsberg replied they are automatic, when it gets dark they go on.

Vice Chairman Montesano asked and they will cast enough of a shadow to go in those parking areas.

Mr. Honigsberg asked the lights are they bright enough.

Vice Chairman Montesano replied yes.

Mr. Honigsberg replied yes. I think they were too bright that was the issue. They needed to be covered.

Rich Williams stated we are talking about changing them out and shielding them.

Mr. Mark Honigsberg stated most of the customer parking is up here and this is like where they would be and where the lights are and the trucks will be on this side of the parking lot in the evening.

Vice Chairman Montesano stated then we can eliminate the lights. Do we need a motion to eliminate those lights.

Rich Williams stated no you are going to approve it in an amended site plan I just wanted to make sure these have been issues that have been kicking around for a long time. I want to make sure this all gets wrapped up.

Board Member Rogan stated yes absolutely.

Board Member Rogan asked what other issues need discussion with the Applicant because some of it seems pretty straight forward like the comment about them committing to moving things using the pipes. That is something that we have talked about in discussion and we were comfortable with.

Rich Williams stated I think the only other really big issue is the landscaping.

Mr. Cameron stated yes I wanted to bring that up. I think earlier Ted we had a conversation about the Dogwoods and we were going to just plant them in a linear fashion so what do want to do just split these up a little bit.

Ted Kozlowski stated we just wanted to make it a more natural area. We didn't want to line them up like soldiers.

Mr. Cameron asked how far back should I like five, six feet.

Ted Kozlowski stated tomorrow you know what I will just fax you some details. How does that sound.

Mr. Cameron replied okay. Are we going to keep about the same quantity.

Ted Kozlowski replied yes and no. I would like to see it other than one species. I will communicate to you tomorrow a little better detail and you should be able to adjust that.

Board Member Rogan stated guys, get us a sign application on this also so we can take care of the existing sign.

Mr. Honigsberg stated I read the memo Rich about the sign, the signage on the entrance to Commerce Drive I have not had a sign there since you told me to take it down just so you are aware. The sale signs and the Mesa signs and I can take pictures of all the signs none of them are mine not one sign out there on the entrance to Commerce Drive.

Mr. Mark Honigsberg stated and no one else has taken theirs down.

Mr. Honigsberg stated that is besides the point but when I seen the comment I was surprised because you might of thought that one looked like mine was there. There are no signs out there since the first time you told me take those signs down.

Rich Williams stated then I stand corrected.

Mr. Honigsberg stated I took them all down.

Rich Williams stated other than that they are showing a sign on the site plan.

Board Member Rogan asked so at the entrance to Commerce is there any provision for the people that are in on that to have signs, there is not.

Rich Williams stated at this point, there is no pylon sign out front advertising the businesses going in there.

Board Member Rogan stated that should have been part of that commercial subdivision.

The Secretary stated talk to White Birch maybe he will do it.

Board Member Rogan stated that would be nice to have that.

Mr. Honigsberg stated it would be nice actually in the island.

Board Member Rogan stated you guys have the benefit that you can look in off Fair Street, see the play structures, and see the sheds so people kind of know you are there but a lot of those businesses people don't know they are in there.

Mr. Cameron asked who owns the island.

Rich Williams replied you do if you say it again.

(Too many speaking at the same time unable to transcribe).

Rich Williams stated the problem was there was a corporation that developed the subdivision, built the road you know the story, they got down to a stop bar and it was supposed to go, there was an irrevocable offer of dedication to the Town and there were some problems with a stop bar then we had the dump at the end and the Town walked away from taking it and the corporation walked away now nobody owns it.

Mr. Honigsberg asked so who plows it.

The Secretary stated all you guys, Lea Rome or whoever on the end.

Board Member Rogan stated whoever needs to get in there at the end last guy on the end.

Mr. Cameron stated sometimes I notice that it is plowed and other times it is not.

Board Member Rogan stated the last items are pretty straight forward. Just speak to having the location confirmed for the rail fence. That is pretty straight forward. A no parking sign needs to be placed that is fine. Get these items finished up.

Vice Chairman Montesano stated a bond calc.

Mr. Cameron stated I will do the bond.

Board Member Rogan stated and we throw an Eastern Jungle Gym party along with Mr. D'Ottavio, actually D'Ottavio has been going on a lot longer but he is building a big, big site.

Mr. Cameron thanked the Board.

Mr. Honigsberg asked do we come back again.

Board Member Rogan replied unfortunately yes.

Mr. Cameron stated yes I have to revise the plans, we have to get our bond approved.

10) PORTO SITE PLAN

Mr. Rob Cameron, Putnam Engineering and Mr. & Mrs. Porto were present.

Vice Chairman Montesano stated we have a problem with this one. We never got a legal opinion and we can't get one tonight.

Board Member Rogan stated no.

Vice Chairman Montesano stated we can go through the project but I don't know how much we can get accomplished.

Board Member Rogan stated it is just an introduction we haven't officially looked at this or formally not officially.

Mr. Cameron introduced himself.

Mr. Cameron stated Mr. Porto has an application before the Board tonight to add a kennel facility to his twenty acre property. He has a single family residence presently on the property and he has done some revisions to the plan to get the kennel to fit as best as possible. We do need some variances and I would like to request that we be sent to the Zoning Board obtain the variances necessary.

Board Member DiSalvo asked can you explain the project in detail with the buildings to the audience.

Mr. Cameron asked is this a public hearing.

Vice Chairman Montesano stated no it is not a public hearing.

Board Member DiSalvo stated I would like to hear it too.

Mr. Cameron stated the application is to construct a kennel facility at the rear of the site. There is a residence located up at the front and it is proposed to put the kennel at the rear of the site.

Board Member Rogan asked how large is the kennel. I mean there certainly must be a number of individualized kennel spaces.

Mr. Cameron replied the kennel is 505, actually that is finished floor elevation. I would have to measure that off quite honestly.

Rich Williams stated if I might I have had a chance to review the plan, the kennel is just slightly larger than 3,000 square feet with 36 dog runs.

Mr. Cameron stated yes there is a floor plan, which indicates that, but I just don't happen to know the square footage.

A member of the audience stated 3,060.

Board Member DiSalvo asked what are the dimensions.

Mr. Cameron replied that is what I am going to tell you in just a minute here just as soon as I get my proper scale. The building is 25 by about 120.

Board Member DiSalvo asked and then you have the dog runs outside of the structure right.

Mr. Cameron replied yes.

Mr. Cameron stated there is a fenced enclosure around the perimeter.

Board Member DiSalvo asked and the building is to be constructed of.

Mr. Cameron stated I don't know if we know that a hundred percent at this time.

Board Member DiSalvo stated we can't use steel right.

Ms. Porto stated it is not going to be steel it is going to be a sound proof building (unable to hear no mic).

Board Member DiSalvo asked made of what.

Ms. Porto replied sound proof materials.

Rich Williams stated she has to come up to the mic.

Mr. Cameron stated I do not have any details on the physical construction of the building.

Board Member Rogan asked Rob, is this the Applicant.

Vice Chairman Montesano asked can you use the mic.

Board Member Rogan asked can you state your name for the record.

Ms. Porto stated Mirela Porto.

Board Member Rogan asked can you spell that.

Ms. Porto stated M-i-r-e-l-a, Porto, P-o-r-t-o.

Ms. Porto stated the building is going to be a type of modular, it is going to look exactly like the house, which we have right now only everything inside, is going to be sound proof. We are going to have like an indoor pool because it is not going to be just a kennel. The proposal is not a kennel. It is a rehabilitation center for animals. It is totally different than a regular kennel.

Board Member DiSalvo stated you need to show the pool on the plans too.

Rich Williams stated the pool goes inside.

Ms. Porto stated it goes inside it is a special thing.

Board Member DiSalvo stated I have a veterinarian that does it for horses and it is a very large pool.

Ms. Porto stated no for dogs it is not.

Board Member DiSalvo stated he does dogs also.

Board Member Rogan asked Rich at least for edification for tonight's record since the work session was a little bit not as quite as caught on the record so to speak. We had technical difficulties from the work session. What would be the pitfalls with sending the Applicant to the Zoning Board earlier in the process as opposed to later. I just want to have that discussion again because it was worthwhile I think.

Rich Williams stated sure the issue I brought up with sending them at this point to the Zoning Board of Appeals is there may be site plan related issues such as; the access going in, the grading going in, some of the other details that are typically looked at by the Planning Board and the Planning Board has generally a little bit more expertise that would impact the overall design of the project and would be relevant to the ZBA taking a look at as part of the Special Use Permit application which they may not have as much savvy as the Planning Board would have in looking at these issues. One of the issues that comes to mind is the access going in and how suitably improved it needs to be based on the potential number of vehicles that are going to be accessing this facility on a daily basis.

Ms. Porto stated we are not going to be too many cars going to the kennel. Everything pretty much, every single animal who is going to come are going to be dropped off by us so it is going to be pretty much one or two cars going back and forth.

Board Member Rogan asked so this is not open to the public you are saying.

Ms. Porto stated it will be just for a visit to come to see how it looks but everything is going to come from my hospital where I am working.

Board Member Rogan asked and where is that.

Ms. Porto replied that is Ridgefield. So, every single dog is going to be dropped at Ridgefield Animal Hospital and from there we are going to pick it up. No cars are going to be on that road, two or three cars maximum.

Board Member Rogan asked so in other words people would be able to come to look at the facility,

Ms. Porto stated that is all.

Board Member Rogan asked and then you would bring the animals directly from your place of employment here. So, people are not dropping off their dogs at this kennel to drop them for the weekend for boarding. It is not a boarding facility.

Ms. Porto stated it is boarding with a rehabilitation it is both.

Board Member Rogan asked with what.

Ms. Porto replied rehabilitation, for example dogs, which are going to surgery, they cannot take them in and out so,

Board Member Rogan stated I understand that I guess what my question was is it is not a place where I can bring my dog and drop him off for the weekend solely for boarding.

Ms. Porto stated I want them both yes.

Board Member Rogan stated okay that is what I am trying to make sure you are clear with.

Ms. Porto stated they are going to be both.

Board Member Rogan asked so then how would I drop off, if I wanted to,

Ms. Porto replied the same thing Ridgefield Animal Hospital or I come and pick it up from your house.

Board Member Rogan stated okay but that then is still the same number of,

Ms. Porto stated no. It is only one car or a maximum two cars that are going to go back and forth. I mean there is not going to be tons of cars coming through that road. It is going to be two cars, which will be one of my cars.

Board Member Rogan stated Rich one of the first questions that probably I am thinking of in terms of access is obviously the work that we went through with the Budakowski Subdivision and we spoke to great extent on the use of access of the road and what over burdens that use. Does a commercial facility is that looked at because they are going over property that is not their own, there is an implied easement I mean I am trying to rehash some of that information that we pulled out over the last couple of years. Is there a point where for a residential use it is looked at one way versus do we need a legal interpretation on the right for a commercial to use that.

Rich Williams replied in regards to the issue of access I don't think there is any difference between whether it is a commercial entity or a residential entity. The underlying question is the number of vehicles trips going in and out. Mr. O'Hara has brought up that there may be other issues regarding limitations that were placed on the property through the Deed but as far as the access issue it is really all based on the number of vehicle trips whether it is residential, commercial, institutional or whatever it might be.

A member of the audience stated excuse me Rich,

Vice Chairman Montesano stated one second it is not a public hearing and it is not open just give us a minute to get done thank you.

Mr. Cameron stated I think that the Special Permit by the ZBA would really be the arena in which I think they would address it because this type of facility is permitted by Special Permit now I am not sure where the line is between what the Planning Board's purview for that requirement is versus the ZBA in regards to the use and access. That is why I am asking to get to the ZBA to see if we can get the permit.

Rich Williams stated no I understand what you are saying. Just to reiterate what I had just said yes certainly with evaluating most of the impacts regarding the kennel the ZBA has the greater authority in this issue through the issuance of a Special Use Permit however the Planning Board has a greater expertise in saying geez, we need a paved driveway out there, it needs to be twelve feet, it can be gravel, it could be Item-4 all depending on the number of vehicle trips and the use of the facility and I have identified in my memo that

I have done to you a number of issues that I think you need provide answers to which will kind of guide all of us in trying to ascertain exactly what the number of vehicles trips are going to be in there and I am not sure hearing some of the responses tonight that is going to be an easy thing to come up with an answer but we do need to come up with an answer about the number of vehicle trips that in some degree is going to dictate what improvements are going to be needed for that road going in. Is there going to be a big increase in the traffic going back there or is it just going to be a couple of cars.

Ms. Porto stated that is all it is going to be.

Rich Williams stated I understand you say that but I also heard you say that we are also going to allow open boarding at the facility which means,

Ms. Porto stated not too many.

Rich Williams stated I understand but you have thirty-six runs I am assuming you have thirty-six pens inside.

Ms. Porto stated there is going to be cats also.

Rich Williams stated there is going to be cats also.

Ms. Porto stated yes.

Rich Williams stated but you know there is the potential there for a number of people to come in and board at that place.

Vice Chairman Montesano stated and you are going to need excuse me you are going to have to have vehicles coming in there. You are going to need supplies, you are going to need garbage pick up, you are going to need fire protection one or two cars that is a possibility more I think that would be more of an outlook. You are going to have commercial vehicles coming in there.

Ms. Porto stated I don't want any big cars on that road.

Board Member Rogan stated you are going to need big cars on that road.

Vice Chairman Montesano stated you are going to need cars to give you supplies.

Board Member Rogan stated you are going to have dog food delivered.

Ms. Porto replied no. I am not going to have dog food delivered.

Board Member Rogan asked you are going to have garbage picked up.

Ms. Porto replied garbage yes.

Board Member Rogan stated but not through the Town of Patterson.

Ms. Porto stated the garbage picked up is going to be the waste from the garbage, which I am going to have for example two or three bags of food nothing more. The litter and everything else is going to be a septic.

Board Member Rogan stated that I understand.

Ms. Porto stated I mean it is not a restaurant. It is not a big disposal. What can I dispose. What kind of garbage besides the food, the plastic from the food.

Vice Chairman Montesano asked how about the fecies and the,

Ms. Porto stated that is why we are talking about the septic.

Vice Chairman Montesano stated you are going to have everything in your septic.

Ms. Porto replied yes.

Board Member DiSalvo asked do they do that at the Humane Society.

Board Member Rogan replied I have no idea, I honestly don't know but that is interesting.

Vice Chairman Montesano stated we are not going to feed them because we don't worry about food.

Ms. Porto stated no you feed them you need for example a bag of thirty-five pounds of that you need for ten or fifteen dogs, a thirty-five pound bag I bring home four or five of those bags. You need a cup of food twice a day for each dog and half of cup of food for the cats. You are not talking humungous.

Board Member Rogan stated the biggest issues for the Planning Board I think are going to come to the roadway coming in designing that because we have wetland concerns there, we have a stream crossing, we have concerns which we had prior with getting right of way and in some areas we couldn't get so these are all issues that we have already at least looked at previously so some of the work has been laid. Certainly, that would be the bare minimum starting point for the requirements that are going to be for this because this is regardless of the minimal impact of what you are claiming it is still a commercial use. It is going to be looked at a lot different than a residential use so that I see, we have been on the site, and the area that you are proposing for the kennel is very similar to the area where they were proposing a house. We have walked that site. Whether or not we want to go out there again is up to the rest of the Board but we have been out there. I have been out there twice. We need to at least determine what the impacts will be so that when we send you to the Zoning Board they have a clear idea of what you are proposing and they can get into the issues of the noise levels and the impacts and the aesthetics to the community. That is clearly within their purview as I see it. We are addressing making sure that what we are sending to them best represents if they say yes go ahead and do this then we have got something that we can work with. That is really what it gets down to.

Rich Williams stated it is getting a more clearer picture about exactly what is being proposed out there.

Board Member Rogan stated and the counter argument to that is I would rather see you go to Zoning early if they are going to tell you no this does not fit in the community I would rather you know that early then to spend a whole bunch of time on engineering but this is a balancing here if they say we will approve this then we want to make sure that we have done our homework here so that you have something that will work. That is really what it comes down to.

Ms. Porto asked what is the next step then.

Mr. Cameron stated if I could interject a little bit about the roadway. The roadway still will be the purview of the Planning Board whatever width it is. We are not going to change its location or anything. This is really the only way that we have to get in here so that location is the location. I have no other place to put the kennel and the parking so that is going to be the location for the kennel and parking. What we are going to the ZBA for is for the variances in the setback and for the Special Use Permit. I don't want to go into greater detail, I would prefer not to go into greater detail about the design of the roadway what its width is or what its pavement material is. We can always come back to the Planning Board after the ZBA and address that.

Vice Chairman Montesano stated I would rather be able to send you to them with an idea of what we are going to tell them if they ask us for a recommendation. If you want to proceed the other way at the present time I don't have enough information. My recommendation would not be favorable.

Board Member Rogan stated nor would mine.

Vice Chairman Montesano stated if you are in that much of a hurry and you want to try it that is okay because if they ask me I am going to be perfectly honest and say no I don't have enough information to make a sensible and reasoning for it. Give us the time to do our job, you want to rush ahead that is your privilege. You can attempt it. If they ask me about I am going to just say no because I don't have enough information.

Board Member Rogan stated the Zoning Board can make the determination that they feel comfortable with but they usually just like the Town Board ask for a recommendation from the Planning Board so we would be referring you to the Zoning Board with either a positive or negative recommendation.

Mr. Cameron stated or no recommendation at all.

Board Member Rogan stated or no recommendation at all.

Ms. Porto asked so what would we need to make this clear, I am sorry a little bit unsure.

Board Member Rogan stated it is quite all right sometimes we are a little bit unsure also.

Ms. Porto asked so what do I need, what do you guys need in order to get an idea, or what do you guys need to know.

Vice Chairman Montesano stated we gave a whole list of items that we have requested information on. We could ask for it here.

Ms. Porto stated this is a different language for me.

Board Member Rogan stated that is why you have this gentleman.

Mr. Cameron stated there is a lot of engineering comments in there that I think are the purview of the Planning Board. I feel strongly that I would like to get the ZBA.

Board Member Rogan stated I don't blame you.

Mr. Cameron stated and get a determination even if there is no recommendation from the Planning Board ultimately for this particular use we need that Special Use Permit and I would like to know if we can get that.

Board Member Rogan stated I will be honest I would be more apt in this case just with a little bit that we know on it I would be more apt to give a negative recommendation than no recommendation at this point because the kennel you are talking about while it is allowed by Special Use Permit, I am sure the Zoning Board is going to need to ascertain whether it fits into the character of the community, what the impacts are to the community, to the neighboring properties,

Board Member DiSalvo stated the view shed.

Board Member Rogan stated the view shed. I almost feel that you couldn't pick a worse site based on the open terrain, the noise levels and you have outdoor runs.

Ms. Porto stated no they are not going to be outdoor runs.

Board Member Rogan stated you just said there is outdoor runs Maim.

Ms. Porto stated they way they are I didn't know that I needed to show you exactly how the building is laid out. They are outdoor runs but everything is enclosed in glass. When a dog is outside everything is enclosed.

Board Member Rogan asked so they are not actually outside is what you are saying.

Ms. Porto replied no they are outside but they are glass so no matter how much they will bark which they don't.

Board Member Rogan asked is there a facility like this that you have seen.

Ms. Porto stated we don't have anything in the United States like I am building.

Ms. Porto stated I can bring you the one which is Germany and the one that is in Italy but in the United States there is nothing like I am building. That is why everybody wants to hear the kennel but it is something different. It is not all runs with animals going outside with cages nothing like that. It is going to be like a hotel with rooms.

Vice Chairman Montesano stated this says outdoor runs.

Ms. Porto stated because everything is covered. When the animal is outside it is closed it is like I don't know in English it is like an enclosure. When the animals are inside everything is open and the air is clean and everything. We are going to be like a park, closed when they are outside, open when they are inside.

An audience member asked a retractable cover.

Ms. Porto replied yes but it is going to be glass.

Board Member DiSalvo asked explain to me about kennels, do you have to get permits from the Department of Agricultural. Where do you fall under permits, Health Department.

Ms. Porto stated I don't think that it fall into anything.

Board Member DiSalvo stated you have to fall into something. I have to be monitored by the Department of Agricultural.

Ms. Porto stated I don't know.

Board Member DiSalvo asked do you have to get a license are you a licensed Veterinarian in New York State.

Ms. Porto stated no I am licensed in Romania I am working for my license here but I don't need anything for this kennel. I don't know what you are doing so I can't relate what I want to do. I met you first time I am sorry I don't know what you are doing.

Board Member DiSalvo stated I am just asking what kind of regulations you would be,

Ms. Porto stated I don't need anything for a kennel as far as I know. All I know is that when I decided to buy this house before I decided to buy the house we were looking for a property, we tried to do this on my old property, you guys told me at the time you need at least ten acres. I said fine. I come here and I say look where do you think it is a good property to buy to give me the ten acres space to build a kennel. You guys told me look around, you gave me a couple of ideas and then this house showed up for sale which has at the beginning I didn't even know there were twenty acres I knew there was sixteen acres. I came back to you guys and I said look I find this house am I going to be able to put a kennel, everybody said look for a kennel you need minimum of ten acres.

Board Member Rogan asked who are you talking about, who are the people you spoke to.

The Secretary stated by Code you need it.

Ms. Porto stated you need ten acres I said fine I am okay I am going to have sixteen acres.

Board Member DiSalvo asked and you bought the property under the assumption that this all could get approved.

Ms. Porto stated exactly. When I bought the property I told the owner I said the reason why we are buying this property, I am buying this investment because this is what I want to do. I have a property at 540 Fair Street, we have three acres of beautiful property so we do another investment because I want to build this. If they told me look you cannot do this I would have said no problem. Then I end up finding there is supposed to be a subdivision I said okay then they told me look you have to wait two years for the subdivision and you can do something else. I said okay I am going to wait another two years and now we came here and it is weird.

Board Member Rogan stated the reality is just to bring you back to why you are in front of us is we are not the ones that are deciding on your Special Use Permit. We are here to make sure that the engineering and that the construction that has to happen happens in a way that doesn't harm the environment.

Ms. Porto stated I don't want to end up like Budakowski building something and then come in front of you and say look I already built it now you have to deal with it. (TAPE ENDED)

Board Member Rogan stated if someone says to you, you say I want to build a house and someone says well the zoning is four acres therefore you better go find at least a four acre parcel and you come in and say I found a five acre parcel, I want to build a house but all five acres is wetlands.

Ms. Porto stated I never even know that,

Board Member Rogan stated my point is that there are requirements and it does not necessarily mean that every lot can be built for what you intend to build on it.

Ms. Porto stated that is why I came here before. Before I bought the house I came to the Town look this is what I want to do,

Board Member Rogan asked to the Town, not to the Planning Board nor to the Zoning Board.

Ms. Porto stated the Zoning Board. Nobody told me about wetlands, sorry I came from another country with totally different regulations.

Mr. Cameron stated we still need the site plan review and that is why we are here.

Board Member Rogan stated I think you are paying a very good person here you should let him speak a little bit.

Mr. Cameron stated in light of the information about the kennel I think maybe I should get that plan that you have showing how it is sound proof, how it is covered and we will submit that to the Board and then we will see where we go from there. I think that is important. I wasn't aware of all the specifications of the enclosure of the kennel. I think I should bring that in. I will address the engineering comments as best as I can.

Rich Williams stated the planning comments.

Mr. Cameron replied excuse me the planning comments and we will bring in the plan and we will have a look at that plan because I know a large concern is for the noise levels. If in deed this structure is as you have indicated that could address a lot of concerns that I am sure that the Board has.

Board Member Rogan stated I think another issue that you are going have is not that I don't believe you in stating the number of vehicles that are going to be coming and going, you are sincere and I am sure that is fine but if that is the case then this projects needs to be designed in a way that limits that so that you can't then a year from now say you know what I want to open it up and allow people but I don't know how to do that. That is something that works through the process.

Board Member DiSalvo stated we had such hard restrictions on the road with just a single family house being back there.

Board Member Rogan stated the road would have to be to a much greater design than what we had for that.

Board Member DiSalvo stated that is what they would have to be aware of too.

Vice Chairman Montesano stated that is why you have to go through that review again.

Vice Chairman Montesano stated you are not on a County Road, you are not on a Town Road. It is too confusing. It is all in there I believe.

Board Member DiSalvo stated and you need to read the Deed restrictions too. I don't know if they can hold up legally or not.

Board Member Rogan asked is that something we are going to ask Anthony for.

Vice Chairman Montesano replied yes.

Rich Williams replied you can ask.

Board Member Rogan stated we were hoping, obviously he wasn't going to be here tonight but before next meeting to ask for a legal interpretation on that because of was it a Deed restriction.

Rich Williams replied yes.

Mr. Cameron asked are you referring to a single family residential property was that the,

Board Member DiSalvo stated no the Deed restriction limited the type of animals, small live stock.

Ms. Porto stated they are animals.

Ted Kozlowski asked may I say something.

Board Member Rogan replied yes grab the microphone though.

Vice Chairman Montesano stated state your name.

Ted Kozlowski stated I am sure that you are very sincere just sitting here, the last three weeks my dog has had kennel cough and she has been down at Brook Farms everyday and as you know Brook Farms has a pretty, very good kennel that went in. There is just a tremendous amount of activity. If these are the animals being rehabilitated I just don't know how you are going to do that all yourself.

Ms. Porto stated I don't do that by myself.

Ted Kozlowski stated but then we are talking about one or two cars a day where is your help coming from.

Ms. Porto stated they can park right (unable to hear).

Ted Kozlowski stated all I know is Maim, you know Dr. Kanouse's kennel is smaller than yours there is tremendous,

Ms. Porto stated but what I am talking is totally different types. Dr. Kanouse walks the dogs because that is the way it is. Dr. Kanouse has to pick up the poop, his building that construction is totally different than what I am doing.

Ted Kozlowski stated I understand that. It is just that I don't know thirty-six animals I don't how you are going to do this.

Rich Williams stated but that is the issue here we don't know.

Vice Chairman Montesano stated we don't know so hopefully Rob can get us an idea of what this building would be that is one thing but that road is going to be a major problem.

Board Member Rogan stated knowing exactly what they are proposing and then what we are going to do with the roadway are the two big issues. We get those ironed out then we are in a position,

Mr. Cameron stated I will also put together a description of how the kennel is going to operate.

Vice Chairman Montesano stated that would be a lot easier I think.

Mr. Cameron stated and a projected number of employees or visitors.

Board Member Rogan stated because without the projected number of employees and visitors we can't really fully ascertain the improvements that would be needed to the roadway. We have as a bare minimum what we were requiring on the Budakowski Subdivision but that was for residential. You can be guaranteed it is going to be nothing less than that. That is for sure. We had reduced the standards in that case.

Board Member Rogan stated get those issues ironed out then I would be more than happy to send you to Zoning so you can find out whether this is possible.

Mr. Cameron stated whatever plan she has I will bring those in and we will see what we have. I will get as much information together as I can for the next submission.

Ted Kozlowski stated if there is something in Europe, visuals would be helpful for these guys.

Mr. Cameron stated I haven't seen the plans so we will go over that. Whatever we can get we will put together.

Ms. Porto stated I didn't know that you needed it for tonight.

Mr. Cameron replied I didn't either but we will bring it.

Vice Chairman Montesano thanked them.

Board Member Rogan stated just for the audience's edification we said at the work session that while this is not a public meeting, any comments that you would like to submit in writing would be accepted by the Board. I don't know the gentleman in the back room but if you would like to submit comments to clarify anything please do so.

A member of the audience stated we will be in the process of doing that.

Board Member Rogan thanked him.

A member of the audience asked is it possible to get a copy of the questions that were posed that relates as it relates to the plan.

Board Member Rogan asked the Planner's memo.

A member of the audience replied the Planner's memo.

Rich Williams replied yes what you need to do is come in and file a freedom of information request, it is a one page form, and it is twenty-five cents a page.

A member of the audience asked do we all have to come up or can just one get it and make copies.

Rich Williams replied I only worry about what goes on in my office.

Board Member Rogan stated what you guys copy is up to you.

Rich Williams replied you can share it.

An audience member stated thanks for your time.

Board Member Rogan replied thank you very much.

11) OTHER BUSINESS

a. Frantell Site Plan & Putnam County National Bank

Ms. Theresa Ryan, Insite Engineering was present.

Vice Chairman Montesano asked do you want to give her an extension. What do you want to give her ten days. (Some laughed).

Board Member Rogan asked Theresa what are you requesting for the extension.

Ms. Ryan replied we didn't request any we just left it up to you. I think last time we had a ninety day. It is actually not up until almost end of the month.

Board Member Rogan stated we will make it from that date.

Ms. Ryan stated it will end before the next meeting.

Rich Williams stated that is funny I have got 6/5.

Vice Chairman Montesano asked is it going to end before our work session or after.

Board Member Rogan replied before.

Vice Chairman Montesano stated I am looking at it because is we extend it for that ninety days maybe we will just into the next meeting or just at the work session.

Ms. Ryan stated I think the last extension ran out on April 1st.

Rich Williams stated we approved it for sixty-two days February 2nd, then I only saw that we gave them one ninety day extension.

Ms. Ryan stated right so February 2nd would have taken us to beginning of April then May, June, July.

Rich Williams stated sixty-two days from February takes you until the end of March.

Ms. Ryan stated okay then we had ninety days.

Vice Chairman Montesano stated then we had ninety days from April.

Ms. Ryan stated so that takes you until the beginning of July.

Board Member Rogan stated so if we did a sixty that would take you until September.

Ms. Ryan stated ninety days then.

Board Member Rogan stated I am fine with a ninety day extension.

Rich Williams asked for Frantell.

Board Member DiSalvo stated no Putnam County National Bank.

Board Member Rogan stated for both.

Ms. Ryan stated we are anticipating on Frantell that we are not getting a response from the DEC until the end of the summer.

Vice Chairman Montesano asked so do you want to give them a ninety on that and ninety on the bank.

Board Member Rogan made a motion in the matter of Frantell Site Plan that the Planning Board grants a ninety day extension. Board Member DiSalvo seconded the motion.

Vice Chairman Montesano asked all in favor:

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

Motion carried by a vote of 3 to 0.

Rich Williams stated let me just address one issue on Putnam County just so the Board is aware they directed me to get a hold of the Architect to come up with some sort of plan about what he

thought was appropriate. I have been playing phone tag with him and have not got a hold of him yet.

Board Member Rogan stated we said it at the work session but we all felt that the most recent architectural rendering took into account some of the different characteristics of this building, the Brunow building and kind of tried to tie them together, granted none of us are Architects but we did pay this gentleman for his opinion. It does not mean we have to accept it.

Rich Williams stated I am just letting you know where we stood as you directed me to do.

Board Member Rogan stated I realize that I understand. If they ended up building what we saw we probably would be happy.

Vice Chairman Montesano asked what kind of extension do you want to grant.

Board Member Rogan replied a ninety day.

Board Member Rogan made a motion in the matter of Putnam County National Bank that the Planning Board grant a ninety day extension. Board Member DiSalvo seconded the motion.

Vice Chairman Montesano asked all in favor:

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

Motion carried by a vote of 3 to 0.

Ms. Ryan thanked the Board.

Board Member Rogan asked these simple extensions can't be put at the beginning of the agenda for people like her.

Rich Williams stated if you want them up I can put them up there.

Board Member Rogan stated I am just thinking that they are so quick to get through.

Rich Williams asked is that what you want.

Board Member Rogan replied I am bringing it up for discussion. Is there any reason why they couldn't be.

(Too many talking at the same time unable to transcribe).

b. Paddock View Estates Subdivision

Vice Chairman Montesano asked Paddock View Estates what are we doing with this.

Board Member Rogan stated we are not requiring the cultural resource survey to be done prior to any approvals.

Vice Chairman Montesano stated we didn't do it at the work session, I know we discussed it. Did we make the motion at the work session.

Board Member Rogan made a motion in the matter of Paddock View Estates that the Planning Board does not require a Cultural Resource Survey prior to Final Approval. Board Member DiSalvo seconded the motion.

Vice Chairman Montesano asked all in favor:

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

Motion carried by a vote of 3 to 0.

c. Patterson Garden Center

Rich Williams stated I did do a memo on it. The Board had granted an extension on site plan approval until tonight's meeting which expires after tonight. I don't know if you want to grant him another extension.

Board Member DiSalvo asked has there been any further developments there.

Ted Kozlowski asked what is going on Theresa.

Ms. Ryan replied it is up to the Board. Rich's recommendation is that either an as-built survey is prepared (unable to hear) or permanent benchmarks. I think the as-built is probably a good way to go but it is up to the Board.

Rich Williams stated I don't know that was an either or.

Ms. Ryan stated it says or.

Rich Williams stated let me back up it was an as-built with GPS or benchmarks.

Ted Kozlowski stated Maria, Mike and Shawn he has an approved site plan what is out there is not represented on that site plan. We have been dealing with this now for awhile, Theresa has been very cooperative but bottom line is this is yet another example of somebody getting a permit and then,

Board Member Rogan stated as we spoke about at our work session we had originally moved with an injunction which God knows what is going on with that, allowing the improvements to continue we need to give an extension on the site plan so they can meet those conditions. I am happy to go with whatever, in this case I just want to get this back to a state that you know meets the site plan.

Ted Kozlowski stated Rich's idea of the as-built is great because we can now have a document and say (unable to transcribe too many talking at the same time).

Vice Chairman Montesano stated so we want the as-built.

Ted Kozlowski stated whose ever idea because I was late for the meeting as usual. We can look and show you that here is what is existing and here is what you approved and there is a great difference, plus I mean just the fact that he his day to day operations has just caused so much intrusions into there.

Board Member Rogan stated but in order to proceed on that line we need to do an extension to maintain the approval status on that so that it is still a working document.

Rich Williams stated that is my opinion yes.

Ted Kozlowski stated the problem is this is another Eastern Jungle Gym situation where he is too big for that site.

Board Member Rogan asked can we grant an extension and require the as-built to be submitted so we can get this thing.

Rich Williams stated you can grant the extension we are requiring the as-built just to get him into compliance.

Vice Chairman Montesano stated we did that and then Anthony recommended that you can't do "A" without doing "B" which caused more confusion and then this that and the other thing which to me does not hold water. You can allow the extension to exist and start legal action let the Judge make the decision which he will do anyway.

Board Member DiSalvo made a motion in the matter of Patterson Garden Center that the Planning Board grants a 30 day extension and requires an as-built.

(Too many talking at the same time unable to transcribe).

Board Member Rogan stated do a thirty-five day extension.

Ms. Ryan stated you should really do it to the next meeting then.

The Secretary stated amend it until the July 6th meeting.

Vice Chairman Montesano stated why we have a work session coming up on the 29th.

Board Member DiSalvo stated that is not thirty days.

Board Member Rogan stated I will second it with the amendment to make it a 40 day extension.

Vice Chairman Montesano asked all in favor, all in favor and motion carried by a vote of 3 to 0.

d. Eurostyle Tile & Marble Site Plan

The Secretary advised that we are getting ready to sign the plans and everything and we got a letter from the DEP that they did not sign off on it yet. The bottom line is they need another extension because the DEP hasn't signed off. We have a request from Putnam Engineering on that.

Board Member Rogan asked how much are they looking for.

The Secretary replied I think he put ninety.

Mr. Cameron stated it takes them at least two months to respond.

Board Member Rogan stated terrible isn't.

Vice Chairman Montesano stated do you feel you are in a government burecacuy of some sort. We are forced to give out ninety day extensions to these poor people all the time because these people are so busy taking vacations.

Board Member DiSalvo made a motion in the matter of Eurostyle Tile & Marble that the Planning Board grant a ninety day extension. Board Member Rogan seconded the motion. All in favor and motion carried by a vote of 3 to 0.

e. Patterson Crossing

Rich Williams stated the Board has now received,

Board Member Rogan stated two big documents.

Rich Williams stated for Patterson Crossing, today would make the official submission date, SEQRA requires that you review and respond within thirty days as to whether the document is complete or not. The question is what you are going to do for meetings.

Board Member Rogan stated SEQRA should take into account the size of a document. Thirty days for the first hundred pages and another thirty for every additional hundred after that.

Vice Chairman Montesano stated they don't so do you want to setup, we have two field trips at least and now we have got to setup for meetings to discuss this.

Board Member Rogan stated Mike if I might why don't we do the work session in this room and have it at that time because not many people showed up last time for the Patterson Crossing.

Vice Chairman Montesano stated I have no problem setting up.

The Secretary asked so you are doing it at the work session.

Board Member Rogan asked will that be okay.

Vice Chairman Montesano stated I have no problem doing that.

Board Member Rogan asked what do you think.

Board Member DiSalvo stated we are going to have it read by June 29th okay. If we accept it then we have to start the hearings at the Rec Center again.

12) MINUTES

Board Member Rogan made a motion to approve the March 30, 2006, April 6, 2006, and April 13, 2006 minutes. Board Member DiSalvo seconded the motion. All in favor and motion carried by a vote of 3 to 0.

Board Member Rogan made a motion to adjourn. Board Member DiSalvo seconded the motion. All in favor and meeting adjourned at 10:28 p.m.