

TOWN OF PATTERSON
PLANNING BOARD MEETING
June 7, 2007

APPROVED
 WUCR 7/12/07

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**TOWN OF PATTERSON
PLANNING & ZONING OFFICE**

ZONING BOARD OF APPEALS

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PLANNING BOARD

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

**Planning Board
June 7, 2007 Meeting Minutes**

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

APPROVED
MICK 7/12/07

Present were: Chairman Rogan, Board Member Pierro, Board Member DiSalvo, Board Member Cook, Rich Williams, Town Planner, Gene Richards with the Town Engineer's office, Stantec Consulting Services Inc, and Ted Kozlowski, Town of Patterson Environmental Conservation Inspector.

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

There were approximately 13 audience members.

Michelle Russo was the Secretary and transcribed the following minutes.

Chairman Rogan led the Salute to the Flag.

1) DENNIS & TIWARY W/W PERMIT APPLICATION – Public Hearing

Mr. Tom Nejame of NeJame & Sons Pool Company was present representing the application.

Chairman Rogan stated that is a nice plant.

Board Member Pierro stated its brand new.

The Secretary stated it came from Cheryl's office.

Chairman Rogan stated could you please read the public notice of the first application.

The Secretary read the following legal notice into the record:

NOTICE IS HEREBY GIVEN by the Town of Patterson Planning Board of a public hearing to be held on Thursday, June 7, 2007 at 7:30p.m. or as soon thereafter as may be heard, at the Patterson Town

Hall, 1142 Route 311, Patterson, Putnam County, New York to consider an application entitled **“Dennis/Tiwary Wetlands Watercourse Permit to construct a 17’ x 33’ In-ground Pool,”** Patterson, New York. All interested parties and citizens will be given an opportunity to be heard in respect to such application. The property is located at 34 White Hawk Trail.

Chairman Rogan stated I suppose before I had you read the public hearing, I should have asked, is anyone here for that application. Oh okay, I didn’t recognize the gentleman. If you could just speak to the application for the audience very briefly.

Mr. NeJame stated my name is Tom NeJame and I am the swimming pool builder.

Chairman Rogan stated do we have any questions about this application from the audience. Can I have a motion to close the public hearing.

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

Board Member DiSalvo seconded the motion.

Chairman Rogan asked for all in favor:

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

Motion carried on a vote of 4 to 0.

Chairman Rogan stated okay, how are you doing tonight.

Mr. NeJame stated very well.

Chairman Rogan stated did you get the correspondence from our Town Planner.

Mr. NeJame stated yes.

Chairman Rogan stated we were just looking for a couple of items that we had asked previously to be on there.

Mr. NeJame stated first, this is the certified mail and I think you need all that.

Chairman Rogan stated Michelle needs that.

The Secretary stated thank you.

Mr. NeJame stated and the maps that you had requested showing the filter location and the fence, the landscaping, there is actually no landscaping planned right now. It is just going to be grass off of the pool and the pool patio.

Rich Williams stated Shawn (unable to hear).

Chairman Rogan stated you can have mine, it doesn't show much. Okay, the filter location shown on the.

Mr. NeJame stated is down below the pool area on the westerly corner there.

Chairman Rogan stated right outside the fence.

Mr. NeJame stated yes.

Chairman Rogan stated okay, guys and.

Board Member Pierro stated you had explained once before about the meeting what you were going to do to buffer or barricade the pool filter.

Mr. NeJame stated we are going to take it and tuck into the slope and actually use a couple of field stones to kind of hold back that area there and kind of tuck it into the slope so that it isn't sticking out, its almost kind in their front yard, so we'll hide that.

Board Member Pierro stated and you'll have some plantings in the front of it.

Mr. NeJame stated I would guess that, I haven't discussed, frankly, the exact planting with them, they want to get the pool in place and then maybe next year do a landscape plan, right now their indication was that they wanted to have a place to swim for the summer, that was the main intent.

Chairman Rogan stated sure, we can certainly understand that. The landscaping that will eventually done, it is planned that it is going to be both inside and outside of the fence.

Mr. NeJame stated I would imagine just inside the fence area.

Chairman Rogan stated what I will ask the Board is that when we make a motion on this, that we make the motion that the landscape plantings be inside the fence, if they want to do them outside I think that they should come back and amend their application, so that we make sure that we are proper distance from the wetland buffer. Rich, would it be too much to ask for them to locate once the pool is in place as they are doing this, to locate the filter area and have them call you and verify that it is as per the plans so that we can see if there is anyway, one of the concerns that the Board had when we were out there was that you are putting a pool and filter equipment basically in plain view of the neighbors.

Mr. NeJame stated right, right.

Chairman Rogan stated and so I appreciate that you are going to put some boulders and try to screen it somehow plus that will help with noise and I would like to just ensure that that is done appropriately.

Mr. NeJame stated I don't think that is going to be a problem at all because they are going to be looking for the same thing.

Ted Kozlowski stated the Building Inspector has to go, regardless of the wetlands.

Chairman Rogan stated it doesn't matter to me because they are not going to looking at the issues that we are talking about but I appreciate you bringing that up.

Rich Williams stated where exactly is the filter shown on this place, back in the back corner.

Chairman Rogan stated it is shown off the corner.

Mr. NeJame stated the western corner there.

Chairman Rogan stated there is a little dot.

Board Member DiSalvo stated the little p-o-o-l.

Chairman Rogan stated above controlled area.

Mr. NeJame stated there is a little dot, in here.

Chairman Rogan stated do you see the dot on there.

Rich Williams stated I can't see anything without glasses.

Mr. NeJame stated right in here and then the filter is right in here.

Chairman Rogan stated the filter outside the fence off the corner.

Rich Williams stated I got it.

Chairman Rogan stated okay.

Mr. NeJame stated and you guys got the note on the other thing, in regard to the horse trail.

Chairman Rogan stated we did.

Mr. NeJame stated so we are all set on that, we are comfortable with that I guess.

Chairman Rogan stated does anyone on the Board have anything else on this.

Board Member Pierro stated no Shawn but I would just like to let everyone recall that the memo submitted by Rich on May 31st with 6 conditions relative to this application.

Chairman Rogan stated there are actually 7, they are mis-numbered, there are 2 number twos, so there are actually 7.

Board Member Pierro stated okay.

Chairman Rogan stated let the record show that Rich messed up his numbering. Sorry, Rich. Make that part of a motion to approve the wetlands permit.

Board Member Pierro stated in the matter of Dennis/Tiwary wetlands/watercourse permit application I make a motion that we approve the wetlands/watercourse permit with the 7 conditions stated in the May 31,

2007 memo by Richard Williams and that at the time the pool filter is located within the wetlands buffer that Rich Williams be notified and the construction and layout of that pool filter be reflected in our records.

Board Member DiSalvo seconded the motion.

Chairman Rogan asked for all in favor:

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

Motion carried on a vote of 4 to 0.

Chairman Rogan asked for any opposed. Thank you.

Mr. NeJame stated thank you.

Board Member Pierro stated very well, thank you for your time sir.

2) UNSON W/W PERMIT APPLICATION – Public Hearing

Ronald and Laura Unson, the applicants were present.

Chairman Rogan stated is anyone here for Unson, okay, just wanted to make sure. Will you read the public hearing please.

The Secretary read the following legal notice into the record:

NOTICE IS HEREBY GIVEN by the Town of Patterson Planning Board of a public hearing to be held on Thursday, June 7, 2007 at 7:30p.m. or as soon thereafter as may be heard, at the Patterson Town Hall, 1142 Route 311, Patterson, Putnam County, New York to consider an application entitled “**Unson Wetlands Watercourse Permit to construct a 2 ½ Car Garage,**” Patterson, New York. All interested parties and citizens will be given an opportunity to be heard in respect to such application. The property is located at 124 Big Elm Road.

Chairman Rogan stated how are you.

Mr. Unson stated fine, thank you.

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

Mr. Unson stated yes, my name is Ron Unson, I live with my wife at 124 Big Elm Road.

Chairman Rogan stated so you are already living at this.

Mr. Unson stated we were here last September as prospective buyers and we have since purchased.

Chairman Rogan stated oh okay, for the audiences edification, we approved a wetlands permit for the construction of a garage six or so months ago, maybe eight months ago, and this application is to make that garage slightly larger, it hasn't been built yet. Does anyone from the audience have any questions on this application.

Ted Kozlowski stated Shawn, being that I am a neighbor, I just wanted.

Chairman Rogan stated do you want to state your name for the record please and use the microphone sir.

Ted Kozlowski stated Theodore Kozlowski, 136 Big Elm Road, I just want for the record that I was served the notification for the public hearing but as you know, Jeanie and I both work and we have to sign for it and we just haven't gotten to the post office. I knew this was coming, so I am duly notified. I have no problem with this project by the way.

Chairman Rogan stated Michelle, I guess you've got the notices and you have heard what Ted said about getting his notification.

The Secretary stated yes I did.

Chairman Rogan stated any other comments from the audience, questions, concerns. Can I have a motion to close the public hearing.

Board Member DiSalvo stated motion to close the public hearing.

Board Member Cook seconded the motion.

Chairman Rogan asked for all in favor:

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

Motion carried on a vote of 4 to 0.

Chairman Rogan stated the conditions that we were considering for this application are the same conditions that were previously approved, just staking the four corners, being verified by the E.C.I. and the garage will be constructed in the existing lawn area. We were also concerned if you recall, there was a little bit of drainage that came off not the main channel but closer to the road and that is why we wanted this survey located.

Ted Kozlowski stated correct.

Chairman Rogan stated do we have any kind of architecturals or plans that we can see as to the design of the garage.

Mr. Unson stated we are looking into this right here, that would be the general plan.

Chairman Rogan stated okay, so there is second floor hobby space.

Mr. Unson stated we really have an unusable attic and the basement is completely finished so we don't have any storage area, so this is a loft area that we can use as storage.

Chairman Rogan stated okay.

Ted Kozlowski stated guys just so that you know, that is the same company that did my barn.

Chairman Rogan stated so are they reputable.

Ted Kozlowski stated yes, it is built better than my house.

Chairman Rogan stated one other condition on this application is that we verify, I think that this more between the Board and Rich, we verify that the plans, when they end up submitting them doesn't show more than what is being proposed for the second floor of that garage, that is doesn't turn into where we have a problem with an apartment.

Mr. Unson stated we won't have any drainage or sewage anyway.

Rich Williams stated it wouldn't be permitted by Code when they submitted the Building Department plans and as they go through the inspections with the Building Department, I mean if that were the case it would be duly noticed and a violation issued.

Board Member Pierro stated is this the 24 foot unit, is the country barn, is that what you are considering.

Mr. Unson stated the page 6, we are looking at 24' by 36'.

Board Member Pierro stated that is the Gambrel barn.

Mr. Unson stated page 6.

Chairman Rogan stated the straight gable.

Board Member Pierro stated Michelle, would you just make a quick copy of that for a records, I know that we are going to get a set of full blown plans, this way we have something to memorialize what we are approving tonight.

Chairman Rogan stated any other questions or concerns from the Board.

Board Member Pierro stated I have none Mr. Chairman.

Chairman Rogan stated can I get a motion please on this application.

Board Member Pierro stated in the matter of Unson, Big Elm Road, I make a motion that we approve the wetlands/watercourse permit with two conditions stated in the memo by Rich Williams dated June 1, 2007.

Board Member DiSalvo seconded the motion.

Chairman Rogan asked for all in favor:

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

Motion carried on a vote of 4 to 0.

Chairman Rogan stated thank you sir.

Mr. Unson stated thank you.

Chairman Rogan stated we will wait for our secretary to come back.

3) 2B2J W/W PERMIT APPLICATION – Public Hearing

Mrs. Theresa Ryan of Insite Engineering, Mr. Bruce Major, and Mr. John Boyle were present.

Chairman Rogan stated Theresa are you here for 2B2J, you can start putting up the plan if you'd like to save a little time.

Board Member Pierro stated Mr. Chairman I have a conflict with matter and I will recuse myself.

Chairman Rogan stated thank you, Michelle let the record show that Board Member Pierro left the dais for this application. Michelle, Dave stated for the record that he is recusing himself from the application, let's just let the record show that he left the dais. Is there anyone here for the 2B2J wetland application other than Theresa, would you please read the public notice.

The Secretary read the following legal notice into the record:

NOTICE IS HEREBY GIVEN by the Town of Patterson Planning Board of a public hearing to be held on Thursday, June 7, 2007 at 7:30p.m. or as soon thereafter as may be heard, at the Patterson Town Hall, 1142 Route 311, Patterson, Putnam County, New York to consider an application entitled "**2J2B Wetlands Watercourse Permit to construct a driveway through the wetland buffer,**" Patterson, New York. All interested parties and citizens will be given an opportunity to be heard in respect to such application. The property is located at 884 East Branch Road.

Chairman Rogan stated Theresa can you just give a very brief presentation on this. The property contains 18.77 acres approximately, we are proposing a single family home with an individual well and septic, there is an existing driveway that serves the site right now what we are proposing to do is to pave that existing driveway because that is recommended, it is actually a requirement of the Patterson Zoning, that it be paved and a portion of that falls within the Town of Patterson wetland buffer, at least this much of it does. The wetlands have been re-flagged and at some point in the near future we are going to get the new wetland flag location survey located but regardless of that there is a portion of the driveway that we need a permit for paving and there is also a request by the Environmental Conservation Inspector to replace an existing culvert. That is the limit of the work that we are proposing within the buffer.

Chairman Rogan stated any questions from anyone in the audience, any comments or concerns. Can I have a motion to close the public hearing.

Board Member DiSalvo stated motion to close the public hearing.

Board Member Cook seconded the motion.

Chairman Rogan asked for all in favor:

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

Motion carried on a vote of 3 to 0.

Chairman Rogan stated okay, so Ted, you re-flagged the wetlands.

Ted Kozlowski stated yes, the wetlands actually come up, I am sure the septic system layout if going to have to be moved a little bit because there is a pocket of wetland that bubbles here and comes down and then goes under the road and hooks with the with main body. It is not a killer the site but he is going to have to move that septic.

Chairman Rogan stated Theresa I think that you said that there is a curtain drain for this septic system, so you will be able to check out the out flow of that curtain drain and make that it is tied in.

Ted Kozlowski stated I am sure she will contact me once she is set with things and I will go out there.

Mrs. Ryan stated when we get the new wetland flag locations and I will get a map to Ted so he can look at it and make sure what you want on the plan.

Chairman Rogan stated Ted do you have any, Rich, sorry, do you have anything on this. So Ted is it just getting the wetland flagging on this map and making sure that everything is addressed.

Ted Kozlowski stated yes, I am sure, like I said that the septic is going to have to be moved.

Chairman Rogan stated that is great, do you have anything you. Thank you.

Mrs. Ryan stated thank you.

Ted Kozlowski stated good luck.

4) BREWSTER PLASTICS – Site Plan Waiver 6 Month Review

Mr. Brett Wallace, Vice President of Brewster Plastics was present.

Chairman Rogan stated Brewster Plastics. Michelle, let the record show that Dave rejoined the Board. It was weird talking to you before when you weren't here, you'll see it in the minutes, Michelle, make the record and you weren't here, you were outside. How are you this evening.

Mr. Wallace stated good, how are you.

Chairman Rogan stated please state your name for the record please.

Mr. Wallace stated Brett Wallace, Vice President, Brewster Plastics.

Chairman Rogan stated Brett, where are we today, 6 months after the last time we spoke with you about your site and the containers.

Mr. Wallace stated I have some drawings here.

Board Member DiSalvo stated is there enough for all of us.

Mr. Wallace stated yes. Our existing plan you can see on the right hand side of this wall and we have drawn in the proposed addition for our facilities, we can get rid of the cargo containers. We have been working with IDA and Mahopac National Bank to restructure our debt and get the funding and financing and stuff, which has been a little bit of a hold up because it is not new business that justifies the addition it is to keep current business so, there are some issues there.

Chairman Rogan stated understood.

Mr. Wallace stated based on the cost that we are getting now, we can not do the entire addition all in one shot, so we have Plan A, which would be in 50% segments and at least get that first one in and the issue with the containers and stuff will go away at that point and then we can always add on if we need to from there.

Chairman Rogan stated Rich, can we do a review on this on the entire, A and B, as not to segment the review process, do a site plan review for the addition of this and let them, as a 2 phased project.

Rich Williams stated I would have to take a look at what exactly they are proposing, it has already been reviewed as a 2 phase project, the second phase would have to be conceptually approved, he would still have to go through the site plan review process but I mean, a very large environmental assessment form, put a negative declaration on file for a 2 phase project.

Chairman Rogan stated okay, so we would just have to go through the process, a lot of the environmental review has already been done so the process is a lot simpler.

Rich Williams stated it should be simpler, assuming that he is within that original footprint.

Mr. Wallace stated yes.

Chairman Rogan stated well it would make sense to try to keep it within that footprint.

Mr. Wallace stated absolutely.

Chairman Rogan stated so would it make sense to ask the Applicant to begin this review process, file an application and also give a 6 month waiver as we did 6 months ago to continue this process, so that he can continue business while he is going through the application.

Rich Williams stated I don't know where he is with the process with his financing, getting design professionals to actually do the design drawings that he is going to need.

Mr. Wallace stated we have not hired anyone yet but we are going to use the exact same structures as we did for the original building, it would just be a review of the original building plans and then obviously to the addition for the existing part of the building. We are not starting from scratch, we are going to be re-using the stuff that we used originally for the building.

Chairman Rogan stated I will say that I am happy that you have taken something that was a concern for the Board and not up to current Code and you have already gone ahead and done what we have asked, which was to consider an expansion to house your business property, to me that is a good faith show on your part, I appreciate it, I really do.

Mr. Wallace stated thank you.

Chairman Rogan stated does anyone the Board have a problem with a 6 month extension.

Board Member Pierro stated none what so ever, we don't take this lightly sir, we understand that you are making an incredible investment in the Town of Patterson and we look forward to working with you.

Mr. Wallace stated based upon our current timeline and we have contracted a project manager to handle a lot of the paperwork and stuff for us and be able to handle the contractors once we get contractors. Based upon the timeline that we have worked out so far, we hope to have everything set and read to go by sometime this winter and then we can break ground as soon as weather permits in the spring.

Chairman Rogan stated that would be great.

Mr. Wallace stated and the building phase of it, what we have gotten so far is about 4 months worth of work from breaking ground until completion.

Chairman Rogan stated I would ask that you have your general contractor or whoever is going to be handling this process contact Rich right up front to get the process down so that we know exactly where we are going.

Mr. Wallace stated okay.

Chairman Rogan stated and like I said we appreciate your.

Rich Williams stated if I might, it is going to be his engineer and or his architect that is really going to start.

Chairman Rogan stated yes, that makes sense.

Board Member DiSalvo stated so he will be back again in December.

Chairman Rogan stated 6 months, yes and that point we are hoping, at that point you will already have an application in which we would continue the extensions on this process but we would be working toward a complete resolution to the whole thing, which is what ultimately what we want anyway.

Mr. Wallace stated okay.

Rich Williams stated he may want to consider adding a little bit more time that, give himself a little bit more lead time, to talk to your design professionals soon rather the later. I don't know how this is going to fit in to the DEC requirements, the DEP requirements that haven't seen the scope of the project.

Chairman Rogan stated okay, alright, can I get a motion.

Board Member Pierro stated on the motion on Brewster Plastics, I make a motion that we grant a site plan waiver extension for 8 months, does that fit in with your suggestion Rich.

Rich Williams stated that wasn't my suggestion.

Board Member Pierro stated that was not.

Chairman Rogan stated just do 6 months.

Board Member Pierro stated we will make it 6 months for allowing the continued use of temporary storage containers in the rear of the project while the applicant is designing a new structure.

Board Member DiSalvo seconded the motion.

Chairman Rogan asked for all in favor:

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

Motion carried on a vote of 4 to 0.

Chairman Rogan stated thank you.

Mr. Wallace stated thank you very much.

Rich Williams stated can we get a copy of those plans for our file.

Chairman Rogan stated you can have one, sure.

Board Member DiSalvo stated here you can have this one.

The Secretary stated Charlie already gave me one.

Board Member Pierro stated Charlie (unable to hear).

Chairman Rogan stated do you want that one back.

5) GEORGE APAP – Site Plan Waiver 6 Month Review

Chairman Rogan stated Santiago, oh I'm sorry. George Apap is off the agenda, he was not able to make tonight's meeting. Since we don't have the information as to what is going on with his site, there is no sense in even discussing it.

Board Member Pierro stated right.

6) SANTIAGO FILL PERMIT – Initial Request

Mr. Damien Santiago, the applicant was present.

Chairman Rogan stated Santiago Fill Permit, good evening Mr. Santiago, could you please state your name for the record.

Mr. Santiago stated Damien Santiago.

Chairman Rogan stated when we were out at your house over the weekend, we saw your proposal for the fill. You heard a number of concerns that we had with not only the quality of the fill because of the clay content, I know that you spoke with Rich, there was some work that you were going to do between then and now, in terms of how you are going to proceed with this because it was kind of a 2 phase project the way I remember it.

Mr. Santiago stated the fill that is there, I am going to use for the bottom portion as Rich had suggested and then obviously I am going to have to top it off with top soil and seed and grade it and then behind the pool, I am going to step it has Rich suggested, and then the stones that you saw, I am going to place them all the way at the bottom as weight and support with the steps and the stones when I put better fill, it will fill it and the stones will support it more and also seed and with top soil.

Chairman Rogan stated Rich do we want a sequence of placement or construction, I am not worried about the lower portion I am more concerned about the steep slope behind the pool to make sure that this is done appropriately.

Rich Williams stated I don't see how he could sequence it any other way except to put the rocks in place first, terrace it and then put the fill on.

Chairman Rogan stated I said sequencing, but what I was actually thinking in my mind was to make sure that the terracing is done so that it is going to meet its desired objective, that it is going to hold so that we don't end up with a weird. Something that is different then what you and I are envisioning on this. So I am wondering if maybe at a minimum either have a field inspection after the terracing but prior to the placement of the fill.

Mr. Santiago stated well time will be a concern because if I terrace it and it rains, then it will collapse obviously.

Chairman Rogan stated sure.

Mr. Santiago stated so it would have to be done on the same day, I would rather have the fill there ready, have the excavator cut it out and put the stone in the bottom and put it right on top.

Chairman Rogan stated but in order to do that you are going to have to have some lead time anyway because you are going to need to schedule this, the guy isn't going to say I am going to bring the fill in and I am only going to give you four hours notice.

Mr. Santiago stated no it will be the same day.

Board Member DiSalvo stated he wants to do all the work same day.

Rich Williams stated what Shawn is saying is that you are going to know a couple days in advance that the fill is being delivered. If you let me know I can schedule to be there when he is there.

Mr. Santiago stated oh, okay.

Chairman Rogan stated that would cover not only what we are intending for you, a safe back yard but it covers you a little bit also that you are ensured that you are having the construction done the way it was approved and it would be safe. I think that would appropriate, does the Board have any comments on that, no.

Board Member Pierro stated I am fine.

Chairman Rogan stated did we get a sense of what our total amount of fill is on this. It says 200 yards but I think that it turned out to be a quite a bit more than that.

Mr. Santiago stated I think that it was less than that, probably half of that.

Rich Williams stated I didn't do any estimates on what the fill might be.

Mr. Santiago stated because the fill that is there is about 80 yards or so and he said that I would probably need another 80 or 40, about half of what is there, so I would need the maximum is 100 yards more, the total amount of fill would be 200.

Board Member DiSalvo stated 200 yards.

Chairman Rogan stated do the motion on this one.

Mr. Santiago stated and then maybe another 20 yards of top soil.

Chairman Rogan stated okay.

Board Member DiSalvo stated I don't have a grasp on this one yet.

Chairman Rogan stated can I get a motion please, from the Board.

Board Member Pierro stated in the matter of Damien Santiago, 135 South Quaker Hill Road, I make a motion that we grant a fill permit for up to 150 yards, 200 yards of fill to terrace and stabilize his rear yard area.

Chairman Rogan stated and please just add the condition for Rich to be notified for the day of construction for the terracing.

Board Member Pierro stated as stated, Michelle, okay.

Board Member Cook seconded the motion.

Chairman Rogan asked for all in favor:

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

Motion carried on a vote of 4 to 0.

Chairman Rogan stated thank you sir.

Mr. Santiago stated thank you.

7) PIERRO FILL PERMIT – Initial Request

Chairman Rogan stated for the record, there was a application for a fill permit for Pierro, it was approved at the work session. It was for the placement for 20 to 40 yards of fill for patio near a pool.

8) PATTERSON LITTLE LEAGUE – Request for Waiver of Site Plan

Chairman Rogan stated Patterson Little League, will not be here or he will be late.

Rich Williams stated he will be late, he ended up having to be at a baseball game.

9) TELECOM SITE PLAN – Continued Review

Mrs. Theresa Ryan from Insite Engineering was present.

Chairman Rogan stated Telecom Site Plan.

Mrs. Ryan stated do you want the plan.

Chairman Rogan stated no I think we have a pile of them, unless they have changed in the last couple of days. So Theresa, one of the issues that we are concerned about as you know, was the truck loading space that was proposed initially, we asked that it be moved to the front of the building. You showed a parking space but it doesn't even go into the front of the building, it is not long enough.

Mrs. Ryan stated I misunderstood, I put it on the wrong side of the hatched area.

Chairman Rogan stated no, you put it on the right side of hatched area, I believe, oh no, you are right, it is shown with the X. If we could get that on the other side.

Mrs. Ryan stated I did get a sketch from Rich on that so I know what to do.

Chairman Rogan stated will that be okay.

Board Member Pierro stated I went back out to look at this, after we discussed it at the work session and I would be happy with extended the coble sidewalk area, if that is cheaper, it doesn't have to be a blacktop parking space, if you put up another 6' by 6' of cobbles in the front, it maybe a little bit more attractive and easier to swallow by the applicant there and still allow for a larger truck space if that is okay with the other Board Members.

Board Member DiSalvo stated where exactly did you want to put it Dave.

Mrs. Ryan stated there are pavers in front of the building, is what Dave is talking about now and there is a little portion of those pavers that go into where you want that space.

Chairman Rogan stated so that little portion is what looks like, the dog leg portion of the alright so we are looking at extending this to a usable. I actually talked to a UPS driver, after our conversation, our work session the following day and he said that their trucks are usually not more then 24 foot, I said so then if you had 28 foot space, that would adequate, he said absolutely for that size truck. For FedEx, UPS, so is 28 foot space is fine.

Board Member Pierro stated that would be fine for me because I parked my 20 foot truck in there, for the sake of argument another 6 to 8 feet would be adequate.

Chairman Rogan stated so Rich for procedures we need a waiver for the requirement for the loading space to be just 28 feet.

Rich Williams stated for the size and also if you are going to allow something other then asphalt you are going to need a waiver for the surface.

Chairman Rogan stated I'll tell you what, why don't we do this just to make it easier on the approvals, why don't we do blacktop and if for some reason they have some crazy problem with it then you can tell them that we would consider the cobble or something but if they have to get in their anyway, for the eye, maybe somebody pulling in it, it would look more like a space then a, and I appreciate what you are trying to do for them.

Board Member Pierro stated fine, I would hate to tie it up any longer then we have to though.

Chairman Rogan stated the fence, the fence that is shown we were envisioning it extending it further to the east.

Mrs. Ryan stated the east.

Chairman Rogan stated let me get my directions for a second.

Mrs. Ryan stated where do you want it.

Chairman Rogan stated to at least the eastern side of the rear parking lot.

Mrs. Ryan stated okay.

Chairman Rogan stated so it is probably about another 200 feet.

Mrs. Ryan stated all the way to the edge of the parking lot.

Chairman Rogan stated I would say at least to the edge of the parking lot, that would, that is your intent.

Board Member Pierro stated that is not a terrible inconvenience, I don't think.

Mrs. Ryan stated the western side is okay.

Chairman Rogan stated the western side you extended it fine.

Mrs. Ryan stated it pretty much lines up with the back of the building on that end.

Chairman Rogan stated and there was the issue of the phragmites being maintained that Ted is requesting.

Mrs. Ryan stated there is a note on the plan about that.

Chairman Rogan stated Ted do you want to just to that, with the microphone. Red maples.

Mrs. Ryan stated there are 7 of them.

Ted Kozlowski stated I would kind of like them tucked in and around the wetlands.

Mrs. Ryan stated in the wetland.

Ted Kozlowski stated I would like to make it that when they are ready to plant, I would like to be the one that selects the planting sites.

Mrs. Ryan stated okay.

Ted Kozlowski stated just notify me when the nursery guy comes and I will come out and stake it or I will stake it in advance.

Mrs. Ryan stated that is a lot of trees to order. Okay.

Ted Kozlowski stated I want to strategically locate for the phragmites.

Chairman Rogan stated the truck space, they need a waiver, length to 28 and Ted. We have a final site plan approval resolution prepared for the Board's review and also from Stantec we have the estimate for the bond and the inspections fees, the 5% inspection fees. The bond is \$ 45,000.00, the inspection fees at \$ 2,250.00, do they look fine Theresa.

Rich Williams stated Theresa you are okay with Stantec's estimate because I want to make sure that you are okay with that.

Mrs. Ryan stated we go a discounted rate.

Board Member Pierro stated are you going to do it Maria, take a stab.

Board Member DiSalvo stated in the matter of Telecom Infrastructure, I make a motion that we approve.

Chairman Rogan stated the final site plan approval.

Board Member DiSalvo stated the final site plan approval.

Chairman Rogan with the 5 general.

Board Member DiSalvo stated date June 7th with the 5 general conditions and add these too.

Chairman Rogan stated you have to do the special first.

Board Member DiSalvo stated and the listed 3 special conditions in addition to.

Chairman Rogan stated you wrote them on the top of your sheet.

Board Member Pierro stated maybe I jump in here.

Chairman Rogan stated no, she's got it.

Board Member DiSalvo stated here it is, the loading space be 28 feet in length, the fence to extend to the eastern side of the parking and the location of the maples trees, Ted Kozlowski is to be advised prior to the planting of the maple trees.

Chairman Rogan stated so he can do a site inspection.

Board Member DiSalvo stated so he can do a site inspection.

Board Member Pierro stated and choose the location.

Board Member DiSalvo stated and stake out.

Chairman Rogan stated we also, can we include in that motion, we can do the motion also with the bond calculations, we can add that right into the motion or do that separate.

Rich Williams stated why don't you do it as a separate one.

Chairman Rogan stated can I have a second on the resolution.

Board Member Pierro seconded the motion.

Chairman Rogan asked for all in favor:

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

Motion carried on a vote of 4 to 0.

Chairman Rogan stated motion on the bond calculations please.

Board Member Pierro stated in the matter of Telecom on Route 22 Patterson, I make a motion that we recommend to the Town Board to approve the bond calculations provided by Stantec Engineering at \$45,000.

Chairman Rogan stated with a \$2,250.00 inspection fee.

Board Member Pierro stated so moved.

Chairman Rogan stated can I have a second please.

Board Member Cook seconded the motion.

Chairman Rogan asked for all in favor:

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

Motion carried on a vote of 4 to 0.

Chairman Rogan stated thank you.

Mrs. Ryan stated thank you very much.

Chairman Rogan stated thanks Theresa. Bear Hill Subdivision.

Board Member Cook stated Shawn, these may be the Little League fellows.

Board Member Pierro stated they are.

Mr. Liguori stated I'll wait.

8) PATTERSON LITTLE LEAGUE – Request for Waiver of Site Plan

Mr. Danny Finney, Vice President of the Patterson Little League was present.

Chairman Rogan stated Patterson Little League, they're in.

Ted Kozlowski stated you win.

Mr. Finney stated no.

Chairman Rogan stated good evening.

Mr. Finney stated good evening how are you tonight.

Chairman Rogan stated good, how are you.

Board Member Pierro stated so are you building or buying.

Mr. Finney stated I think that I am going to try to build it. This is exactly what we want to do.

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

Mr. Finney stated my name is Danny Finney, Vice President of the Patterson Little League.

Chairman Rogan stated great, so this is a representation of the shed, it is pretty straight forward 15' by 20' we saw the spot, it looks fantastic.

Mr. Finney stated yes, it is a good location, I mean it shouldn't be too visible from the street and we should be able to get good access to it. Basically we just need for track dirty equipment and stuff for the kids.

Chairman Rogan stated and it is going to be on skid material.

Mr. Finney stated I am going to put it on concrete, I am going to four inches of gravel and then pour a four inch slab and just slide this thing right on top of it.

Chairman Rogan stated does the slab need a building permit.

Rich Williams stated the whole shed needs a building permit.

Chairman Rogan stated the whole thing because it is 16' by 20', because it is larger than 120 square feet.

Mr. Finney stated what do you want me to get for a building permit, do you want me to have this small schematic showing the structure.

Rich Williams stated you are going to have to talk to Cheryl and Dave.

Mr. Finney stated alright because Dave just told me to give him quick specifications on it just so he knows what is there.

Chairman Rogan stated does the Board have any other questions on this.

Board Member DiSalvo stated did you want to keep it the white color that is shown here.

Mr. Finney stated it is either going to white or grey, I am going to try and keep it in contour with the background so that it is a little bit hidden from the houses on the other side so that it kind of blends into the landscape.

Board Member DiSalvo stated blend in.

Mr. Finney stated that is what I was thinking, the grey would be nicer, the white might stick out a little bit but the grey might be nicer because of the fact of the back drop behind it is Peckham's white stone or grey stone as it were.

Chairman Rogan stated what we did notice when we were on the site that this shed will be great if we can get some of the material that is just laying on the ground, there are different drags and things that are used to.

Mr. Finney stated that is exactly what we are trying to do, with the kids playing around over on that side, we want to get that stuff inside as much as possible we just don't have enough room in the shed that we have now for everything.

Chairman Rogan stated can I get a motion for waiver of site plan for the shed.

Board Member Pierro stated in the matter of Patterson Little League, give me the size again.

Chairman Rogan stated 16' by 20'.

Board Member Pierro stated I make a motion that we grant site plan waiver for a 16' by 20' shed to be built on their property on Maple Avenue.

Board Member DiSalvo seconded the motion.

Chairman Rogan asked for all in favor:

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

Motion carried on a vote of 4 to 0.

Chairman Rogan stated thank you.

Mr. Finney stated thank you very much, have a good night.

Chairman Rogan stated that wasn't so hard was it.

Mr. Finney stated it was very easy.

Chairman Rogan stated Bear Hill Subdivision.

Mr. Liguori stated Mr. Chairman I am waiting for Rob Cameron to show up, if I could just get bumped one.

Chairman Rogan stated we can put you off until the very end.

Mr. Liguori stated if not then I'll.

The Secretary stated he called and I told him to be 8 o'clock just so that you know (Boniello).

10) D'OTTAVIO WETLAND/WATERCOURSE PERMIT

Mr. Steven D'Ottavio, the Applicant was present.

Chairman Rogan stated D'Ottavio wetland/watercourse permit.

Mr. D'Ottavio stated oh jeez.

Chairman Rogan stated its like going pretty good tonight.

Mr. D'Ottavio stated I was last.

Rich Williams stated where is Ted.

Chairman Rogan stated hurry up, come up.

Mr. D'Ottavio stated (unable to hear).

Chairman Rogan stated good evening.

Mr. D'Ottavio stated Steve D'Ottavio.

Chairman Rogan stated Steve we know that Ted issued a violation for a wetlands intrusion, we went out and checked the site, I think that we came to an agreement if we could count the large trees that were cut down along the upland area that is clearly a wetland, we are not talking about the hillside or anything like that and come to an agreement as to replanting some trees so that we can provide some shade for that area. Probably nothing is going to grow in there in anyway because there weren't any trees, we actually walked through it and there weren't any trees that were cut down in that upper wetland area. So really what we are looking for is to make this right, do what you have to do to appease Ted. We saw that you put some seed down to kind of help stabilize things, when we were out there it wasn't really growing on the hillside, it was growing kind of in the wetland.

Mr. D'Ottavio stated it is growing better now.

Chairman Rogan stated Rich, could you just grab Ted so that we can wrap this up, no, could you just do that please.

Mr. D'Ottavio stated I am going through all of this because I would like to put a second floor on the existing house with an addition.

Chairman Rogan stated bigger.

Mr. D'Ottavio stated 32 feet.

Chairman Rogan stated it is an interesting looking house.

Mr. D'Ottavio stated it's a thorn in my side.

Chairman Rogan stated it sits back in there nice and protected.

Mr. D'Ottavio stated I did submit some plans, some sketches on what I'd like to do and I do have actual plans for it, I don't have them presently.

Chairman Rogan stated okay, we didn't get them, have you submitted them recently.

Board Member Pierro stated the expansion of the house is not a matter for this Board at present.

Mr. D'Ottavio stated I was under the understanding that I can just go to the Building Department.

Board Member Pierro stated yes, you can.

Mr. D'Ottavio stated I made a mistake by cutting those trees down, so I guess I am in front of the Board.

Board Member Pierro stated as long as you acknowledge that.

Ted Kozlowski stated boy you guys are flying through this agenda.

Chairman Rogan stated we spoke to the applicant about counting tree stumps, about meeting with you to approve a location for the replanting of those trees and actually the species, I think, if you are talking maybe red maples like you did for the previous maples, what size trees, what caliber trees.

Ted Kozlowski stated normally it is 3 to 1 for every stump.

Chairman Rogan stated I meant what size trees.

Ted Kozlowski stated 2 or 2 ½ (unable to hear).

Chairman Rogan stated and the rip rap swale that is between the wetland and driveway, that is something that Ted brought up a point that when you do the expansion on this house and you want to access that area, there really is not really a good access was right now, we may want to consider pipe under a section so that you can get over to that area.

Mr. D'Ottavio stated if I am allowed to do that, that would be wonderful.

Chairman Rogan stated that would make sense.

Ted Kozlowski stated it might be better then to put a bridge over there.

Chairman Rogan stated yes, there was no water flowing through that when we were there it was just absorption.

Mr. D'Ottavio stated are you talking about an engineered bridge.

Chairman Rogan stated no.

Ted Kozlowski stated because the only thing that you are going to need to get over there is a lawn mower or a piece of lawn, garden equipment.

Mr. D'Ottavio stated I do want to clean the area up and put a lawn in that section.

Chairman Rogan stated I guess I mean up in the upper area.

Board Member Pierro stated I guess Ted's direction is to put native grasses back in that site, I don't know if it is ever going to be a lawn area Steve.

Mr. D'Ottavio stated I don't know what native grasses actually are, explain to me.

Board Member Pierro stated Ted can give you some direction on what, there are some very.

Ted Kozlowski stated when we delineate the wetlands Steve, you are going to have to respect the hundred foot buffer, when you look at that, they really are not going to have a lot of area for lawn unless you are going to clear more of the hillside.

Mr. D'Ottavio stated no, I have no intention of clearing anything else.

Ted Kozlowski stated I know you want to have that open space look, you trying to maintain a lawn there it is going to be very difficult because you are on a slope, you are going to have irrigate, you are going to have to fertilize, you are going to have to do all sort of stuff, which is going to effect the buffer and the function of the buffer. My recommendation to you and this Board is that if you don't want forest; go with native grasses which only gets mowed once or twice a year.

Mr. D'Ottavio stated alright.

Ted Kozlowski stated it is just grass, it is a mixture of native grasses, it is not your blue grass, it is different, I can give you specs on it.

Rich Williams stated I think what Ted is referring to are basically cool season grasses as opposed to warm season grasses that we normally use for lawns.

Chairman Rogan stated that seems pretty reasonable. I have grasses like that that cropped up where the sunlight got down into the forest down in front of my house, the same thing where you'd have to mow it, you've have to mow it only once or twice a year.

Ted Kozlowski stated you mow it to keep the woody plants from eventually taking over.

Chairman Rogan stated we have the permit application yet for this wetlands permit.

Mr. D'Ottavio stated I believe so.

Chairman Rogan stated we have this.

Rich Williams stated there is a permit application on file, we took a fee pending because I wasn't exactly sure what the application was for and what the violation was and I wanted Ted to weigh in on what the actually application fee would be.

Ted Kozlowski stated Steve, just so that you understand, you have two options here, one was to go to Court and pay a fine or come before the Board and go through a wetlands and watercourse application process, and you still have to pay a fee.

Mr. D'Ottavio stated oh, I understand that.

Ted Kozlowski stated I don't consider it a fine, I just consider it a fee but all wetlands and watercourse applications fees are based on square footage in wetland and buffer and what I am going to have to do is how many square feet of wetland buffer and wetland were affected.

Rich Williams stated it depends on (unable to hear).

Mr. D'Ottavio stated is that something that you and I can go there and (unable to hear).

Ted Kozlowski stated Rich and I will go over that and send you the bill.

Chairman Rogan stated we can approve the application though, contingent on you guys resolving that.

Rich Williams stated as much as I would like to see this disposed of tonight, there are rules that we have to follow and we haven't had a public hearing.

Chairman Rogan stated that is why I appreciate you keeping us on track.

Board Member Pierro stated put it down for a public hearing then.

Chairman Rogan stated yes.

Ted Kozlowski stated we are going to have to do that.

Board Member Pierro stated in the matter of.

Mr. D'Ottavio stated does that affect me trying to get a building permit.

Rich Williams stated excuse me.

Mr. D'Ottavio stated does that affect me trying to get a building permit.

Ted Kozlowski stated let me put it to you this way, if that house is within 100 feet of the wetland and you are going to expand on that house and put a deck on it and do all sorts of things, then you are going to have to include that in the permit and you might as well do that now.

Chairman Rogan stated find out, measure it off and find out what the distance is.

Mr. D'Ottavio stated I am pretty sure its.

Ted Kozlowski stated is your plan to expand that house.

Mr. D'Ottavio stated yes.

Ted Kozlowski stated is your plan to put a deck on that house and do normal things.

Mr. D'Ottavio stated no deck.

Ted Kozlowski stated you have to measure off and I would go from where that silt fence is, measure from there to your house, if you are within 100 feet or if you are with 100 feet of where you are going to expand into, then you should put that in the wetlands applications package so that it is all together.

Chairman Rogan stated then at least you are done.

Mr. D'Ottavio stated so the answer is no, I can't get a building permit basically until I get.

Rich Williams stated you have to figure out where it is, if you are outside that zone.

Mr. D'Ottavio stated I think I am inside it.

Ted Kozlowski stated I do.

Mr. D'Ottavio stated well maybe.

Ted Kozlowski stated that is (unable to hear).

Mr. D'Ottavio stated it all depends on where you tell where the wetlands actually are.

Ted Kozlowski stated I Just told you, measure off that silt fence that you put up in the house side, with that silt fence, measure on that silt fence a straight line to the house. If it is 100 feet or less you are in the buffer and you might as well put that on the plans, especially if you are going to enlarge that house.

Mr. D'Ottavio stated then I need to resubmit another application with all that one there.

Ted Kozlowski stated no, you can amend it.

Mr. D'Ottavio stated oh okay.

Chairman Rogan stated on the motion for the public hearing, make note that it is going to be the second Thursday in July because we are going to change it to get away from the Fourth of July week. Do you have the date of that, we talked about it at the work session, we were going to make a motion on it tonight.

The Secretary stated July 12th.

Chairman Rogan stated July 12th.

Board Member Pierro stated in the matter of D'Ottavio.

Rich Williams stated it is down at the bottom.

Chairman Rogan stated I have an old agenda.

Board Member Pierro stated in the matter of D'Ottavio I make a motion that we set a public hearing for July 12th.

Board Member DiSalvo seconded the motion.

Chairman Rogan asked for all in favor:

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

Motion carried on a vote of 4 to 0.

Ted Kozlowski stated Steve if you like to meet tomorrow, I can meet you up there.

Mr. D'Ottavio stated that would be perfect, thank you, good night.

Chairman Rogan stated different applications, some are from the D'Ottavio site plan for commercial building up Route 22.

Board Member Pierro stated different property.

Chairman Rogan stated all that has changed is we added Maplewood North. Okay, we are back to looking at the audience here, your applicant is not here yet.

Mr. Liguori stated I am just waiting for Rob.

11) **BONIELLO SITE PLAN – Continued Review**

Mr. Michael Boniello and Mr. Joel Greenburg, architect, were present.

Chairman Rogan stated Boniello Site Plan.

Board Member Pierro stated Mr. Boniello.

Chairman Rogan stated good evening Joel.

Mr. Greenburg stated good evening how are you.

Chairman Rogan stated I am doing well, how are you. When you put that up Joel, we had this spun around for the audience, if you could slid it back a little ways so that we can see the board, that would be great, thank you. Good evening, can you please state your name for the record sir.

Mr. Greenburg stated I am Joel Greenburg, I am the architect for Anthony and Michael Boniello.

Chairman Rogan stated is this gentleman Michael.

Mr. Greenburg stated this is Michael.

Chairman Rogan stated good evening Michael.

Mr. Greenburg stated I'm sorry.

Chairman Rogan stated that's alright, we've just had Anthony so far, I believe.

Mr. Greenburg stated no Michael has been here.

Chairman Rogan stated I apologize.

Mr. Boniello stated it's okay.

Chairman Rogan stated Anthony made an impression when he threatened to beat you up because you weren't addressing his comments.

Mr. Greenburg stated that's right.

Chairman Rogan stated you have something to live up to now.

The Secretary stated Joel, can you please use the microphone.

Chairman Rogan stated you just need to pull that microphone out.

The Secretary stated thank you.

Chairman Rogan stated thanks Michelle.

Mr. Greenburg stated we have tried to address some of the issue that were brought up at the meeting last month and the report from the Town Planner, Rich Williams. Do you have any questions that I might answer.

Chairman Rogan stated why don't you bring us through what changes you made.

Mr. Greenburg stated okay, we have adjusted the parking somewhat, we have located the building so that it conforms to the Zoning Ordinance. One of the things that was brought up with regard to building number one which is an existing one family residence but we want to keep the driveway, it was in one of the memos that indicated perhaps eliminating the driveway but we fee; that since this is basically a separate residence, leave the existing curb cut and the parking for that. I think that some of the details that were requested, were also added on.

Chairman Rogan stated do you want to, I am asking now for the Board's opinion on this, do you want to start with the Zoning issues on this and just tackle those first, any takers.

Board Member Pierro stated no.

Chairman Rogan stated no takers or no you don't want to do that first.

Board Member Pierro stated no takers.

Chairman Rogan stated okay.

Rich Williams stated I did have a conversation with Anthony Boniello on this a couple of days ago, he asked if, as part of a retail operation if he could sell mulch from there, other landscape products and certainly it is shown on the plans as outdoor storage, that would be something that would be permitted within that Zoning District as something they have done in the past, in relation to that he would need some equipment on the site to be loading that into landscaping vehicles and such. In that regard there has been some confusion about him storing heavy equipment out there, in that regard that would be something that would be permitted within that Zoning District.

Chairman Rogan stated now in terms of the Zoning issues out there, there has been some talk and some questions about what would be the legal uses of the building and correct me if I am wrong but we are talking about the building that is the show room building, correct.

Mr. Greenburg stated that came up at the last meeting if you recall, with regard to the apartment upstairs and in discussing it with, I think Anthony was at the last meeting, the person that is renting that apartment, I guess at one point there was a hair stylist up there, there was also, while the hair stylist was using it as a business, she was also living there too, so I think the usage of the upstairs of this building number two which is I believe what you are talking about has been residential for, I don't know the exact number years but it has been for sometime, so that was one of the question, that was the main question that was brought up at the last meeting.

Chairman Rogan stated but does the idea that it was used as such and the contention that it is pre-existing non-conforming, does that allow it to be continued with the review of this site plan, I thought that the answer to that was not necessarily and we need to address that.

Rich Williams stated I think it needs to be addressed, certainly if it is pre-existing non-conforming use of the property that has been there continuous and uninterrupted, it is substantial that it would be allowed to continue. The question is that there are documents are Town Hall which call that into questions, it then becomes incumbent upon the Applicant to provide whatever documentation that they can provide to

demonstrate the standard for pre-existing non-conforming use of the property. We had talked about that at the last meeting and they had indicated that they were going to be looking into that and come back with receipts or whatever they had.

Board Member Pierro stated for the record and I understand, we all read the letter signed by Craig Vogl, who is a former brother-in-law and a former partner to the Boniello's and I can attest that 16 years ago when I moved to Patterson, I brought my daughter who was 5 years old to get her hair cut at Michael and Anthony's sister's hair salon on the second floor. At that time Jenny was freaked out and she brought Jenny into the portion of that hair salon that was residential apartment. Take it for what it is worth, granted we have that application to try to get away from the residential garbage fees that were prepared by Craig and signed admittedly by Anthony. Sometime people lie to get away from spending money, I have never met a person that hasn't lied once in their lives, so we caught the man in a lie or someone in a lie and I don't think that it is a terrible huge issue as far as this application goes. I think that we should just get on with it, let's clean up this site as best we can, let's clean up what violations we can, let's make it more ecologically friendly to the sites surrounding it and hopefully we can get a better project out of this.

Mr. Greenburg stated I think that is basically our aim, to clean up the site, we are getting rid of three buildings are coming down, the building two and building one are going to remain and the new building number three is going to be constructed. So we are getting rid three buildings which I think is a good start, we are just trying to formalize the parking so that it makes some more sense.

Board Member Pierro stated Joel I had brought up at our work session, barring any side yard or set back constraints, I would like to see in the back of this new building a possible shed roof to keep all of this outside repaired equipment under and out of the weather.

Mr. Greenburg stated back over here.

Board Member Pierro stated barring any set back issues that we might have with the neighbor, I don't know if that is possible.

Rich Williams stated I think that he is right on the set back line.

Mr. Greenburg stated the way the building is shown now the requirement is 30 feet and our building is 30 feet from the side yard unless we can find another place on the site for it, to the side or something.

Board Member Pierro stated if at any time a waiver would be warranted to keep oily gasoline loading equipment out of the rain and out of the weather and stopping it from leaching out into the soil, this might be the opportunity.

Chairman Rogan stated you brought up a good question though, the better question for this right now is for the Applicant, where do they propose storing that equipment because you obviously have customers dropping off scags and trackers and stuff and if it is not to be stored in the building, where do you propose to put it because I think that brings up an excellent point.

Mr. Greenburg stated well basically a good portion 2/3 of this new building are going to be where the repairs are.

Mr. Boniello stated most of it will be inside.

Mr. Greenburg stated most of it will be inside.

Chairman Rogan stated and where would the overflow be kept, I am looking for you to be honest here, this is part of the planning.

Mr. Greenburg stated and we want to be perfectly honest and that is something that I will address.

Chairman Rogan stated because you don't want it certainly out where (unable to hear).

Board Member Pierro stated hold on, time out.

Chairman Rogan stated so if you could just show us where you are proposing any overflow, so that it doesn't end up in any parking spaces or in the way of maneuvering vehicles and then the answer may be self evident.

Mr. Boniello stated you could put it on the side, on this side right here.

Chairman Rogan stated where is the wetlands line right there Joel.

Mr. Greenburg stated the wetlands line is coming around through here [points to plan].

Chairman Rogan stated so that is the, that is why we are probably not looking at using that area because.

Mr. Greenburg stated what can be done and we could probably put a lean to over here, as you know we are going to be combing these two parcels into one parcel now, where this small building is being demolished, we could probably get a lean to over there and have the equipment perhaps put on the side over here.

Chairman Rogan stated of course you are really, really reducing the use of that tenant residence, you've already reduced it down to a little bit of front yard space, we talked about a fence to distinguish, to separate the two.

Mr. Greenburg stated right, then let me look at it and another possible area then instead of back here.

Chairman Rogan stated or just, the answer may prove out that you are limited the area within the building, whatever area that is, I understand a couple of mowers out but we don't want to have, you don't want to have what you have now, that is the whole intent of this.

Mr. Greenburg stated lets see what the maximum amount of pieces of equipment that would be repaired at any one time and if we can accommodate all them.

Chairman Rogan stated so go up there and count them.

Mr. Greenburg stated that is exactly.

Chairman Rogan stated sure Ted, but you have to use the microphone please.

Ted Kozlowski stated I was out to the site today and I met with Anthony's brother briefly but I was informed that because I asked that question, you know all this equipment, where is it all going and I was informed today and correct me I am wrong that everything is going in the building and Anthony was very

happy about that because he didn't want it outside, so my understanding after I left the site today was that that is not an issue anymore when this building gets built.

Chairman Rogan stated beautiful.

Ted Kozlowski stated maybe that is going to change and I know what your thinking is because reality of it is because sometimes they get blitz with stuff and stuff stays outside and that is a valid point that you did bring up and I've seen every repair shop has that issue, no matter how big the building is, stuff comes in.

Board Member Pierro stated sure.

Ted Kozlowski stated and then there is always stuff that is put on the back forty, we see that all the time. Also while I have the mic and the floor I also want to say that I don't know if these plans accurately reflect what is out there now with regard to the wetlands, I do believe that there has probably been some intrusion but for the most part when I was out there many years at Anthony's request I posted wetland, the Town wetland markers, they are still on the trees that I affixed them too and I purposely selected unhealthy trees, not to put a wound in a healthy tree and they are still there, so they are right on the edge of the wetland and when this is all said and done and what I recommending to the Board and to the Boniello's is that we get some sort of fence up and that marks the line and that is it, no more, I don't know if these guys are going to be here next year and I don't know who is going to own this property in the future but a little bit each year gets eaten away, let's mark it once and for all and that's it.

Mr. Greenburg stated that's a good point.

Board Member Pierro stated that's fine.

Rich Williams stated Mr. Chairman if I could just add in there what I just heard is we are not sure where the wetland line is or whether it is correctly shown on the plans and we can't design if we don't know exactly where the wetland line is.

Chairman Rogan stated I think what we need is just Ted for you to confirm what they are showing on their plans and see if it makes sense.

Mr. Greenburg stated you are correct Ted, but this the map that I am working off of is a map that is several years old whether this still reflects the actual conditions, you are absolutely correct.

Ted Kozlowski stated I think if you look at a map, if you produce a map of the current site, it is defined by the wetlands now so what you have disturbed and what you are using is pretty much definitely in the back and little bit to the southeast side, that is all wetland and that is your marker. My signs are still up there and I really think that you are going to have to clean that map up to reflect that because Rich is right and this Board has to approve something so let's just get it right, let's just get this thing done.

Mr. Greenburg stated alright, just so that I understand correctly, your flags are still there, so we can have a surveyor come out confirm it.

Ted Kozlowski stated and if you want I would be more than happy to go out there and re-attach new flags, I'll do that so you can get them on the survey.

Mr. Greenburg stated if you could do that, we'll have the surveyor out there in about a week.

Ted Kozlowski stated I will do it tomorrow.

Mr. Greenburg stated and I will call the surveyor tomorrow and schedule that, that is great thank you.

Chairman Rogan stated Joel, what would be very helpful for all of us and probably Rich as well, is that your next re-submission, when you address items in his memos that you respond to them point by point so that we know that they have been you know and if you aren't responding to them at that point, tell him why.

Mr. Greenburg stated okay, fair enough.

Chairman Rogan stated we are not willing to take your advice on point 28 this time but at least we know that it wasn't, I think that it saves time in the review process as you are well aware. It's in the memo, see that, I probably read it and it was sticking in the back of my mind, I am not that good. Does anyone on the Board have anything else that they would like to discuss at this time.

Board Member DiSalvo stated so we are not going to discuss the overhang anymore, that is out.

Mr. Greenburg stated no, I think obviously Ted has had the last word. Now Shawn, regarding to the procedure, hopefully we can catch all the items that he has on his memo, so maybe at the next meeting we can schedule a public hearing and bring this to a closure.

Chairman Rogan stated we won't make any guarantees but we will put that back on you.

Mr. Greenburg stated okay.

Rich Williams stated generally the next item in the procedure is you do your intent for lead agency.

Chairman Rogan stated lead agency.

Rich Williams stated unless you want to do an uncoordinated review.

Chairman Rogan stated no I think that we would like to in this case do a coordinated review, so that we have everybody's input all at once and get it done right.

Mr. Greenburg stated can I make a suggestion can you do that tonight so that I can start circulating, because other wise we are going to lose another month.

Chairman Rogan stated how good do you think you are going to be for next month.

Mr. Greenburg stated I just got the memo this afternoon, I haven't really read it, but I will start working on it now, from what you said the July meeting is a week later then normal, so I actually have an extra week, so that we can address all those.

Rich Williams stated we didn't change the submission deadline date.

Mr. Greenburg stated well that isn't fair.

Chairman Rogan stated are you going to be off for July 4th week, just drinking beer, I hope you are.

Mr. Greenburg stated so the deadline is the same as.

Board Member Pierro stated coordinated review and intent to lead agent.

Chairman Rogan stated would anyone to make the motion for lead agent.

Board Member Pierro stated in the matter of Boniello Site Plan, I make a motion that Town of Patterson Planning Board declares itself intent to be lead agency and conducts a coordinated review.

Board Member DiSalvo seconded the motion.

Chairman Rogan asked for all in favor:

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

Motion carried on a vote of 4 to 0.

Mr. Greenburg stated do you have a, Rich do you have a form, I know most Towns give you a form that you fill out to send out with the drawings and so on.

Rich Williams stated actually we do the notice, what you have to do is just give me.

Mr. Greenburg stated how many sets.

Rich Williams stated that is what I am sitting here looking at.

Mr. Greenburg stated you are attempting, oh okay good.

Rich Williams stated 7 sets of the site plan.

Mr. Greenburg stated in addition to my normal submission of 11 or something like that, so you need about 16 sets, I am just telling you.

Rich Williams stated but Joel let me say this, I don't necessarily need full sets.

Mr. Greenburg stated oh just the basic site plan then you don't need all the other stuff, okay so 11 full sets and 7 partials.

Rich Williams stated the sooner you get me the 7 the sooner I can get that out.

Mr. Greenburg stated that I can get you immediately because minor changes I don't think are going to effect anything as far as the coordinated review, very well.

Chairman Rogan stated thank you Joel, have a nice weekend.

Mr. Greenburg stated thank you.

Chairman Rogan stated have a good night Michael.

Mr. Greenburg stated have a great 4th.

Chairman Rogan stated we are willing to wait for Rob if you'd like, in other words we've got other items to do.

Mr. Liguori stated he said he was going to be here at 8:30 so.

Board Member Pierro stated that should give us another 5 minutes.

Chairman Rogan stated we'll give him another five or ten minutes.

Board Member Pierro stated we'll wipe some stuff off the record.

Rich Williams stated he wants to get going.

Chairman Rogan stated I know.

Rich Williams stated is there a hockey game some place.

12) OTHER BUISNESS

a) Site Walks: Hudson Valley Trust

Mrs. Theresa Ryan of Insite Engineering, was present.

Chairman Rogan stated is anyone here for Hudson Valley Trust, we did a site walk out on that, we have comments on it, does anyone have anything that they would like to discuss on that issue at this moment in time.

Board Member Pierro stated the only.

Chairman Rogan stated Theresa you are here for Hudson Valley.

Mrs. Ryan stated yes.

Board Member Pierro stated yes.

Chairman Rogan stated you didn't even speak up, you were as quiet as a church mouse over there.

Mrs. Ryan stated I was starting to doze off.

Chairman Rogan stated so the issues that we raised, you want to talk about Dave.

Board Member Pierro stated the only glaring concern that I had and I didn't recognize it at first, I was thinking it and I asked Gene and he agreed that the height of the lower portion of the bridge could wind up to be problematic in the future when we do have a very serious storm and Rich had suggested that we raise up the access driveway to that so that we can raise the height of that bridge some what. As I have said before at meetings on this particular issue, I am a product of Sullivan/Delaware Counties and I have seen beautiful covered bridges torn out after spring storms.

Mrs. Ryan stated that is a good comment.

Ted Kozlowski stated Theresa I was out to the site and there is evidence that water go that high and where they want, I have no problem with that bridge and what you want to do there but from a safety stand point and practical stand point you have to raise that up because there is evidence of high water there.

Board Member Pierro stated it could be quite embarrassing to build a beautiful bridge there and the senator dedicates it and then it gets torn out.

Ted Kozlowski stated (unable to hear).

Mrs. Ryan stated we actually did, we had that comment ahead of time and we did look at the floor elevations and the 100 year flood elevation would be like a quarter of the foot above the bottom of that bridge, so if we raise it ½ of a foot that would put it above the 100 year flood.

Board Member Pierro stated right.

Mrs. Ryan stated that was a very good comment.

Rich Williams stated Theresa, you are going to bridge it was a walk or are you still proposing fill.

Mrs. Ryan stated nope, it will still be fill.

Rich Williams stated I have problem with that because you are narrowing up the stream channel.

Mrs. Ryan stated yes, see otherwise we would have to have the structural engineer design two other bridges to get off of the bridge. We would have to continue that bridge to grade.

Ted Kozlowski stated how are you going to hold the fill.

Rich Williams stated the fill, you are going to put it in there and it is going to slope off, you have a bridge abutment on one side and then it is all fill behind it and you just slope it off on either side. The problem is that that fill is all being put within that 100 feet of flood plain.

Ted Kozlowski stated and what happens when we get that flood.

Rich Williams stated what happens is it is going to hit those and push it into the center.

Chairman Rogan stated it is going to bottle neck.

Ted Kozlowski stated it is going to go.

Rich Williams stated it probably won't raise it as much as it will push to a higher velocity and what that does is it effects the stream channel on the down stream side.

Mrs. Ryan stated the other thing that we could also take a look at, which we have started to do, is that there is a cross section from bottom of the stream bed to the bottom of that bridge abutment of the bridge headers and we could look at that cross section and see if the flood plain maps tells us what the CFS is for that section so we can make sure that that cross section can take that volume of water.

Rich Williams stated I am sure that it will, my concern is not that it won't take the volume, my concern is that it is going to increase the velocity and at the same time on the front end it is going to create a vortex that is on either side of those bridge abutments, which is going to result in bed scour and ultimately you are going to be affecting the stream if you don't maintain the volume of flow going through there during a large storm event.

Mrs. Ryan stated the other alternative is to extend, we have the bridge headers, the concrete that is supporting the bridge on both side, with wings on it, they could extend those wings back, that is another possibility.

Board Member Pierro stated to protect the fill.

Rich Williams stated the scour happens down at the bed, certainly the wing walls are going to protect the bridge abutments which is why you have the wing walls but it is not going to effect the stream bed, the stream channel.

Chairman Rogan stated Rich explain what is the vortex, that is when the water is pushing up against that wing wall, it creates a turbine effect and it is going to scour the bottom of the stream.

Rich Williams stated generally it happens less with the wing walls but if you have a straight bridge abutment where the water comes in hits the abutment, starts spinning around right there it will scour out right at the corners.

Mrs. Ryan stated you've seen that.

Rich Williams stated no but I've read about it.

Ted Kozlowski stated actually Theresa I have seen it, the Bronx River, I work for Westchester County and we have those issues with the Bronx River and I've seen it so. I don't oppose the bridge, I just feel that there are some issue that are going to be problematic with a major storm.

Mrs. Ryan stated okay.

Chairman Rogan stated so lets look at the design and get back in with a good design and we'll set a public hearing.

Mrs. Ryan stated now are you going to need the design of the actual bridge before we schedule a public hearing as a structural item.

Chairman Rogan stated I was thinking just to make sure that it wasn't going to change either the size of the bridge or anything, I am not too concerned with it, if we get the good design to Gene and Rich.

Mrs. Ryan stated so you want to hold off on scheduling the hearing.

Chairman Rogan stated let's hold off and get the design at our next meeting and we get some feedback that you are on the right track, we'll set the public hearing.

Mrs. Ryan stated okay.

Chairman Rogan stated August, you'll be building in September.

Mrs. Ryan stated thanks.

Chairman Rogan stated thanks Theresa.

a) Site Walks: Powe Subdivision

Chairman Rogan stated Powe Subdivision, we can just make note of the site walk comments.

Ted Kozlowski stated I got a call from Kyle Kayler, the wetlands guy for the applicant, actually for Jack Karell, I spoke with him briefly on Monday and told him that I wanted the whole site re-flagged. He said he would do that and then contact me when that is done.

Rich Williams stated if I might, I was contacted by the design engineer for this who asked me to pass on to the Board a request to do intent for lead agency on this.

Chairman Rogan stated that is going to be a minor subdivision and the other agencies are Planning, Health, who is the road, the road is us, Patterson.

Ted Kozlowski stated isn't that a state wetland.

Chairman Rogan stated I don't know.

Rich Williams stated I believe that it is.

Chairman Rogan stated we look to you for that kind of stuff. Hey Ted is that a state wetland.

Board Member Pierro stated it is on State property that is for sure, isn't it.

Chairman Rogan stated does anyone want to do intent for lead agent.

Board Member DiSalvo stated I'll take it. In the matter of Powe Subdivision, I would like to move that the Board declare its intent to assume Lead Agency in the review of this action and authorize the Planning Department to circulate said notice to other agencies involved in the review and approval of this application.

Chairman Rogan stated well said, do I have a second.

Board Member Cook seconded the motion.

Chairman Rogan asked for all in favor:

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

Motion carried on a vote of 4 to 0.

Chairman Rogan stated okay.

b) Patterson Historical Society

Mr. Ron Taylor was present.

Chairman Rogan stated Patterson Historical Society, I see that we have a representative here tonight. I am not sure what we were going to discuss tonight on this item. Just basically that it was on from the Work Session that we appreciate the time that you folks spent with us, it was informative and educational to the Board and we are looking forward an on going relationship and communications with the Historical Society. Maybe to memorialize at the Work Session was that new site plans and subdivisions, was that the intent, those applications will be photocopied and forwarded to the Historical Society for review and comment.

Ted Kozlowski stated was there any follow, was there any.

Rich Williams stated assuming that the Historical Society, the organization votes to accept that responsibility.

Chairman Rogan stated I think what we need in that regard are a list of at least 2 representatives who would some kind of a committee within the Historical Society that would be the point, rather than the Historical Society as a whole. Can you just state you name for the record and speak to that effect.

Mr. Taylor stated my name is Ron Taylor and the other representative is Judy Kelly-Moberg.

Chairman Rogan stated so yourself and Judy will be the point of contact.

Mr. Taylor stated yes.

Chairman Rogan stated fantastic, we do appreciate your time. it was an interesting site walk on Saturday.

Mr. Taylor stated yes it was, wasn't it.

Chairman Rogan stated we enjoyed that.

Ted Kozlowski stated was there any follow up after we left, did you discuss anymore with the land owner, anything that.

Mr. Taylor stated he is looking into legal issues about letting us get on board and we are trying to see if we can find a standard release form. Something legal, so that we don't have something drawn up.

Chairman Rogan stated have you talked to Eugene Bosch about that, I wonder if he might have anything.

Mr. Taylor stated Judy is talking to those people, I don't know. One of our members husband is a lawyer, he going to see if he has something in his books. That is as far as we gone, Thank you for coming out, it was very interesting.

Chairman Rogan stated thank you, we appreciate your time.

Ted Kozlowski stated that was fun there Shawn.

c) Maplewood North Subdivision

Chairman Rogan stated Maplewood North Subdivision, I don't know how many of the Board Members have had a chance to look at the plans, there is a public hearing, July 20, the end of July, the Town of Kent.

The Secretary stated the Town of Southeast.

Chairman Rogan stated Town of Southeast, thank you. Town of Southeast is having a public hearing. I think at a minimum we should have Rich's memo sent to them and also the minutes from tonight's meeting, just in respect to this application. I will open it up to the Board for just comments on that application, has anyone had a chance to look at the plan and want to talk about it.

Board Member Pierro stated just as to our earlier discussion between you and I Shawn about the property line or the Town line going right through the middle of residence there, I think that there is a much better way that we can approach this. I believe that there is a mechanism in place to re-route community boundaries in order to either put this building or put this house in either the Town of Patterson or the Town of Southeast.

Rich Williams stated are you suggesting that the Town of Patterson or the Town of Southeast annex a portion of the other Town.

Board Member Pierro stated why not or give it to them or give the portion of the property to that Town so that this boundary issue doesn't become a real issue. Or just move the whole thing out of the one Town or the other.

Chairman Rogan stated I think that is your key point really, so many questions come up with this application, somebody mentioned and maybe it was in jest but where do these people vote. Do they vote in Southeast, do they vote in Patterson, do they pay taxes to both towns on half of a house.

Board Member DiSalvo stated both towns or half of the house.

Board Member Cook stated school district issues.

Board Member Pierro stated I am sure that there is a mechanism in State law to solve this issue, I have heard of similar cases in the past.

Rich Williams stated there is a mechanism in Town law that allows you to alter municipal boundaries by annexation.

Board Member Pierro stated is that very costly, I mean we can't get the Town of Patterson to pay for special council when we need it.

Rich Williams stated I would have to research it, I don't know, I have never come across anywhere in this immediate area where it has been done.

Board Member Pierro stated right.

Chairman Rogan stated I think what I was hoping for tonight was just some discussion about either merits or problems associated with the current plan with a house that is straddling a municipal boundary. So that we can at least get the thoughts out there because we are going to be reviewing this application, this subdivision application and site plan. There is a roadway, a right of way that is shown on one side of the property; we don't know the status on that, what is the name of that road Rich.

Rich Williams stated it was formally the extension of Ballyhack Road that went out to Old Doansburg Road.

Chairman Rogan stated but we don't know the status of that, has that been formally abandoned.

Rich Williams stated I have no idea.

Chairman Rogan stated so that is a question that should come up. The size of the parcel is over ten acres, I looked at the topography and there is a lot of useable property on the Patterson side, I don't know why the house isn't merely put into the Patterson side with the appropriate set backs or conversely into the Southeast side and again meeting the set backs. I think that it would be much better planning if we had them, I would like to know from them why they are proposing it the way they are it just doesn't make any sense. We haven't been given any documentation to support it, so they have a split septic system, there is a lot of topography right around the house which obviously necessitated that system, I am not in favor of this application as it exists at all.

Board Member DiSalvo stated they would still get two tax bills for this parcel up front, even if the house and the septic were on the other lot.

Chairman Rogan stated yes but that would be as residual property to the primary structure.

Board Member DiSalvo stated well with the improvements, with the road and everything else.

Chairman Rogan stated okay.

Board Member Pierro stated who is the applicant.

Chairman Rogan stated I think that it is.

Rich Williams stated Maplewood North, I am not sure who the principals are.

Chairman Rogan stated Charlie, do you have anything on this that you would like to add.

Board Member Cook stated I think that you brought up everything that we had discussed at the Work Session and before that there were questions about school district, loading, tax paying, who is going to inspect it.

Board Member DiSalvo stated they both are.

Board Member Pierro stated both of them are going to inspect it, that is crazy.

Board Member DiSalvo stated who is going to buy it.

Board Member Cook stated unless we are missing something, this makes no sense.

Chairman Rogan stated right, so is there anyone from the Board who is thinking about going to this public hearing on the 25th, or sending our comments and sending our.

Board Member Cook stated Shawn, it's June.

Chairman Rogan stated I thought that it said July 25th.

Rich Williams stated its June.

Board Member DiSalvo stated June 26th.

Chairman Rogan stated either way it is coming up, we didn't miss it though.

Board Member Cook stated no.

Chairman Rogan stated I'm sorry, my timing is off a little bit anyway on what day of the week are in. June 25th, that is what my notes say, I apologize for that.

Board Member Pierro stated why don't we agree to at least have some members of the Board and Rich attend this public hearing.

Rich Williams stated I don't.

Chairman Rogan stated it might not be a bad idea to see what comes up, June 25th, doesn't anybody know what night of the week that is.

The Secretary stated Monday.

Rich Williams stated Monday.

Chairman Rogan stated it's a Monday night, I'll go down Dave, do you want to go down.

Board Member Pierro stated sure.

Chairman Rogan stated anybody can go, anyone who wants to go, we will leave it open of course and we will do this as a, unless there is some objection from the Town Board we will do this as a site walk, it will be a site walk and not a meeting, I apologize.

Board Member Pierro stated okay.

Chairman Rogan stated alright, so anyone who wants to attend can, okay so that is enough for that.

13) MINUTES – April 25, 2007 & May 3, 2007

Chairman Rogan stated can I just get a motion on the minutes of April 26th and May 3rd.

Board Member Cook stated I make a motion that we accept both minutes

Board Member DiSalvo seconded the motion.

Chairman Rogan asked for all in favor:

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

Motion carried on a vote of 4 to 0.

Chairman Rogan stated one last note before we get to Bear Hill, for site walks since we just mentioned that. I would like to memorialize a policy for the Planning Board that if a member of the Planning Board can not make a site walk, I understand that happens, it has happened to me on many occasions, that we get at least a minimum of written comments from that site walk, when they attended, date and time of attendance, and observations. What we will do is I will ask that to be included as an attachment to the site walk comments that will not only cover ourselves for knowing that the person site walked it and what their observations were but also from the public's perspective, it adds creditability to if they only saw three people on a site and they are questioning why someone is reviewing a project, we've got that documentation. Unless there is any objection from the Board, I will make that motion that we memorialize that policy.

Board Member Pierro stated and as an adjunct to that Shawn, if there comes a time when a member is not going to be paid for a site walk, I would like that it be part of policy that a communication explaining why that person is not paid because I was a victim of that nonsense for a period of years and I did site walks on my own only to be well schooled so that I came well schooled so that I came to a meeting with the proper knowledge whether I get paid for them or not. The former chairman used to have a great time making sure that I didn't get paid for those.

Chairman Rogan stated and I appreciate you wanting to be informed.

Board Member Pierro and I think that everybody should be notified if they are not going to be paid and the reasons for it.

Chairman Rogan stated so is that a second on that.

Board Member Pierro seconded the motion.

Chairman Rogan asked for all in favor:

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

Motion carried on a vote of 4 to 0.

14) BEAR HILL SUBDIVISION – Continued Review

Mr. Michael Liguori of Hogan & Rossi and Mr. Robert Cameron of Putnam Engineering were present.

Chairman Rogan stated Bear Hill Subdivision, last but certainly not least.

Mr. Liguori stated I like going last.

Chairman Rogan stated you don't have the pressure; there are only 2 audience people, although they both said that they had a lot of comments on Bear Hill.

Mr. Liguori stated Michael Liguori of Hogan & Rossi.

Chairman Rogan stated hi Michael.

Mr. Liguori stated Rob Cameron from Putnam Engineering.

Chairman Rogan stated good evening Rob.

Mr. Liguori stated I just want to place some maps before we get going.

Board Member Pierro stated sure, go right ahead.

Chairman Rogan stated sounds great.

Mr. Liguori stated our first night on the record.

Chairman Rogan stated you were on the record the last time, just so that you know, last week.

Mr. Liguori stated I thought that work sessions are not.

Chairman Rogan stated they are public meetings, that is why you are allowed there.

Mr. Cameron stated I didn't know that they were on the record either.

Chairman Rogan stated sure, full verbatim minutes are taken.

Board Member Pierro stated everything we do is on the record.

The Secretary stated almost verbatim, can't always hear everything.

Chairman Rogan stated verbatim as best a perfection can be.

Board Member Pierro stated yeah, I got a couple of interesting, I was reading some of their minutes again because I was looking for something and I was quoted as saying na, na nay new.

The Secretary stated I don't know if those were my minutes or they were Sarah's minutes.

Board Member Pierro stated na, na, nay, new.

The Secretary stated I hate to break it to you, if you like to listen to the tape, it was said.

Chairman Rogan stated sometimes you see little typos but its not, it doesn't change the intent of the minutes, so it is not worth corrected.

The Secretary stated I can't remember what you referring to, it was along those line, it was done.

Board Member Pierro stated I just wanted to let you know that I was reading.

The Secretary stated that's good I am glad you are reading them, if you'd like you can listen to the tape.

Board Member Pierro stated that is okay.

Chairman Rogan stated I told them that they weren't last or least. Don't worry about that one, we probably can't see that from here anyway.

Board Member Pierro stated are you kidding me, I can't see any of it.

Chairman Rogan stated Dave said that he can't see it anyway.

Mr. Liguori stated the only reason that I wanted to show it was that this is the 1930 filed map.

Chairman Rogan stated we will trust your description of that, are you going to leave a copy of that for Rich, or does it not really matter.

Rich Williams stated I have it.

Chairman Rogan stated oh you do.

Mr. Liguori stated this is old hat. Okay.

Chairman Rogan stated just bring us up to speed on where we would like to go with this.

Mr. Liguori stated sure, well at the work session with the Planning Board, we were given Rich Williams memo in connection with various revisions to the subdivision plat that needed to be made, those revisions have been made to the plat but however, I have not submitted them yet to the Planning Board, so those will get submitted in connection with the upcoming deadline. More importantly is how we got here tonight is an important thing and what we are asking the Board to do because it is a little, this is one of the more unusual circumstances that we will come across in our careers, which is amending a filed map that was filed before filed map requirements were put in place and having a road built in a location that was not shown on that map. The process for us to file a subdivision or any plat for that matter, whether it is a subdivision plat or a filed map is to go to the Planning Board and get the Planning Board's approval, however, there are very few processes in place for the Planning Board to approve things, one of those is subdivision, another is lot line and the other process is a site plan and what was the best route to go is to come to the Patterson Planning Board and ask for a subdivision approval of our plat and what that does is satisfied the requirement that any map that is filed in the County Clerk's office has the signature of the Chairman of the Planning Board. In this particular case we have a filed map dated 1930, then I found the Town Board resolution, whereby Bear Hill Road was adopted by the Board, certainly questions exist, Rich and I have gone back and forth as to did the Board do this properly in 1949, there is no way know either but we do have a record that something did happen back in 1949. By virtue of the adoption or by accepting that road by resolution, a number of things happened, number 1 is by acquiring title to that land it cuts our pieces of property into smaller properties and results in a, I once called it a de facto subdivision but it is really a subdivision, so we have a subdivision that occurred back in 1949 and then what our map does is that we have come to the Town and said that we understand that Bear Hill Road is not the necessary width that it should have been when it was conveyed to the Town but we do have is a resolution that said, this particular distance was conveyed at the width of 50 feet, but we really don't know where that 50 feet is, all we know is where that road was built, so what we did was, we said okay we are Bear Hill Associates, we own on both portions of the road for as much of the road that we own, we were convey title to areas around the road, that way the Town has 50 feet. There is no talk or guarantee in the future that the road would be widened, I couldn't imagine why the Town would it would be a significant expense and really I don't know what the benefit would be, other then just to have a wider road, but it would be worth it for the Town to have it in the event that they wanted to do that. We had this subdivision plat created to show the exact location of Bear Hill Road, as it currently exists, this will also amend the tax map because the tax map is incorrect, it shows the road coming over here, around and then up, so this will be filed and this map, the supreme purpose of this map is to amend the 1930 map to show the location of the road, that is first and fore most number 1 and number 2 there by to confirm the creation of these other lots, so what we have done is ask the Planning Board to accept our subdivision application to approve the recording of the map and in the mean time, it makes sense to show the potential build out of the lots that are on the road, so what we have done is filed the subdivision application, the short for EAF and we have asked the Board to process this subdivision application in sort of, the shortest way possible without going through the full blow subdivision process because we have the subdivision already occurred. Rich's memo has some comments regarding this particular map, so there is some tweaking to be done which as soon as I get that map from Terry Collins' office it will be submitted back to the Planning Board for Rich's review, then we have the map prepared by Putnam Engineering, which is Rob's office, which shows the potential development of the 4 house sites, so there are some comments on that map which will be addressed and the first and most important thing is we couldn't find the well location for Morrissey on any public record, Rob went to the Health Department to see if we could get the location of the well, the Health Department didn't have it, Terry Collins' didn't have it, her father Bob Bergendorff had done the survey on Morrissey back in the 70's, so what we are going to have to do is give the Morrissey's a call and ask them if they would let us come on to their property and find where the well is or ask them to show to us where the well is, that way we can satisfy the requirements of, one of the requirements of the memo. A second requirement of the memo that is important, if we can talk about tonight, the future driveway for lot 1, which is lot 1 is this lot

over here [points to map], there were some comments at the public hearing on the subdivision as it began about driveway lights coming into the neighboring properties and could we redesign that driveway and Rob and I were talking earlier about what we can do, Rob do you want to just talk to that.

Mr. Cameron stated the issue with relocating the driveway is that because of the existing lands that are owned by others, I really can't do anything with this driveway, it basically has to come down between these two points just because of the grading and the slope so that is why the driveway is located where it is, we don't own the property on this side and we have to clear the corner of their piece of property over here, that is why it came to that point because we only control a small portion of the land between those two points.

Mr. Liguori stated what we would agree and I haven't cleared this with Tony and I don't think that this would be an issue that maybe we put some small pines or evergreen type trees to mitigate that, if the Bauman's would permit us to do that or if there was a feasible place on the property, we would offer it.

Chairman Rogan stated it would be nice if the Bauman's are willing to accept that and you are willing to provide it, I think that is a good gesture. If it is the only location that the driveway can be placed, I am not really sure what else they can do about it.

Rich Williams stated I would just suggest that they reach out to the Bauman's and talk to them directly about it and see what they can work out because I think that if they start talking, there may be other options.

Chairman Rogan stated will the minutes have lines between them.

Rich Williams stated will the minutes have lines between them.

Chairman Rogan stated that kind of a statement has a read between the lines kind of connotation, I was wondering if the minutes would have lines between them.

Mr. Liguori stated I can tell you at this point, I don't know, I know for a fact that Tony is not going to approach the Bauman's to adjust property lines, I do know that, as far as offering the planting to mitigate the concern, certainly we put the offer out there on the table but I know that. As far as the process goes from here out we have asked the Board for an approval for the project but obviously we need to comply with the terms of SEQR and Rich if you feel it appropriate in the process I don't believe that there are any other people or agencies to coordinate with other than the Town.

Rich Williams stated let me say this, I did take a look at where we are and where we need to go. As far as I am concerned, this is really a continuation of the former subdivision application.

Mr. Liguori stated okay.

Rich Williams stated that has just been amended and essentially we've been through all the procedural requirements.

Mr. Liguori stated that is fantastic.

Chairman Rogan stated all I have left is SEQR and a performance bond.

Rich Williams stated right.

Chairman Rogan stated so if he can get the application or the plans back in and address the comments, can't get a resolution and get a performance bond calculated and do SEQR in the process.

Rich Williams stated and there are not going to be any site improvements, so you don't need a performance bond.

Mr. Liguori stated great.

Chairman Rogan stated so really it is pretty straight forward.

Mr. Liguori stated that is fantastic, as far as recording the subdivision plat, one of the processes that has to happen is the recording of the certificate of the abandonment of the road as shown on the 1930 map, so would the recommendation have to come from the Planning Board or is that something that you could recommend to the Highway Superintendent because that would have to be submitted with the Town Clerk before I could.

Rich Williams stated we could take care of that internally, I can reach out to the Highway Superintendent and the Town Board, the only question is, do you really need that certificate of abandonment before you record the plat.

Mr. Liguori stated unless we amend the notes a little bit.

Rich Williams stated you might want to do that because we have to go through some procedural requirements, public hearing and such, also.

Chairman Rogan stated we've done it, we did a public hearing.

Board Member DiSalvo stated we did a public hearing.

Rich Williams stated for the abandonment proceeding.

Chairman Rogan stated sorry.

Rich Williams stated you could probably get this filed before we finish that up, if you really wanted to step on it.

Mr. Liguori stated that is what we'd like to do. Let's talk tomorrow as far as the we can just delete the as abandoned by the Town of Patterson.

Rich Williams stated that would be fine because you really don't need that to do this, you don't need the abandonment proceeding to actually finish off the subdivision. One of the other things I wanted to talk to you a little bit about is what exactly we are abandoning, so we can be real clear on that, I happened to look and part of the original road bed are driveways and I want to make sure that we don't necessarily abandon them.

Mr. Liguori stated sure. We should talk, okay so as far as where we are in the process if.

Rich Williams stated you need to clean the plans up, there are a few little details and I need to do a resolution.

Mr. Liguori stated okay, great.

Board Member Pierro stated Rich on the Bauman property, to your recollection does the use of that property for the use of this driveway, does that, will using that for the driveway allow to sort of put Mrs. Bauman at ease about flashing lights in her driveway or in the front windows of her house.

Rich Williams stated if we move the driveway southerly so it was on the Bauman's property.

Board Member Pierro stated right.

Rich Williams stated yes, that is what she implied, that if we moved it down into that area, it would elevate her concerns and she'd be more then willing to work with everybody to make that happen.

Board Member Pierro stated I think that you ought to convey that to your client.

Rich Williams stated and nobody is suggesting that your client go buy the property to move the driveway.

Mr. Liguori stated I am just a little confused, because if this driveway comes further this way, I would that she'd have more lights coming into the house then she would have here.

Rich Williams stated no because it is actually coming out on a slightly different angle away from the kitchen.

Mr. Liguori stated so if we, right.

Rich Williams stated if we bring it down.

Chairman Rogan stated I see what you are saying, bringing it through that corner, just do an easement through that section for the driveway.

Board Member Pierro stated that may satisfy. Mrs. Bauman is an elderly widow, she is not of great health, little things like this at that stage of your life, have an impact and I think that it might be a good move for your client to go and speak with her, as Rich suggested in between the lines and now I am saying it on the record.

Mr. Liguori stated not between the lines.

Board Member Pierro stated not between the lines.

Mr. Liguori stated okay great, will do.

Board Member Pierro stated thank you.

Mr. Liguori stated I will keep the Board apprised; I will get right on it.

Chairman Rogan stated we will see you next meeting.

Mr. Liguori stated thank you very much, thank you for waiting.

Chairman Rogan stated Rob, they aren't going to be able to get any of that on the minutes.

Mr. Cameron stated we were discussing the EAF and we have submitted a short EAF as part of making the process proper, should you make a decision on the short EAF.

Rich Williams stated we have a long EAF from the original application, you have just eliminated one lot off of that original application but we are still doing the same thing.

Mr. Cameron stated so the original EAF can still stand for this project, even though it is a separate application because we are doing.

Rich Williams stated that is what I am saying, I don't necessarily feel that it is a separate application, I think that it is a continuation and a modification of the original application, I haven't even seen a subdivision that really actually even got approve the way that it was originally submitted. They are all part of a give and take, a negotiation, they are constantly being amended, lot lines are constantly being adjusted and that is all that we are doing here. Unless you want to make this, for whatever reason, its own separate stand alone application but my advice for the Board is this is just a continuation and we are at that point where we can approve this.

Chairman Rogan stated the environmental aspects, if anything they have been reduced, so.

Mr. Cameron stated the applicant did want to come in with the original application and modify it to divide this lot and that is why I didn't want to abandon the initial application and that is why we filed the second application just to deal with the roadway issue, so if we continue this, if we make all this application the same, so when he comes he is going to have to file a new application to subdivide that 8 acre parcel into two lots.

Chairman Rogan stated lets' do it that way.

Mr. Cameron stated do you prefer to do it that way.

Rich Williams stated unless you want to sit here and talk about segmentation all night long.

Chairman Rogan stated that is what I was just thinking.

Mr. Liguori stated I think that it would be, can we go off the record for a second.

Board Member Pierro stated no.

Rich Williams stated you can't turn them off.

Board Member Pierro stated you can't turn them off.

Chairman Rogan stated there are 7 of them, plus the ones up above your head that you don't know about.

Mr. Liguori stated (unable to hear).

Chairman Rogan stated go back and talk to your applicant, either way you have to send in modifications.

Mr. Cameron stated I just wanted to clarify, I want to make sure that we are doing the right thing with SEQR and if that is the case then we will have to come back in and re-file.

Chairman Rogan stated because Rob, let's face it, we may have problems with the division of that lot and that may hold up your whole process so, I would continue on the way.

Rich Williams stated what he is sitting here suggesting is that we are going to keep the original application.

Chairman Rogan stated valid, I understand.

Rich Williams stated open and at the same time we are going to forget that exists and then go do another one.

Chairman Rogan stated well you certainly can not do 2 separate applications off the same public hearing, off so you would need a new public hearing for this then.

Rich Williams stated yes you would but at the same time we can't turn a blind eye to this over here while we do this one over here because SEQR doesn't permit us to do it.

Mr. Liguori stated what is so bizarre about this is that this already happened.

Chairman Rogan stated what happened.

Mr. Liguori stated this subdivision, it happened in 1949, the only thing we are doing is improving a map showing the location of the road.

Chairman Rogan stated is it only that you found this out recently, why did we spend all that time reviewing this subdivision application 2 years ago.

Mr. Liguori stated we just found this out.

Board Member Pierro stated he did the research.

Chairman Rogan stated complete the process.

Mr. Cameron stated when I original met with the Town Board, I asked them years ago if we could get this road approved, what their direction to me was for me to come to the Planning Board, have them review it and then come back to the Town Board, if I had known back then that this road was dedicated, it would have been a much simpler process.

Rich Williams stated here is the problem and here is where we have a bit of a disagreement, something happened and we know something happened and we are not exactly sure what and we are not exactly sure what was done procedurally correct because for me where I am sitting here tonight, the very first thing you need when you are making an offer of dedication is what, its an offer and for the road where it is right now, there was never an offer made by anybody, it was just that the road went someplace else, that is where the offer was.

Mr. Liguori stated right.

Rich Williams stated well it was built someplace else and then the Town accepted it.

Board Member Pierro stated right.

Rich Williams stated but without an offer.

Mr. Liguori stated I think that there is a little more to that because in the resolution it says motion by Mr. Simpson, seconded by Mr. Gable, that road of Bear Hill Estates be taken over as a Town road to having been filed with the Town Board or Clerk, the acquired application and releases.

Rich Williams stated absolutely but we don't know what he filed, we don't know where the road goes, we don't know if it was 18 feet wide or 50 feet wide.

Mr. Liguori stated the highway right, we have an idea of the width but, this is the conundrum.

Rich Williams stated this is the cleanest way to agree that something happened, we are not sure what.

Mr. Cameron stated I just wanted to clarify that if this were the same application, I don't have a problem with the SEQR and the EAF but if it is a different application I would say that you have to act on it.

Chairman Rogan stated yes.

Mr. Liguori stated we are treating this as the first application, an amendment to the first application.

Chairman Rogan stated okay, have a good evening.

Mr. Liguori stated alright, great, thank you so much, we appreciate it.

Board Member Pierro stated quite the history lesson.

Mr. Liguori stated I only found one thing.

Chairman Rogan stated what are your last two issues there Rich.

Rich Williams stated real quick, we had a meeting today with attorneys representing Barjac, the property behind us that is proposed for an equestrian center. Anthony Molé was here, Theresa Ryan was there, the attorney was Paul, we came to an agreement that the easiest way to deal with is that the Town is going to issue a violation, they are going to go into court, they are going to plead guilty, pay a fine, agree that they are not going to be mining in that area ever again and then we can move on and we are good to go.

Chairman Rogan stated okay.

Board Member Pierro stated so is there going to be a segmentation of that existing mine area from this lot.

Rich Williams stated no.

Board Member Pierro stated no.

Rich Williams stated because even if you segmented it out.

Board Member Pierro stated right.

Rich Williams stated the violation still exists.

Board Member Pierro stated right.

Chairman Rogan stated okay

Rich Williams stated what.

Board Member Pierro stated it just seems like using the system to satisfy the means, I guess that is okay but not violations and it clears up the issue.

Rich Williams stated with the violation the issue is done and you know.

Board Member Pierro stated what happens in the future if the Feds come and say we need to soften the grade on the side of the mine again.

Rich Williams stated and again they are going to go into court and they are going to stipulate that no further mining is ever going to occur in that area. If the Feds come in, we will cross that bridge when we come to it, I don't know what else you do. I have approached this issue with the Town Board and you know, this is the best solution that I can come up with given the limited means that I have and Anthony Molé.

Chairman Rogan stated okay.

Board Member Pierro stated fine, I thought that a lot line adjustment taking that portion of the mine away from this parcel and doing the notification and fine might be the way.

Rich Williams stated it doesn't.

Board Member Pierro stated it doesn't change it.

Rich Williams stated it doesn't make the violation go away, all you have done is moved the property boundary, you haven't moved the Zoning line, you haven't moved the portion that is pre-existing non-conforming, you haven't moved that line that was set years ago when we changed the zoning, so the violation is still there even if you move the property line, it is just now, the violation is on a different piece of property.

Chairman Rogan stated got it.

Board Member Pierro stated okay, fine.

Rich Williams stated the easiest way.

Board Member Pierro stated better minds than I.

Rich Williams stated Gene Richards ran across this building up in LaGrange and I turned it to that one because it is most interesting, any idea what that is.

Board Member DiSalvo stated if I look at it.

Board Member Pierro stated it might be the new Houlihan/Lawrence office building.

The Secretary stated hold on, do you want a new tape.

(TAPE ENDED)

Board Member Pierro made the motion to adjourn.

Board Member Cook seconded the motion.

Chairman Rogan asked for all in favor:

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

Motion carried on a vote of 4 to 0.

Meeting Adjourned at 9:35