

TOWN OF PATTERSON
PLANNING BOARD MEETING
July 1, 2010

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10) Minutes	29 – 30	May 27 th and June 3, 2010 Approved.

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**TOWN OF PATTERSON
PLANNING & ZONING OFFICE**

ZONING BOARD OF APPEALS

Howard Buzzutto, Chairman
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Gerald Herbst

PLANNING BOARD

Shawn Rogan, Chairman
Charles Cook, Vice Chairman
Michael Montesano
Thomas E. McNulty

APPROVED

**Planning Board
July 1, 2010 Meeting Minutes**

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

Present were: Chairman Rogan, Board Member Cook, Board Member Montesano, Board Member McNulty, Rich Williams, Town Planner, Ted Kozlowski, Town of Patterson Environmental Conservation Inspection (arrived late), Andrew Fetherston of the Town Engineer's office Maser Consulting and Carl Lodes of the Town Attorney's office, Curtiss and Leibell.

Chairman Rogan called the meeting to order and led the Salute to the Flag.

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

Michelle Russo was the Secretary and transcribed the following minutes.

There were approximately 13 members of the audience.

Chairman Rogan stated thank you, please be seated.

1) N.R.A. REALTY W/W APPLICATION – Public Hearing

Mr. Don Moore and Mr. Joe Zarecki of Zarecki & Associates were present.

Chairman Rogan stated Michelle, can you please read the public hearing notice of N.R.A. Realty.

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 July 1, 2010 at 7:30 p.m. or as soon thereafter as may be heard, at the Patterson Town Hall, 1142 Route 311, Patterson, Putnam County, New York to consider an application entitled **“N.R.A. Realty & Development Corp. Wetlands/Watercourse Permit Application to allow the repair of an existing failing stream crossing, required to access the property. The property is located at 180 Birch Hill Road,”** Patterson. All interested parties and citizens will be given an opportunity to be heard in respect to such application.

Chairman Rogan stated representatives for N.R.A. Could you please come up and state your name for the record and just give a brief overview of where we are in this application.

Mr. Moore stated Don Moore, I am a professional engineer with Zarecki and Associates. The project as she just said it is a stream crossing that is currently failing, we are anticipating putting in a concrete structure with abutments and wing walls of concrete, steel stringers for the sub structure and decking, wood decking for the deck of the bridge, wooden guard rails, the drive there will be improvements to it including an apron coming off of Birch Hill Road that grade will out at 3% and then drop down to meet the grade of the proposed bridge. The existing bridge is basically a bunch of boulders with railroad ties across and some steel plates on top to drive over, it's in very disrepair, it's extremely in a destabilized stated so the object of this is to build something substantial there that will allow access to the property. We will be doing some re-grading to bring the drive to a 16% grade, currently there are point that are 18 to 20% so by moving some fill around we will get that down to a 16% grade and that was approved by the Planning Board last month, along with maintaining the gravel surface for the drive. So that's pretty much it, we anticipate the construction to detail putting in flume pipes with sandbag head walls, to divert the stream from one side build the abutment on the other side and then after that's done flip the sequence around and do the same thing all over again.

Chairman Rogan stated do I have any questions or comments from anyone in the audience, please come on up and state your name for the record ma'am, you can take the microphone out if it's took high.

Mrs. Schwerkolt stated no, it's good.

Chairman Rogan stated perfect.

Mrs. Schwerkolt stated I am Patricia Lundelius-Schwerkolt and I am representing my father, Paul Lundelius who can not make it and I reside at 150 Birch Hill Road.

Chairman Rogan stated at the same residence as your father.

Mrs. Schwerkolt stated yes.

Chairman Rogan stated okay.

Mrs. Schwerkolt stated I live there as well. I have questions, first of all the bridge that's going to be built, what is the capacity of the bridge.

Mr. Moore stated it is drafted capacity is what they called H-20 loading...

Mrs. Schwerkolt stated which is.

Mr. Moore stated which is basically the biggest thing that will go on the highway, that is legal on the highway.

Chairman Rogan stated 20,000 pounds, is H-20 for 20,000 pounds.

Mr. Moore stated right.

Chairman Rogan stated 10 tons.

Mrs. Schwerkolt stated 10 tons, okay so that I'm not aware of what the size of trucks and things like that are.

Chairman Rogan stated a normal SUV is probably 3500 pounds.

Mrs. Schwerkolt stated no I'm asking if its more like, so it would be larger trucks as well.

Chairman Rogan stated well the gentleman has excavators on site so they would need to be able to go across...

Board Member Montesano stated like an oil truck or something that like that.

Mr. Schwerkolt stated my other concern is the stream that runs underneath it and how this bridge and these changes will affect the stream. I can tell you from what I've been told of the property that we have was underwater in '55, where my house is set on that part of the property. With large rainstorms and kind of that other thing I would like to know how that will affect...

Mr. Moore stated okay well basically the situation you have their now is you have, the boulders that they used to build this crossing that they have now is restricting the streams flow, this bridge will bring it back more into a natural arrangement allowing the water to flow where as right now what's happening is water will build up behind it and its causing deposition in that area.

Chairman Rogan stated so to be clear, you're saying the post construction, the stream will have a more natural flow that the restricted flow that it currently has...

Mr. Moore stated absolutely.

Chairman Rogan stated okay.

Mrs. Schwerkolt stated and in a rainstorm, a large storm...

Chairman Rogan stated if you could speak to the planning issues with the storm events that you use for your calculations, that might help.

Mrs. Schwerkolt stated yea, I'm just concerned that our property is going to get flooded.

Chairman Rogan stated sure.

Mrs. Schwerkolt stated I've seen it a few winters past when you know, we've had a lot of rain and ice damming and all that kind of stuff.

Mr. Moore stated well we did submit an earlier version of this to DEC which they did approve, so I mean it's, they realize that the situation that is there now is a problem and that what we are intending to do will alleviate that problem.

Chairman Rogan stated ma'am, this probably your property flooded, Hurricane Floyd back in, what was that 10 or 11 years ago...

Mrs. Schwerkolt stated yes it did but I can remember back in 80's where we did have ice storms and rain where the stream was actually up level to the back of the property, so that is kind of what I was somewhat concerned, a lot of rain...

Chairman Rogan stated sure, no I understand your concerns.

Mrs. Schwerkolt stated and the improvements, you know I know what dwellings are up there now, I googled it, probably everybody else did I don't know but...

Chairman Rogan stated dwelling, period.

Mrs. Schwerkolt stated dwelling.

Chairman Rogan stated one large dwelling yea.

Mr. Schwerkolt stated and buildings, with the improvement of the driveway and the bridge, my question will also be, what is the future going to be up there, is there going to be more...

Chairman Rogan stated that's part of our, that's part some of our comment that you're hear.

Mrs. Schwerkolt stated good, thank you.

Chairman Rogan stated okay, thank you, appreciate it. Any other questions or comments from anyone in the audience, sure.

Mr. Kuchta stated hi Shawn...

Chairman Rogan stated how are you.

Mr. Kuchta stated Dan Kuchta, 63 Sunset Drive. I have a question about the width, it seems pretty wide for a driveway, what's the prospects for widening it at a future date if they decide to do that.

Chairman Rogan stated good question, I can tell you that under the review because you remember we had a subdivision proposed, as little as maybe 2 years ago that we were reviewing and that application has basically gone away. There is no current review of that application but in mentioning what this lady had just asked, we have put on the record and will continue to put on the record that we don't believe that this bridge or this access with its configuration is adequate for any future subdivision. There is an access point that we reviewed as part of the subdivision that was proposed, I believe it was right around 10 lots or so and that is further up hill and with a gentler grade. This access was never contemplated as an access point for a subdivision so we want to make sure we put into the record our view point on that so that at some later date at another, maybe another Planning Board is sitting up here that the record can be pulled and show that we had concerns with the, not only the slope but the configuration of this road. The width of this, you're asking about can the road be widened using the existing structure, I would have to defer to our counsel or our...

Mr. Moore stated I don't think it can be widened unless you took the guard rails off and did a major re-design of what we're proposing here.

Chairman Rogan stated but Dan I think the greater concern than the width of the bridge is what you get when you get beyond that bridge, from the bridge up to the residence is very restrictive for anything other

than a single-family home for that traffic, it just, even at it's final grade is a difficult hill and I would not be in favor of it if it was for anything more than a single-family home.

Mr. Kuchta stated so Shawn instead of expressing concerns because expressed concerns are pretty weak...

Chairman Rogan stated I disagree with you Dan.

Mr. Kuchta stated can you do something stronger, I...

Chairman Rogan stated we have a wetlands permit in front of us, we don't have a subdivision permit in front of us or an application so what would you recommend.

Mr. Kuchta stated I am going to ask if its possible to state in the approval that this bridge shall never widened, can you put some more restrictive language in that other than...

Chairman Rogan stated we can put and this is implied within the permit that the bridge can not be widened without approval from the Planning Board because that would mean coming back to the Planning Board, if we, the reality is even we said it can never be widened, they can come back a year from now and request an approval to widen it, that would, correct me if I'm wrong...

Rich Williams stated I think the stronger language we have already contemplated, we talked about it, generally to place within the wetlands permits restrictive language that if the bridge and the driveway will not be used for anything other than a single-family home, including some of the special use permit requirements we do allow with a single-family home.

Mr. Kuchta stated yea but for me that language says that bridge and I am going to come back later at a later date and well no I want to widen it, so that's a new bridge, my new wider bridge doesn't apply to your restrictive language...

Andrew Fetherston stated say that crossing.

Rich Williams stated what.

Andrew Fetherston stated say that crossing, that location for that crossing irrelevant of what's functional.

Rich Williams stated yea.

Mr. Kuchta stated Romano/Sypko just up the street, he had to get approval for a bridge and I think he had to go to like Army Corp of Engineers and stuff, has that been done in this application.

Chairman Rogan stated Sypko had to...

Rich Williams stated we've got the joint permit application, they do a combined review between the Army Corp and the DEC and we have that permit already.

Mr. Kuchta stated so then that review has been done and they have approved it, okay.

Chairman Rogan stated you have a good memory.

Mr. Kuchta stated well I'm also surprised that you guys weren't aware of that.

Chairman Rogan stated I will tell you that through course of many of these applications you'll lose, I don't have the details up here of every single application so no I don't remember every detail of application I apologize for that.

Board Member Montesano stated this is what we received on this project this month.

Chairman Rogan stated it's, you see the paperwork we get on this...

Board Member Montesano stated and this is part one of today's, so to remember everything you're reading, if you'd like to go through his report be my guest.

Mr. Kuchta stated well no, I mean Army Corp of Engineers doesn't come in too many projects.

Chairman Rogan stated you know what, DEP, DEC, Army Corp, Town Planning, there are so many different agencies that it's hard to keep them all straight...

Mr. Kuchta stated like you said bottom line is (inaudible)...

Chairman Rogan stated that is why we have these professional folks and us part timers balance the reasonableness of these actions and I think you keep it in context that is why we do have these gentlemen here.

Mr. Kuchta stated what are the future prospects for paving this driveway.

Chairman Rogan stated well we have not required it be paved...

Mr. Kuchta stated but can it be paved at a later date.

Chairman Rogan stated that would, I would say yes, that was the requirement, we gave a waiver from paving.

Rich Williams stated except for within a limiting distance of 100 feet of the stream, in which case they have to come back to get a wetlands/watercourse permit from the Town and they would have to get a variance from the DEP to do it.

Mr. Moore stated which is the dashed line drawn over there, right there, so...

Rich Williams stated having said that Dan just so you understand the first 25 feet we always do, it will be paved so there is a transition between the Town road and the driveway.

Mr. Kuchta stated and finally I want to express concern for, from my neighbor Lynn Andretta, who lives across the street from the project, she couldn't be here tonight because she is baby-sitting her grand children so that their parents can work, she is very concerned about that road, that driveway being used as a road at a future date and she would not like to, she would like to see it restricted so it could be not be used...

Chairman Rogan stated I think that point was pretty well driven home with the previous discussion.

Mr. Kuchta stated I just wanted to put in a word for her, she asked me to do that.

Chairman Rogan stated thank you, appreciate it.

Mr. Kuchta stated thank you.

Chairman Rogan stated Ron, I believe you're up sir.

Mr. Taylor stated I'm Ron Taylor, 312 McManus Road, which is a long way from this project but I have a comment of historical nature. We have in the records the fact that the whole stream, the road flooded in the '50's again because of a hurricane and I just want to express concern that this bridge is high enough because there was discussion about the bridge being able to handle emergency traffic in the event of some kind of storm that the bridge is high enough that water will not run over the top of the bridge in that situation.

Mr. Moore stated that is correct, there will be some in the hundred year storm, there will be some water coming around the edges at the low points in the drive because the drive in both cases comes down and then comes back up before the bridge approaches but it's a maximum of about 10 inches and the storm that we used for the hundred year storm is very conservatively design because its based on the Cornell hundred year storm which is 10 inches of rain as opposed what has traditionally has been the hundred storm of 7.5 inches for this area.

Mr. Taylor stated do you know how much rain came down in Floyd or came down in the hurricane in the '50's...

Mr. Moore stated I can't say.

Mr. Taylor stated that would be a better test than some arbitrary or ideal measurement from Cornell.

Mr. Moore stated I can tell you what we based the calculations on was 885 cubic feet second which is a lot of water...

Mr. Taylor stated that means nothing to me, so, that's all I wanted to say.

Chairman Rogan stated 6 or so thousand gallons, 885 cubic feet.

Andrew Fetherston stated that was one of our comments this month, Don did say that there is 10 inches of water in that extreme storm event, 10 inches of water overtopping that roadway so we had some concerns with that and put in a comment.

Chairman Rogan stated okay, any thoughts as to how to fix that.

Andrew Fetherston stated don't have so much water going over the top, I want to see if it's an impact, it inundates some portions of the walls, I want to know what that does to a vehicles, 10 inches of water. Its an extreme event for a short period of time but when I saw that it was 10 inches over, I got a little more concerned. We had spoke about some minimal amount of overtopping and I didn't know that 10 inches was minimal in my, what we were speaking about, we didn't put a number on it.

Chairman Rogan stated Rich, how many other existing bridge are there on that road, that cross the stream, do you have any sense, better yet from the people that live on that road...

Rich Williams stated no, there is one...

Chairman Rogan stated do you have one.

Rich Williams stated there is one a little bit farther up and then all the way down to Thunder Ridge.

Mr. Kuchta stated there is a small, you mean there is like, it goes over a pipe, it's like a driveway...

Rich Williams stated much, much, much farther up.

Mr. Kuchta stated almost near the top, it's (inaudible) over a pipe, it's not really a bridge.

Rich Williams stated that's true, it's not a bridge.

Chairman Rogan stated like a big culvert pipe.

Mr. Kuchta stated next to, I'm drawing a blank on her name, they have a long gravel driveway, it's not really a bridge and Thunder Ridge is a bridge.

Rich Williams stated the real issue is the contributing drainage area.

Chairman Rogan stated no I guess my point is with the concerns brought up about this bridge, I would be concerned for the people that have existing bridge that are inferior to this that maybe they should be looking at some improvements to, for safety issues, if these are issues for a bridge that we are designing today, a culvert pipe put in 20 years ago certainly won't handle the storm.

Rich Williams stated but again I go it's farther up the drainage area so it's getting much, much less drainage...

Chairman Rogan stated understood.

Rich Williams stated you would be more concerned with people below this bridge.

Chairman Rogan stated which I thought you were saying, so I'm thinking maybe we, you need to consider...

Rich Williams stated but they don't have a bridge.

Chairman Rogan stated you don't have a bridge.

Mrs. Schwerkolt stated we don't have a bridge, the bridge run (inaudible) sideways down and goes behind the house.

Chairman Rogan stated thank you, so I understand why you're flooded out, if you're in that low land area, Tommy, I'm sorry.

Board Member McNulty stated to be clear, that overtopping you're talking about is not overtopping the bridge but either side of the bridge, correct.

Mr. Moore stated that's right.

Board Member McNulty stated okay, I wanted to be clear on that, so the bridge won't be overtopped, it's just either end...

Chairman Rogan stated the roadway either side of it, okay.

Board Member McNulty stated because that's the way I read it in the notes here.

Andrew Fetherston stated that's right.

Board Member McNulty stated there is no way else to divert that or raise that level, if it's not going to overtop the bridge, can you bring that grade up to be even with the bridge.

Rich Williams stated the water has to go some place if you bring it up so it can't go around...

Board Member McNulty stated so this is a better design for flow you're saying, just a flow, an overflow.

Andrew Fetherston stated Rich, when we looked at some similar code for other towns and municipalities in the area, when you get up to almost a mile, a square mile of watershed, which is almost what this is, a town road would be designed, a bridge over a town road would be designed for the hundred year storm. We are not talking about a town road, we are talking about a driveway for a single-family residence but the concern came, we decided to up the ante and make it for a hundred year storm because it was the only access in. If there was a fire during that hurricane or an emergency of some kind we had to get a vehicle, that's when we said have it pass the hundred year, it doesn't all have to go underneath but some minimal amount of overtopping could happen but my question was when I saw it was 10 inches and we didn't put a number on it, we said minimal. I don't know that 10 inches is minimal, is it minimal, is there an impact and that is what my question remains right now.

Chairman Rogan stated Andrew, could a design be looked at whereby on the up hill, the up stream side of the bridge, where you go to the point where the water would overflow the banks and come up to the level of the road, if you had a culvert on each side of that, 12 inch, 16 inch culvert that basically when in and was just a few inches below the road surface, would that be in effect an overtopping like an area for the water rather than going over, if it was...

Andrew Fetherston stated if you, yea, I know what you're asking, if he wanted to put in a series of 12 inch pipes to alleviate the overtopping, he'd need about 30 of them because there is over 200 CFS going over the top...

Chairman Rogan stated understood.

Andrew Fetherston stated I did the, he had 885, I think was hitting the bridge or getting to that point, six hundred and something went through and the remainder is going over the top...

Chairman Rogan stated at that point its restricting the flow by all the pipes and you're better off letting it go over the top and getting rid of it.

Andrew Fetherston stated the 12 inch pipe can't pass, we are assuming that everything is flowing and we are assuming that everything is flowing clean that there wasn't during this hurricane, a tree came down and blocked the bridge and now more is coming over the top.

Chairman Rogan stated yea.

Andrew Fetherston stated we are assuming that this is flowing free and that doesn't always happen in a hurricane.

Mr. Zarecki stated but they say this is a residential driveway, we designed it for a hundred year storm. If there were culverts put in many, many driveways around Town that had to meet a hundred year storm event we wouldn't, every driveway would have huge culverts.

Chairman Rogan stated that was kind of the question I was raising earlier.

Mr. Zarecki stated so now we are to the extent of practicality to start making larger beams, higher structures so we are saying if every culvert on a driveway needs to meet 100 year storm event even if it's a stream or an intermittent stream because intermittent streams are dry when the 100 year storm comes it's a full raging stream...

Chairman Rogan stated understood.

Mr. Zarecki stated that's where we came with the engineers to try to find something practical and still try to get the best available thing so that it flows around the driveway for that short duration of 3 or 4 hours, everybody's inside in a hurricane anyway. They are not driving up until afterwards and then it can be immediately fixed as any driveway you do with overtopping.

Chairman Rogan stated Mr. Zarecki I need you to come up and say everything again for the record and state your name, just kidding, you're pretty loud spoken I think Michelle will get it but if not, we're but Andrew go ahead.

Andrew Fetherston stated I agree with you, we certainly don't want to design every culvert in the Town for the 100 year, absolutely agree, this is not every culvert, this has a square mile watershed to it, that's the difference and it's got a significant watershed and a significant flow, that's why it's being singled out.

Chairman Rogan stated any other questions or comments from the audience, anything.

Board Member Montesano stated motion to close to the public hearing.

Board Member Cook seconded the motion.

Chairman Rogan asks for all in favor:

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

The motion carries by a vote of 4 to 0.

Chairman Rogan stated okay procedurally, so that we capture the items that were discussed tonight, were there any other, there were some additional comments that Ted had although minor, in terms of erosion control, Andrew you had some comments...

Andrew Fetherston stated still.

Chairman Rogan stated well they are contained in your memo, it's pretty straight forward.

Andrew Fetherston stated yes.

Chairman Rogan stated he was going to comment on them.

Rich Williams stated you shouldn't have given it back the first time.

Andrew Fetherston stated no, I'm good.

Chairman Rogan stated Michelle, can you ask the Town Board to order 4 microphones for...

The Secretary stated I'm going to have to and now they're putting poor Carl in the middle and it's just not right.

Chairman Rogan stated Carl looks like he's watching a tennis match back there.

Rich Williams stated I told him to keep it.

Chairman Rogan stated well I think with the review we've done with the technical information that the Board is comfortable with an approval so I would ask that you, we all, here's the thing we also want to do this work now when we are in the dry season we don't want to delay it a month. I would rather have them do the work when it is more appropriate, we have this dry season July and August which is when I remember the recommendation was to do the work, correct.

Board Member Montesano stated yes.

Chairman Rogan stated so have we, did we do a SEQRA Determination on this.

Rich Williams stated I don't believe you have.

Chairman Rogan stated okay, I couldn't remember, I forget those also sometimes Dan. In the matter of N.R.A. Realty wetlands/watercourse permit application, I'll make a motion that the Planning Board grant a negative determination of significance of SEQRA.

Board Member Montesano seconded the motion.

Chairman Rogan asks for all in favor:

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

The motion carries by a vote of 4 to 0.

Chairman Rogan stated and on that matter I make a motion and this might take a little bit extra that the Planning Board grant the wetlands/watercourse permit application for the construction of the bridge and

stream crossing within the wetlands and the wetland buffer, as shown on the most recent set of plans submitted by the applicant's engineer with that application meeting the comments noted on the most recent engineer and technical people, technical, what is the word...

Rich Williams stated I haven't done one so the Town Engineer's technical review memo.

Board Member Montesano stated recommendation.

Chairman Rogan stated I don't want to forget poor Ted, Ted said some things in there were, that's what I meant I wanted to include Ted in that and also some language being added into the approval that states that this crossing is only contemplated for the use of a single-family home and has not been looked at nor considered for additional or expanded use, how does that sound, so moved.

Board Member Montesano seconded the motion.

Chairman Rogan asks for all in favor:

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

The motion carries by a vote of 4 to 0.

2) MEADOWBROOK FARMS – Discussion

Mr. Harry Nichols was present to represent the application.

Chairman Rogan stated okay, Meadowbrook Farms, we have, you can grab your plans down, basically Meadowbrook Farms we are looking at bond calcs, correct...

Board Member Montesano stated I'm abstaining and I'll recuse myself.

Chairman Rogan stated Michelle, please let the record show that Mike has recused himself from this conversation.

Mr. Zarecki stated thank you.

Mr. Moore stated thank you.

Chairman Rogan stated thank you, get that work done while it's nice and dry.

Mr. Zarecki stated you got it.

Board Member Cook stated the bond calcs.

Chairman Rogan stated yea, Andrew we are basically at the point with Meadowbrook Farms I guess we're looking for amended or revised bond calculations. I don't expect you to have them tonight I was just making sure we are all on the same page.

Rich Williams stated where's Harry.

The Secretary stated in the back.

Rich Williams stated Harry. What, I don't know that's...

Chairman Rogan stated okay, hello Harry.

Mr. Nichols stated hello.

Chairman Rogan stated the discussion we had most recently was trying to finalize some of the approvals needed for the wetlands/watercourse permit for Meadowbrook Farms.

Mr. Nichols stated yes.

Chairman Rogan stated I know one issue was the loop areas of the roads which we've kind of determined by our legal and professional counsel would be very difficult to have, to be able to turn over to dedicated roads. We finally agreed that that was the way we were going to go, we are going to try get the main roads, so that they can be turned over, I know there were comments that were emphatically by the people who spoke at the public hearing who currently live in that subdivision, we can't get them everything that they had wanted but it seems like we are working in the right direction. So we need to be able to do the bond calculations for the work that needs to be done to those existing roads to bring them up to snuff and with the new area, Phase II, the main road as well, again there was a small loop there that I think we were saying would be treated like a driveway. Now the idea of the connectivity of the site was something that Rich feels very strongly about and um, you know I don't live in that area but it seems like every time we look at these proposals, we're looking to make things safer. It is Rich's concern that and his opinion that that interconnectivity is critically important to providing safety to both areas there, that's the way it was originally approved, correct.

Rich Williams stated correct.

Chairman Rogan stated so we need bond calculations that would support the work that needs to be done...

Mr. Nichols stated are you talking about pushing the connector road through Sonnet [Lane].

Chairman Rogan stated I don't remember the names correctly but Sonnet [Lane] is it correct.

Board Member McNulty stated Sonnet Lane, yes.

Rich Williams stated making the connection through Meadowbrook Farms Road and Sonnet Lane.

Mr. Nichols stated and Sonnet [Lane], okay, as a permanent fixture.

Rich Williams stated yes, that is the way it was approve.

Mr. Nichols stated okay.

Chairman Rogan stated and the calcs you probably have done for the stormwater, that hasn't change in the most recent conversations.

Mr. Nichols stated no it has not.

Chairman Rogan stated so we just need to pull this all together so we can move along.

Mr. Nichols stated this road has to be extended to the property line and...

Chairman Rogan stated and finished.

Mr. Nichols stated and finished on the other side.

Chairman Rogan stated the areas I know weren't brought up to Town specs as of late.

Mr. Nichols stated I believe they have a top coat that still has to go on.

Chairman Rogan stated right.

Mr. Nichols stated on the other side do they have a cul-de-sac on the other side on Sonnet [Lane].

Rich Williams stated they do, yes.

Mr. Nichols stated would that remain or would that have to be trimmed back like...

Rich Williams stated typically you're going to trim it back. I don't know how the original approval was laid but typically you're going to trim it back.

Board Member McNulty stated I had a question, regarding, we had some talk about a drainage district being formed, would that be as a result of this application.

Rich Williams stated yes,

Board Member McNulty stated to maintain, who maintains, once it becomes a district, is it the Town's responsibility if it becomes dedicated.

Rich Williams stated yes.

Board Member McNulty stated but before it's dedicated, it would be the Homeowner's Association to maintain the storm drainage.

Rich Williams stated and/or the developer depending on how it gets structured.

Board Member McNulty stated so it wouldn't be a true district until it's dedicated.

Rich Williams stated until the improvements are all 100 percent complete, typically we are going to use the drainage improvements out there for erosion control practices. Once the site is stabilized then we are going to go in and retrofit everything for stormwater quality treatment.

Board Member McNulty stated does that create an added tax to that district then.

Rich Williams stated to those people who are directly benefitting.

Chairman Rogan stated yea, that definitely gets paid through the district assessments, just fire districts...

Rich Williams stated not to worry, your tax is coming.

Board Member McNulty stated I'm sure.

Chairman Rogan stated okay, anything Rich from you or Andrew, any additional comments on this, at this point.

Andrew Fetherston stated no.

Chairman Rogan stated no, get the bond calcs, get them to Andrew in a timely manner so he can review them and get them to us in a timely manner and we'll wrap things up.

Mr. Nichols stated now these bonds calcs that include the cost of the new road to go in plus what's lacking on the existing roadway.

Chairman Rogan stated and all the improvements right.

Rich Williams stated phase II plus the remaining improvements on phase I, plus any additional improvements that need to be done in phase I as a result of the extended period of time this subdivision has gone on and there is a deficiency in those improvements, for example I know, and maybe you want to get together with Andrew and go out and take a look at the road. There are full sections of curb which will need to be replaced, a guard rail along the phase I section of road now is in terrible condition and will probably need to be replaced, it is currently wood guard rail, it's not going to meet DOT specifications, so.

Board Member Cook stated Harry do you have the original approved plans.

Mr. Nichols stated yes.

Board Member Cook stated so then you know on the connector piece what has to be done.

Mr. Nichols stated well the plans show that it is to go all the way through...

Board Member Cook stated right.

Mr. Nichols stated but currently they stop well short of it...

Board Member Cook stated understand.

Mr. Nichols stated and the, I guess right now it's a dirt road down to the water control building.

Chairman Rogan stated okay. Harry if you have any other questions that pop up in the next week or so, just reach out to Rich or Andrew...

Mr. Nichols stated okay.

Chairman Rogan stated rather than waiting this way we don't slow you down, okay, thank you. Mr. Levine if we could ask you to just wait a few moments, Ted is going to be a few minutes late, he said he should probably be here about 8:15, if we could just jump ahead...

Mr. Levine stated no problem.

Chairman Rogan stated because I really would, as our wetlands inspector like him to be here. Michelle please let the record show that Mike has rejoined the Board.

4) LEA ROME AMENDED SITE PLAN – Discussion

The applicant did not appear.

Chairman Rogan stated we have Lea Rome amended site plan, the Planning Board did a site walk yesterday evening, I would like to make a motion that we set a public hearing on this application for the next scheduled public meeting.

Board Member Montesano seconded the motion.

Chairman Rogan asks for all in favor:

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

The motion carries by a vote of 4 to 0.

5) 6 VISTA LANE – Driveway Waiver

Chairman Rogan stated we have a driveway waiver for 6 Vista Lane, where the applicant wants to place stone rather than pavement for the first 18 feet by 13 foot wide with a, what's the block called along that perimeter.

Board Member McNulty stated Belgium block with a cobblestone apron.

Chairman Rogan stated Belgium block, actually does anybody want to do that motion or do you want me to do it. It's just a waiver from paving the entire thing.

Board Member Cook stated I make the motion that the Planning Board approve the waiver application of Adele Ziegelmeier, 6 Vista Lane with regard to installing a cobblestone apron in a driveway where it abuts the roadway.

Board Member Montesano seconded the motion.

Chairman Rogan asks for all in favor:

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

The motion carries by a vote of 4 to 0.

Chairman Rogan stated okay. Wireless Edge at Quail Ridge, continued discussion.

6) WIRELESS EDGE AT QUAIL RIDGE – Continued Discussion

Mr. Neil Alexander of Cuddy & Feder and Mr. John Arthur of Wireless Edge were present.

Chairman Rogan stated okay.

Mr. Alexander stated do you want this.

The Secretary stated I'll take it, thank you.

Mr. Alexander stated good evening.

Chairman Rogan stated good evening.

Mr. Alexander stated Chairman and Member of the Board, Neil Alexander, partner in the law firm of Cuddy & Feder, here on behalf of Wireless Edge, along with me is John Arthur who is a principal in Wireless Edge. Just to bring us up to speed, we were last in front of you on June 3rd at which point you adopted a SEQRA negative declaration for this project and closed the public hearing on the site plan application. We made a supplemental submission to you on June 11th and that was contemporaneously to the Zoning Board and we appeared in front of the Zoning Board on June 14th where we obtained a use variance, an area variance as to height, an area variance as to fence height and area variance as to road frontage from Garland Road and that's pretty much where we are and at the end of last week. I guess leading up to your work session there was a memorandum issued by your Wetlands Inspector and John Arthur is here to tell you about what we're done, we've been scrambling and meeting in the field and delineating and he can give you the whole...

Chairman Rogan stated but you know I think in essence Ted was pretty straight forward, just making sure the delineation was accurate, he did state to the Board that he felt while there were wetlands out there, the impacts of the proposed application were not significant but wanted them, Ted usually, regardless of the impacts wants the wetlands to be delineated properly. So short of that conversation I don't think we really need any clarification on it, I just think that you know, making sure that the flagging is accurate, you know I think we have enough information tonight.

Mr. Alexander stated okay.

Chairman Rogan stated okay, we have, we did go back out with Ted to look at that, we looked at Garland Road again, I think the Board will be in a position to make a determination on this when we have a resolution which will be at next meeting.

Mr. Alexander stated okay, that's great and we look forward to meeting with you then, the only issue and question I have in my head and I need to look at my calendar right now, is you closed the hearing on June

3rd, I think we are more than 60 days if we come back on August 5th, that is the only questions that I have. My...

The Secretary stated it's 62 days, isn't it.

Mr. Alexander stated is it 62, I thought it was no more than 60 days.

Rich Williams stated SEQRA is 62 days and we may be, certainly there is a provision with State law that says you're obligated to make a decision within 62 days but this is not similar to the subdivision code. If you don't do it within the time frames of the subdivision code, they are entitled to a default approval, they just basically take the subdivision plat down to the Town Clerk and she has to sign it, they've got their approvals, they file it at County. That's not that case with the site, in the case of a site plan, their option is after 62 days to file an article 78, correct.

Carl Lodes stated correct.

Rich Williams stated so.

Mr. Alexander stated okay, I wasn't trying to, I was just thinking out loud...

Chairman Rogan stated understood.

Mr. Alexander stated is there anyway, I guess the other question is I guess because we're trying and I'm thinking out loud here and this is um not...

Chairman Rogan stated before you think out loud, let me just say this with all due respect...

Mr. Alexander stated yea, okay.

Chairman Rogan stated I am going to pick my words very carefully, I think that you would be best served to allow this Board to think and come back with a resolution 30 days from now and have a good night, thank you.

Mr. Alexander stated okay.

Chairman Rogan stated okay, Schoen Site Plan discussion...

Rich Williams stated Mr. Chairman, if you could just stick on this for one more...

Chairman Rogan stated is it important.

Rich Williams stated well it has to do with the wetland delineation, I want to make sure we get that correct because I did have...

Chairman Rogan stated Ted will be back here, he'll be here in 10 minutes, hang out...

Mr. Alexander stated we'll stay, we'll stay, that's fine, that's fine.

Chairman Rogan stated for a few minutes and we'll bring you back up when he comes. Thanks Rich.

7) SCHOEN SITE PLAN – Discussion

Mrs. Abigail Avellino, the owner was present.

Chairman Rogan stated Schoen Site Plan discussion, we have application for a grooming service at this site which would need approval from the Planning Board because the site has some concerns. How are you ma'am...

Mrs. Avellino stated fine thanks how are you.

Chairman Rogan stated what is your name please.

Mrs. Avellino stated Abbey Avellino, we own the building 4251 Old Route 22 in Patterson.

Chairman Rogan stated you said you own the building.

Mrs. Avellino stated yup, my husband and I, yes.

Chairman Rogan stated oh okay.

Mrs. Avellino stated don't look surprised.

Chairman Rogan stated no that's great, come a little closer we won't bite you.

Mrs. Avellino stated sorry, don't bite.

Chairman Rogan stated okay, that's all right, great.

Mrs. Avellino stated I know when we purchased the building, it was not...

Chairman Rogan stated how long ago did you purchase the building.

Mrs. Avellino stated we purchased 3 years ago I think, 2 or 3 years about. I know there was no retail to be going up there, we are not looking for retail at this point right now, obviously not at any point to be honest with you. We do have somebody interested in opening a dog grooming service and that's it, all by appointment only, nothing else, no truck deliveries or anything, they will be going to their personal homes, whatever shampoos and stuff that they need...

Chairman Rogan stated yea the information that you provided or that they provided was very concise and gave the information we were looking for...

Mrs. Avellino stated I do have a letter of intent also.

Chairman Rogan stated I think we have that as well.

Mrs. Avellino stated okay.

Chairman Rogan stated and some of the background on this that from our perspective and you've probably heard and hopefully you know because you bought the building...

Mrs. Avellino stated yes.

Chairman Rogan stated is that the Planning Board really struggled with this when it was built.

Mrs. Avellino stated I know but we didn't build it remember.

Chairman Rogan stated you bought it and they always say buyer beware but this...

Mrs. Avellino stated right.

Chairman Rogan stated the problem with this site is that it was never designed for retail for these types of, for basically for people coming and going on a basis of appointments or buying. It was really designed for office use because the site has really poor maneuverability, having said that, some of us revisited, some of us have not been to the site from previous applications so we revisited it. At one point we had spoken to the owner, it was before you about doing some slight modifications...

Mrs. Avellino stated it was definitely before us.

Chairman Rogan stated to the site because there were some points that could have been improvement that would have allowed for a little better circulation.

Mrs. Avellino stated right, I actually spoke to Rich about that too.

Chairman Rogan stated we're spoken to legal counsel previous, again on previous on applications that never came to fruition and this is a point where I think everybody can see the application you're presenting seems reasonable. It's not something where you're selling groceries and people are in and out and you're not going to have tractor trailers coming to site. Having said that, if I remember from previous legal counsel, the concern is when you open up one of the store fronts for a particular use, you've now given a de facto approval whereby they can leave and somebody else can come in with not the same use but something different than that, so I would ask Carl is there a way to give an approval to a specific client or an approval that's only a length, a 6 month or a 1 year approval that would have to come back to the Board for re-approval.

Carl Lodes stated I would honestly, Shawn, I would want to look at the previous opinions and I would like to take a look at that and then address your question at the next meeting.

Chairman Rogan stated okay because ma'am we did have a lot, we've gone through this, there is probably record about this tall on this...

Mrs. Avellino stated with him.

Chairman Rogan stated more than that I bet, that basically we were saying, well could we give retail status or approval status to 2 of the, 20% of the structure...

Mrs. Avellino stated right, I understand.

Chairman Rogan stated 2 of the spaces, there are 10 I believe, 5 up and 5 down.

Mrs. Avellino stated 10.

Chairman Rogan stated and even though the 5 on the top floor are not set up to look like retail they seem to work better for traffic, people can come straight in and they can turn around and leave. There are some difficult spots in there when you drive, I drove in the other night when we had our site walks and for my vehicle, I have a pick up truck, it was hard for me to pull in and then maneuver back out of there and the place was virtually empty...

Mrs. Avellino stated the place is empty.

Chairman Rogan stated I said virtually because there were 2 cars there...

Mrs. Avellino stated it was more than virtual, it is empty.

Chairman Rogan stated there were 3 cars there.

Mrs. Avellino stated right.

Chairman Rogan stated and we are concerned about that, we do want you to have that place utilized because sitting empty is not good for the Town either.

Mrs. Avellino stated no it's not I mean if you look, obviously it's a little difficult to do our lawn care right now at this point because its costly but I would like it to look nice obviously, we are doing the best we can.

Chairman Rogan stated right.

Board Member Montesano stated the only thing I can figure on to restrict traffic, is similar to what they have near Home Depot.

Chairman Rogan stated something with height clearance or something.

Board Member Montesano stated a height clearance where the big trucks can't get in there.

Chairman Rogan stated I would love to be able to have Carl research weather or not we can do a time frame approval for one place and I think Rich has opinions on this but I would like to have it reviewed because the opinions I heard from the Board when we mentioned it at our site walk we were that, it seems like a pretty reasonable use but we don't want people to come and then six months later the business doesn't work. Now we've given approval and you have someone come in that is not consistent with what we intended and so I would respectfully ask that we will table this and we will have the counsel review...

Board Member McNulty stated can I make a couple of comments.

Chairman Rogan stated of course, absolutely.

Board Member McNulty stated several things, I was looking through the past minutes from 2006, September 7th and there was some talk about recommendation to the Town Board, I think you were one, you had talked about Shawn on these, to the Town Board to separate the 2 zoning codes for customary service verse office that all fall within the C-1, is that a possibility to do.

Rich Williams stated it is a possibility to do but I will go back to my original concerns that I expressed at that time, what is the difference between the traffic, deliveries...

Board Member McNulty stated but if we, can you then stipulate a percentage maybe 3 of the 5 store fronts fall into that customary if you separate the zoning, can you...

Rich Williams stated well now you're asking my opinion here when you didn't one second again...

Board Member McNulty stated maybe Carl...

Chairman Rogan stated different application.

Board Member McNulty stated if you go to the Town Board and ask for a recommendation can you do it in a way where you can have partial office and restrictions to retail customary service.

Rich Williams stated you can do that now and the Board has adequate authority so that if you wanted to take this site and make 20% of it or 3 store fronts or specifics areas of it, designated as retail or personal service. My opinion is you can do that, my opinion also is though if you do that but you can't then pick and choose the type of retail or personal service that goes in there, the code doesn't...

Mr. Avellino stated why not, why can't we do it as owners.

Rich Williams stated well you can do it...

Chairman Rogan stated you can.

Mrs. Avellino stated just checking.

Board Member McNulty stated you may not be the permanent owner.

Mrs. Avellino stated but we may, come on.

Board Member McNulty stated but again I would look at how the septic was design because of course there must be limitations, it's a type of business, so would that be a limiting factor if the C-1 types of service were combined to be allowed.

Chairman Rogan stated correct me if I'm wrong, that would be a change, if any change of use would have to go the Health Department for review for water usage for anything other than what was approved, even this theoretically should be going to the Health Department for review.

Mrs. Avellino stated we can do that.

Rich Williams stated yes and it could be a limiting factor on the overall site depending on...

Board Member McNulty stated yea, that would help us decide on what to do as well.

Rich Williams stated but I think it really came down in the past to having traffic flow through the site, having the issue of deliver trucks coming on to the site and having deliver trucks coming in off a residential road.

Board Member McNulty stated but I think if you limit the amount of retail space, I think you would be limiting a portion of that traffic, yes you still have truck deliver but in a limited fashion, offices get tractor trailer deliveries as well.

Rich Williams stated one store, where are you going to put the truck and how are you going to get it on the site.

Board Member McNulty sated I would have to look at the site plan and make a determination.

Mrs. Avellino stated back it in.

Board Member Cook stated and you have to determine which section of the building that you would designate for retail, in other words you could take when you first come in on the left. What is that considered the top part or around to the lower level.

Rich Williams stated that way we worked it out before is we recognized that there needs to be some changes out there and we had worked out, not the best scenario but something that was least adequate that they could get a reasonable sized deliver truck on the site so that they can make deliveries and we were going to limit the area I believe that was going to be retail or personal services but as that site sits right now, there was no delivery space, there is no way to get a truck on and maneuver it around, it required some additional improvements.

Board Member McNulty stated I don't see it that much tighter as Sauro's parking or some other parking lots.

Chairman Rogan stated I looked on my way through tonight and I see it as a lot tighter than, to respectfully disagree with you, when you drive in and out of that site, if there was cars in some of the spaces and seeing the turning radii and things...

Board Member McNulty stated again I drove through it when it was empty so.

Chairman Rogan stated yea but Sauro's has a lot more drive aisle and you're not driving around the back of the building to get to the retail, it's all up front, it's all parking, you're in and you're out.

Rich Williams stated it's laid out so you're got flow through the site.

Chairman Rogan stated yea.

Board Member McNulty stated another recommendation I make is if you have a site plan, get hold of one, you may want to paint all the parking stripes, there's no markings on the pavement which would help and then you can see your own flow of traffic and make a determination.

Mrs. Avellino stated right, we have to do that, okay.

Chairman Rogan stated Rich would you be so kind as to pull some of the prior information, we're going to need it anyway for Carl to review but we had specific recommendations on, I remember one point of restriction was the island that sticks off the, remember there was something that we talked about cutting back, maybe not for this use but in terms of knowing what the proposals were to make this a better site for these sorts of issues.

Board Member Montesano stated we are trying to get 10 pounds in the 5 pound bag, it's not going to work, the easiest way that this can be worked out is my opinion anyway, is to put something up so the trucks can not enter. They will have to deliver by hand truck or whatever and that means they can maneuver with that to where they are going.

Chairman Rogan stated I think the concern with that Mike and I agree with your thought process. The concern with that then is the trucks then sitting out on the main, on the road, in other words they can't enter so they park and they wheel in and that's worse probably...

Board Member McNulty stated yea.

Chairman Rogan stated I would rather have them sitting in a parking lot than out on the road.

Rich Williams stated and I remember having this conversation at the last one and I came in and reminded the Board that the day before over at Home Depot, where they've got that bar, I sat there at the pizza place and watch a truck try to drive through it.

Board Member McNulty stated like the bridges on [Route] 311.

Mrs. Avellino stated oh yea.

Chairman Rogan stated and we also recognize that design for trucks doesn't mean that the trucks won't show up because had Guiding Eyes for the Blind is a perfect example on having tractor trailers stopping and backing up the driveway there. Which is ridiculous but it occurs.

Mrs. Avellino stated the long driveway.

Chairman Rogan stated yea but on a residential road, you know on a...

Mrs. Avellino stated right that's right off of...

Chairman Rogan stated yea, so I think let us pull the information together, you certainly have our support in theory, we want to try to figure out how to make it work because I think the idea that you've got is a great one. I think it would be an adequate use of the site and so I don't want to deter you guys, you're obviously, the people that are looking to open, but let's see if we can do it in a way that helps out your potential tenants, as well as the owner because we do want you to use that building.

Mrs. Avellino stated yea it would be great, it would be great for the Town of Patterson.

Chairman Rogan stated we heard comments from some of the Board that we would love to see the site maintained in a nicer state, well you need the tenants and I understand.

Mrs. Avellino stated exactly, I mean, I don't know, if this was last year you could see how beautiful it looks, this year is a little difficult right now.

Chairman Rogan stated I think we got used to seeing it look beautiful so we only recognize when things fall by the wayside.

Mrs. Avellino stated it's okay, I was out there today, weeding.

Chairman Rogan stated thank you very much.

Mrs. Avellino stated thank you.

Chairman Rogan stated we'll see you back next month and we'll have some information and we'll be able to make a decision on that.

Mrs. Avellino stated okay, thank you.

Chairman Rogan stated all right, thank you. Okay we have Mr. Boniello's site plan discussion, is anyone here for Boniello. Seeing nobody here...

Rich Williams stated if I may...

Chairman Rogan stated sure.

Rich Williams stated I didn't think we were going to be going this fast and Anthony called me today and asked about what time he should show up...

Chairman Rogan stated I was going to bump him a long anyway, in fairness to the people are here.

Rich Williams stated we agreed to 9 o'clock.

Chairman Rogan stated that's fine, considering that there are people here, we'll move along to them.

9) OTHER BUSINESS

a. Field and Forest Apartments As-Built

Mr. Harry Nichols was present.

Chairman Rogan stated Field and Forest Apartments as-built, is that you Harry.

Mr. Nichols stated that's me.

Chairman Rogan stated okay, come on up and then we are going to jump right to Brewster, then we have Fox Run, is anyone here for Fox Run, no, so then we will jump right to Brewster Plastics and then Ted will be here any minute anyway. So Harry, I guess from our perspective, the one thing that jumped out at us was we have our agreement with your client, Mr. Hogan that said we would do this temporary C.O. stuff and put this letter of credit forward and everything would be done on the as-built by a couple of days ago...

Board Member Montesano stated June 24th.

Chairman Rogan stated so the date of our work session was I think the date of the, wasn't that the 24th ...

Rich Williams stated yes.

Chairman Rogan stated so a week ago, so we are in trouble because Mr. Hogan promised us some things, go ahead...

Rich Williams stated we do have the as-built now.

Chairman Rogan stated so it was just a little bit later.

Mr. Nichols stated I think the original was sent over to Andrew's office thinking that was the place they should go rather than to the Planning Board.

Chairman Rogan stated oh okay, he's blaming you Andrew.

Mr. Nichols stated when they found out they, no it wasn't his fault, it was our assumption.

Board Member Cook stated does Mr. Hogan or anybody else owe the Town anything, no.

Chairman Rogan stated okay, so Rich what else do you have on this.

Board Member Cook stated what else is there to discuss.

Rich Williams stated unless Andrew has anything that he wants to discuss about difference between the as-built and what was approved.

Andrew Fetherston stated I didn't get a chance to look at the as built yet.

Chairman Rogan stated okay.

Andrew Fetherston stated we know that all the drainage improvements were put in but there was sustenance in one of the trenches going across, maybe we meet out there also, if possible.

Rich Williams stated do you have opinion on the change of the filter media.

Andrew Fetherston stated no, no, we had from DEP or DEC, they weren't so concerned the exact type of the peat, we didn't have any issue with that, no, no issue what so ever.

Board Member Cook stated so they have a C.O.

Rich Williams stated they had the C.O.

Chairman Rogan stated they had it.

Board Member Cook stated they have it.

Chairman Rogan stated this is just the work that we agreed to get done to not pull the C.O. in essence or not pull the letter, work on the letter of credit, correct, the letter of credit was the surety that the work get done.

Board Member Cook stated right.

Chairman Rogan stated can I ask, you said something about meeting on site do you want to coordinate that with Harry.

Andrew Fetherston stated sure.

Mr. Nichols stated just one of the trenches you're talking about.

Andrew Fetherston stated drainage trench, it is terribly sub...

Mr. Nichols stated shallow.

Andrew Fetherston stated yea, yea.

Mr. Nichols stated okay.

Andrew Fetherston stated that's about it.

Chairman Rogan stated okay.

Board Member Cook stated and the same day go to Meadowbrook.

Andrew Fetherston stated right.

Chairman Rogan stated there were issues though that there were things that could not be done, I think there were still some planting and such that...

Rich Williams stated it was landscaping.

Chairman Rogan stated so let's maybe, maybe you get out there with gentlemen if you haven't already done so and check that.

Rich Williams stated okay.

Chairman Rogan stated okay, thank you Harry.

Mr. Nichols stated okay.

Chairman Rogan stated that's it.

Mr. Nichols stated Andrew, next week.

Andrew Fetherston stated we'll talk.

Chairman Rogan stated great, after the holiday. Brewster Plastics.

f. Brewster Plastics

Mr. Harold Lepler and Mr. John Lepler were present.

Chairman Rogan stated we have amendments to the plan, we did a site walk the resolution to the moving the dry hydrant. We had spoken in the field and we spoke to your son about basically just delineating 2 new parking spots as proposed future spots, we probably won't need them but at least if we have them on the plans, we have that option. It seems that the turning radius is sufficient Andrew had said the changes that were made there, the not having the rip rap I bet you were original required is a benefit, I like that, the

way that worked out much better. So I think the changes that were made, all things considered, were fine, the Board just wanted to express that any time that we can the conversation going early...

(Side 1 Ended – 8:25 p.m.)

Chairman Rogan stated that any time we can get that conversation before the changes are made, that even if its to Rich and he just tells us, it's not that we have to make a decision on it, he says hey guys these are the changes that we've talked about that we are contemplating. We know field changes happen all the time, the only time we are concerned is when it impacts on the site plan that we approved or the waivers for things like parking spots, so I just respectfully request that we continue to keep these lines of communication open and know when things are going on. Having said that, I don't think anybody had any problem with the changes that were made, they all seem that they were reasonable. Do we have a set of plans yet that show the changes...

Rich Williams stated yes.

Chairman Rogan stated then we're all set, okay so Brewster Plastics, we just need a motion to accept the changes...

Rich Williams stated you have a resolution.

Chairman Rogan stated we do, Charles.

Board Member Cook stated whereas the Planning Board approved the application of Highland Group LLC for an amended site plan pursuant to Chapter 154 of the Town Code, and filed Brewster Plastics amended site plan dated June 16, 2009, last revised September 10, 2009 and whereas during the course of construction one or modifications were made to the location, type or design of the improvements constructed on the site, which differ in location, type or design from the improvements as was originally shown on the site plan, whereas the Planning Board wishes to acknowledge and accept those changes to the approved site plan subject to the conditions contained herein, now therefore be it resolved that the Planning Board accepts the changes made during the construction of the Brewster Plastics Inc site plan improvements as listed here in and subject to the conditions set forth below, 5 general conditions, 3 special conditions, be it further resolved that the Planning Board acknowledge completion of the site improvements pursuant to Chapter 154-130 and authorized issuance of the Certificate of Occupancy by the Director of Codes, be it further resolved that the Planning Board of the Town of Patterson recommends to the Town Board the release of the performance bond held for the above mentioned site plan in the amount of \$24,800 dollars, further be it resolved that the remaining balance, if any, held by the Town for construction site inspections be returned to the applicant upon reconciliation with any outstanding amounts owed and due for services rendered by the Town Engineer or the Town Planner.

Board Member Montesano seconded the motion.

Chairman Rogan asks for all in favor:

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

The motion carries by a vote of 4 to 0.

Chairman Rogan stated okay thank you gentlemen.

Rich Williams stated if I might, just for the record so we've got it on, the 5 general conditions were the 5 changes that we made for the site plan.

Chairman Rogan stated okay.

Board Member Cook stated okay.

Chairman Rogan stated thank you.

Mr. Lepler stated Mr. Chairman...

Chairman Rogan stated yes.

Mr. Lepler stated if I may (inaudible).

Chairman Rogan stated please use the microphone, you are soft spoken, thank you.

Mr. Lepler stated thank you, Harold Lepler.

Chairman Rogan stated thank you.

Mr. Lepler stated on behalf of Mr. Wallace's family, Brewster Plastics, we very much appreciate your cooperation...

Chairman Rogan stated thank you.

Mr. Lepler stated through this process and your consultants, we are all proud of what's been done here and the jobs created, thank you again.

Chairman Rogan stated thank you very much, that's very nice...

Board Member Cook stated thank you for your comments.

Chairman Rogan stated because the facility does look excellent and we appreciate it, thank you. Okay...

Board Member Montesano stated you want to do the minutes.

Chairman Rogan stated sure, go ahead.

10) MINUTES

Chairman Rogan stated what minutes do we have that...

The Secretary stated the May work session, June regular meeting.

Chairman Rogan stated May work session.

Board Member Montesano stated May 27th...

Chairman Rogan stated the 27th.

Board Member Montesano stated no that's and June 3rd, so on the, I make a motion that the minutes for May 27th and June 3, 2010 be accepted.

Board Member McNulty seconded the motion.

Chairman Rogan asks for all in favor:

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

The motion carries by a vote of 4 to 0.

Chairman Rogan stated okay, I saw someone come in, we have the Fox Run Phase II, come on up.

9) OTHER BUSINESS

c. Local Law – Fox Run Phase II

Mr. Robert Marvin of Marvin & Marvin was present.

Chairman Rogan stated your timing is impeccable, good evening.

Mr. Marvin stated hi how are you.

Chairman Rogan stated hi.

Mr. Marvin stated good evening everybody, I'm Robert Marvin once again on behalf of RC Enterprises which is petitioner in this matter which is seeking a zoning amendment and this matter was referred by Town Code to the Planning Board to render an opinion back to the Town Board. As you know, I've been here 3 or 4 times now discussing you know, the merits of the application. I did make a recent submission to the Board which I hope you've received, it was responding, essentially, yes...

Chairman Rogan stated we just received it today, so I apologize, we are hoping you'll walk us through because we haven't read it.

Mr. Marvin stated I will.

Chairman Rogan stated okay.

Mr. Marvin stated let me pull my copy from the file and I'll...

Chairman Rogan stated great.

Mr. Marvin stated what this letter is, immediately, the day of our last meeting which was I think June 3rd, the Board was provided with an analysis of the potential impacts of 2 projects that I guess in theory was felt could be built on the site that my client owns. One of those projects was a 9 lot single-family subdivision and the other project was a 48 unit condominium complex and the point of the letter that I submitted to the Board yesterday is essentially to say that you know, I don't think that analysis for either of those hypothetical projects is relevant for this Board to consider because neither of those projects can be built under the current zoning and if the zoning amendment which has been proposed is approved still neither of those projects can be built, so what are analyzing here. I mean it just, it doesn't make any sense, the 48 unit condominium complex which was purportedly analyzed is the same analysis that was performed back about a year ago when a different project was proposed for this site under a different zoning amendment, the zoning amendment which has been referred to this Board by the Town Board which is under consideration by the Town Board, is and the essentially point of the zoning amendment is that its for active adult residences which is by definition in the proposed amendment, the occupancy of the units that are built there is limited to persons who are 55 years of age and over. So, the impacts that are set forth for the hypothetical 48 unit condominium project there, fails to take into account the fact that this zoning amendment that is before the Board now would require 55 plus occupancy so the analysis of the trips, the vehicle trips and so on, is far different than what this proposed impact would show and if the Board recalls back, I, without looking at my notes, I forget the exact date but 3 or 4 months ago, I submitted a copy of this study of 55 plus housing which was done by the National Association of Home Builders and one of the salient facts that that they state in there and there is all kinds of data in the study, I'm not going to cite you all the data because its there for you to look at but the point is that the impact of a 40, 55 plus year community, where the occupancy is 55 years and over, is far less than the impacts that are caused by the same type of project if its not limited to occupancy of 55 years and over residence, so particularly with respect to vehicles trips, children and things like that and impacts that were analyzed in the information that was provided to that Board, so you know the point of the letter once again the point of the letter that I submitted to you yesterday is that analysis is really not, it doesn't make any sense under the circumstances before this Board because its 2 projects that can't be built now, if there was no amendment and its 2 projects, they can't be built if the amendment is approved.

Board Member Cook stated but the, how it is currently zoned, right...

Mr. Marvin stated yup.

Board Member Cook stated you could build single family homes.

Mr. Marvin stated you couldn't because there's not sufficient road frontage, right now you couldn't even build one, you'd need either a variance or a 280-A...

Chairman Rogan stated but you would not need the change in the zoning code.

Mr. Marvin stated you wouldn't need a zoning change but you would need some kind of a variance or whatever and that would be for one single-family house.

Chairman Rogan stated given the zoning but given the zoning, you would have an awful good leg to stand on for requesting the 280-A considering that that is the zoning that the Town adopted.

Mr. Marvin stated yea but if you, I think you're correct on that Mr. Rogan but the impact that is not analyzed there which would have to, which would be incurred is well, I guess there are 2 options, 280-A which we would request access through the existing Fox Run I complex because there's no road frontage, you can't you know, there's not even enough road frontage for one lot. Alternatively there would have to

be a Town road built to Town specs which would be a tremendous amount of impact to do that because of the steepness of the terrain, you're talking about you know cut and fill that is way beyond what I think anybody would want to see. It's ledge, it's steep, I think the Board Members are probably fairly familiar with the site and access from Bullet Hole Road there is in a place that's just really, it would be near impossible to really use and this Board has recognized that in the opinion that you rendered back to the Town Board a year ago and I cite that and quote it in my letter.

Board Member Cook stated now, with regard to using 48 units...

Mr. Marvin stated yup.

Board Member Cook stated I mean we are basing it on your applicant coming previously, your plan showing 48 condo units...

Mr. Marvin stated right.

Board Member Cook stated and you know...

Mr. Marvin stated and I don't think that's, I think that's legitimate, I think its legitimate to look at a 48 unit potential build out but the critical fact which has not been analyzed in the data that was provided to this Board was that fact the current proposal would require that every one of those 48 units or 40 units or whatever the number was but let's take the number 48 that they would all have to be occupied by residence who are 55 years or over and that create impacts which are vastly less than what was shown to you...

Chairman Rogan stated you state that as fact though and I don't think we agree with your fact in that regard. I think our opinion, especially from our 2 Board Members who are, who would be able to live in that facility, all due respect, 55 and older...

Board Member Cook stated I just made the cut.

Chairman Rogan stated he just, they both just made it actually last week but would be that the trip generation, while they agree they might be at a different time of day, these guys are saying they are going out with grand kids, they are doing this, they are running errands, they are back and forth. It's not the person going to work early in the morning and then coming home, these guys are on the road back and forth all the time. So, their feeling has been that it might be more trips just at different time, they are not going at 7 o'clock in the morning and coming back at 6 at night, so with all due respect to the study you provided and the information the Board is looking at comparative impacts and trying to put a number on it. Quite frankly none of us have been convinced by the information you're provided or by the information we've gotten so far that there is a significant difference between multi-family or multi-family age qualifying and that's right now basically where we are basically stuck at to be honest with you.

Mr. Marvin stated okay well I can't tell you that I have my own data on that because I don't. I can only tell you what the National Association of Homebuilders has determined and that is based on a study that they did which in there they cite all their sources and so on, I don't, again I'm not going to read it to you, you guys are perfectly capable to read that yourself but...

Chairman Rogan stated yea I understand, you know and I appreciate that.

Mr. Marvin stated you know and I respect what your own feelings on it are but the science behind the study is based on more than just kind of subjective thoughts about here's what my life is and here is what I do at

57 years old or whatever you may be. Theirs is based on actual projects that have been built and studied and the data says what it says...

Chairman Rogan stated if they were in Putnam County or New York it would be more viable for me to understand, the fact of the matter is we are seeing a trend of, as we have said on the record many times, a trend of children moving back in with their parents. The grandchildren being cared for by the parents because the parents are working, each of them working a job, they are running them to summer camp, to daycare, the grandparents become the de facto daycare centers for their grandchildren.

Mr. Marvin stated I'm sure that's true in some instances but I would...

Chairman Rogan stated I think it's true in many instances.

Mr. Marvin stated but I would submit to the Board that if that were the case for most of those 55 and older, if they are living in say a 2 bedroom condo, they may be caring for the grandkids but not at the 2 bedroom condo, maybe they go out to the...

Chairman Rogan stated I'm not saying overnight.

Mr. Marvin stated daughter or son's house and care for them there.

Chairman Rogan stated no, I don't agree with you, I'm not saying that they are sleeping over every night, although I think in some cases they are, especially with the divorce rate being at 50% but what I am saying is that there is a lot more care going on, it's not. It would be rosy and great if it were that people would have the ability to retire and not have to do all the work that they are being asked to do by their children but the fact of the matter is that is what we are hearing, round and around from everyone, so, Tommy, I'm sorry.

Board Member McNulty stated also, I recently saw something in NAHB where 55 plus housing was on the down trend and some of the concerns were that people are consolidating, the market has dropped off just because the real estate market in whole but also, if I can find this article again, I'll find it for you too...

Mr. Marvin stated yea.

Board Member McNulty stated and also this study was done in 2008, 2 years ago and there has been considerable change in the market place.

Mr. Marvin stated you're certainly correct on that but...

Board Member McNulty stated and the statistics have changed because families are moving back together again, it has been indicated by the NAHB.

Mr. Marvin stated I am not going to disagree that the market is different now than it was in 2008 but if the zoning requires that any dwelling built at this site be occupied by 55 and over, that's still what its going to be, now how viable a project is and is somebody going to put a shovel in the ground tomorrow to build 48 units or whatever it is I think when the market will, if the market was there to sell such units, they'd be built. If the market isn't ready to sell those units then its not going to be built yet because my client or no one else I don't think is going to put their money behind 48 units if they don't think they can sell them but the fact is that if they built or when they are built if this zoning is in place that we are seeking to have in place they would have to be occupied by people 55 and over, so.

Board Member McNulty stated just to add another concern I know I've brought up is the impact of the traffic flow on Bullet Hole Road, whether you go with the 55 plus you'll need a variance just as you would for 9 homes and the way we looked at this data is based on the 9 homes and the amount of trips that would, just standard families and we really wanted to know how just those 9 homes would impact the flow of traffic on Bullet Hole [Road] and when we see 48 condominiums, regardless of 55 or not, it's a major impact to that road and I think that the big point this Board wants to look at closer.

Mr. Marvin stated okay well you certainly, valid to examine it, I think that even if you may disagree with total number of trips and that may and you feel that that would be similar to what it would be if it was not age qualified housing, I think its and the data bears it out that the time of day that the trips occur are not bunched around the rush hours, you know the 7 or 8:30 in the morning and the 5 to 6:30 or 7 o'clock at night. They are much more spread out, so you're not going to have that funnel of volume during the morning and evening rush hour because we are talking 55 as a minimum, a lot of people, maybe 65, 70, 75 years old, they are not necessarily getting up to rush off to the job in the morning and coming home after they punch the clock at night or whatever. I mean it's scattered throughout the day, maybe they play golf, if they are lucky in the middle of the day or you know go to...

Chairman Rogan stated I sure hope they do.

Mr. Marvin stated I hope so to, yea.

Board Member Cook stated but again you know people are working longer.

Mr. Marvin stated well there may be some I mean I can't say none but I think common sense tells you that your not necessarily going to have the same kind of volume at these rush hours and the data really makes that quite clear and that again it's not data that I developed, its developed by this study of economists, that's what they do.

Chairman Rogan stated okay.

Board Member Cook stated just read you a little quote from a newspaper article...

Mr. Marvin stated I hope...

Board Member Cook stated I won't mention that it's related to the shocking news of Al and Tipper Gore's divorce after 40 years and...

Chairman Rogan stated you won't mention.

Board Member Cook stated not going to mention it.

Chairman Rogan stated okay.

Board Member Cook stated but it just happens to say this one line, for people and this regards people separating and stuff like that...

Mr. Marvin stated yup.

Board Member Cook stated and then what they do but people today entering their 60's don't think of themselves as old and are optimistic about their future, implying changes and being active and you know doing their thing, all right, so you have to, there are 2 sides...

Mr. Marvin stated oh yea.

Board Member Cook stated the face of children moving back in with their parents and bringing along the grand kids or the grand parents going out and watching them or taking them to school et cetera, like that and then you just have the normal active people who are maybe going out and going golfing, maybe come and attend meeting et cetera, et cetera like that. So, I understand what you're saying about the report and everything like that...

Mr. Marvin stated another thing that this study bears out, following up on what your saying, the active seniors is that they have money and they spend money in the community and that is not a one time benefit, that is something that continues year after year after year and that's, those kind of economic benefits are also covered in that study. One thing if I could submit to the Board, I know one of the concerns that this Board has and a very legitimate concern and you've mentioned it a number of times what if a bunch of grand kids are staying with the grand parents in the condos and so on, good point, one of the ways that that certainly could be alleviated and I don't know how much that would really happen, I don't have data on that but you could recommend back to the Town Board that, for instance you know, we think the concept is good but there should be limitations on it, no unit should have more than 2 bedrooms, that is going to keep the number of people in any particular dwelling lower than it would say if it was 3 bedrooms or more I don't think there's any thought of building anything bigger than a 3 bedroom but you know if you limited the maximum size of a dwelling to 2 bedrooms, I think you've gone a long way towards alleviating that concern and again because its within this Board's jurisdiction, I don't mean to take Mr. Lodes job but I'm sure he can counsel you but you can recommend to the Board, we like the idea but we think it should be tweaked this way or that way or the other way so I just throw that out to the Board and say, to consider those kinds of things, maybe you want to say we want maximum number of unit should be X and maximum number of bedrooms in total for the units should be Y, with a maximum of an particular unit of 2 let's say, you know.

Chairman Rogan stated I think the problem because we've kicked around some ideas like that, the problem with that was brought to our attention this is a zoning change for an area, not just for a particular, we are contemplating a zoning change, tying it to a density is a separate action, correct, its part of the review process for the property, is that the way we've discussed that.

Rich Williams stated well it cuts both ways. Certainly you can tie the density, you can start off looking at the density within your zoning code and recognizing the general carrying capacity of the immediate area and you can set a zoning density, then you need to factor in the actual lot and whether the lot can sustain that.

Chairman Rogan stated okay because based on all the conversation tonight and conversation we've had over the last 6 months on this, we currently have a piece of property that is zoned for 9, that can support potentially 9 single-family homes that would result in roughly a bedroom of 36. I don't think anybody on this Board would deny these people doing multi-family or age qualifying units for a total of 36 bedrooms, it would be a consistent use of the property, as what would be proposed or contemplated for single-family homes. Now you brought up that the reality of that is that's not going to be a viable alternative for your client but I think it, when we are talking about traffic and impacts, hey put in 36 propose 36 one bedroom condos and you'd probably have, that I think no one on this Board would argue with, we would probably say that's consistent with, because it's a bedroom count. Then you base your number of people that live in

a house based on the number of bedrooms, I certainly would support that, short of that, anything more than that I'm having a difficult time with because I think the site is already difficult. I am not looking to take anyone's use of the property away you currently have a use out there that exists.

Mr. Marvin stated well, in actuality there is no viable use for the property right now because with the 4 acre zoning and the minimum road frontage and so on, there is nothing right now that my client, not nothing that my client can come in to the Building Department and say here's a plan and I want a building permit. He can't do it not without a variance for road frontage or a 280-A waiver or something to that extent.

Chairman Rogan stated while technically I agree with you, that doesn't mean he doesn't have a potential use of the property right now, he can come in and go through the motions just like for 9 houses he would have to go in and do the approval through us for that but apparently it's zoned and it is potential that it would support 9 lots. So we can argue about this or disagree all day but the fact of the matter of is, the reasoning for this chart, while you may not agree with it and you make think it's irrelevant to the application, it quantifies the potential use of the property under a scenario that was given it us under current zoning and a scenario that was applied to for us under the previous application. So for us I think it is relevant and I think it does show the potential use...

Board Member McNulty stated Shawn, can I take it a step further on that please.

Chairman Rogan stated yes please.

Board Member McNulty stated this is, you said 36 bedrooms generates X amount of trips as shown on this chart, maybe one way to increase it somewhat is to look at 36 bedrooms, how many trips it creates but then based on 55 and older because the data does support less trips until 2008...

Chairman Rogan stated adjust it out.

Board Member McNulty stated you can adjust it out, maybe there are 4 extra bedrooms, 10 extra bedrooms you can achieve and you can look at the numbers...

Chairman Rogan stated and if we can agree on that, I'm fine with that.

Board Member McNulty stated if you can really look at the numbers, how they work out, the traffic I think is all of our biggest concern that we've talked about.

Chairman Rogan stated I think that's a very reasonable approach that you know you are equating, you're saying its not a 1 to 1, it's a 1 to...

Mr. Marvin stated I don't know what the math would do but I understand what you're saying.

Chairman Rogan stated I think we can all agree to that.

Mr. Marvin stated but there is sort of a tipping point and I don't know exactly where the tipping point is where you get to what's a viable project and what's not a viable project.

Chairman Rogan stated that's your deal, that has nothing to do us unfortunately because right now it's a viable project to go forward with proposing 9 homes and doing the review on that so you're asking for something, we've identified concerns, you know...

Mr. Marvin stated well the other point that is that in the Master Plan one of the things in the Patterson Master Plan which is in place, you're looking for development in areas that is consistent with existing development and what you're already got at Fox Run I is I don't know the number of units but large number of units of condominiums. This lot that remains undeveloped adjacent to it, to develop that for condominiums would also be consistent with the existing development which is one of the stated goals in the Master Plan and you know so, it's really. It was always, in fact, as I've talked with this Board before it was previously approved for that when the property was up-zoned some years ago, those approvals were lost and we acknowledge that but you know it was always the plan that this property be developed for multi-family and what we are asking now is for an amendment that would require that type of development to be over 55 because I think it does ameliorate a lot of the concerns that are out there and potential.

Chairman Rogan stated I think this Board has recognized exactly what you're saying because otherwise I don't think we would have given as much thought to it to be honest, so I agree with you. I think we have been open to that discussion and I think something along the lines of what Tom just said of looking at the numbers and everybody coming to an agreement that maybe it isn't a 1 to 1 ratio, maybe age qualifying housing has a different use that's spread out throughout a different portion of the day, I don't know I have opinions that its not as lacking in traffic as you'd like us to believe and that's not disrespect to you...

Mr. Marvin stated none taken.

Chairman Rogan stated I'm just stating, I appreciate that, so let's take a look at the information that we were talking about let's see if we can come to some agreement on this and get something working here because obviously we are just going to go round and round...

Mr. Marvin stated right.

Board Member Cook stated Mr. Marvin when you said earlier about that the, he would be okay with our recommendation to the Town Board limiting the number of units and or...

Mr. Marvin stated yea, I mean that's a suggestion that I make to the Board, I mean...

Board Member Cook stated yea absolutely, to take it would with everything's that been said I mean, if we say and using the right the words that we get from the Town Planner that we would recommend that this change go forward and stipulate that the number of units, bedroom units at this particular site be limited to no more than 36.

Chairman Rogan stated or the ratio that based on what Tommy said.

Board Member Montesano stated right.

Chairman Rogan stated yea, I mean that is a reasonable approach in my opinion, let's see what everybody thinks, I'm sure that...

Mr. Marvin stated I'd like to have a bigger number as I'm sure you know.

Chairman Rogan stated of course.

Mr. Marvin stated because I don't know, you know 36, if you figure its 2 bedrooms, that gets you 18 units, I don't whether that and you know my client obviously wants to make a buck but there are benefits that this study clearly bears out are reaped by the community year after year after year. We talked extensively back

a couple months ago with the school tax revenue that gets generated by a project like this and critical point is that because of the over 55 restriction you have very, very few if any school children so it's a win-win on the school tax for sure.

Board Member Cook stated I understand that.

Mr. Marvin stated okay, if the Board requires anything or has any questions or anything at any time, you know how to get a hold of me.

Chairman Rogan stated I would just go back to your client and explain the context of our conversation.

Mr. Marvin stated of course I will.

Chairman Rogan stated and we appreciate your time.

Mr. Marvin stated okay, thank you.

Chairman Rogan stated hey Ted, good evening.

Ted Kozlowski stated sorry.

Chairman Rogan stated no that's okay, we shuffled some things around for you, we appreciate that you're here. Let's pull back Wireless Edge because they are as close to being finished tonight as anyone and have a discussion quickly about the wetland delineation that needs to occur and anything you want done so that next month the Board is in a position to make a determination on this.

Wireless Edge Wetlands Discussion

Ted Kozlowski stated I think I gave you 2 memos on this, I understand the Board is looking at 2 possible accesses, one from Garland [Road] and one from Phillard [Road] or Phillard [Road] I'm not sure how you pronounce it. The wetland that was flagged along or from the Garland Road entrance proposal and considered the southern end of that property the wetland flagging was done correctly and accurately and professionally. There is a second wetland that is near the Phillard [Road], is it Phillard or Phillard...

Mr. Arthur stated um, Phillard.

Chairman Rogan stated Phillard.

Ted Kozlowski stated that one was a little perplexing to me, there are 4 flags that were put up, a perfect square, the wetland is much bigger than that and then not understanding why the person did that.

Mr. Arthur stated and I can explain that, for the record, John Arthur from Wireless Edge and I questioned it after I saw Ted's memo, I questioned him, what he was doing and why he only put 4 flags, we were only focusing on the current application which is really Garland Road, so we were looking at the, we were looking at that wetlands delineation from that perspective on going toward the site compound. So what he was indicating with those 4 flags, and I could, these are the 4 flags that we are referring to up here, so we were looking at from a perspective of looking into the compound and not to an alternate road, so what the wetlands engineer explained was, this was basically the tip of, kind of a finger of a much larger area that goes off to the north so he only showed those flags and that's. Now what I wasn't clear of was you know, are these accurate, is there an issue whether these are placed right and that's the...

Ted Kozlowski stated no, I didn't think so, I thought the, the best way is just to point it, I'm not going to, it really came and it's, it comes to more of a point here and then widens out but the bottom line is either way I don't believe there is going to be a significant impact to the wetlands. It would muddle purposes, the code obviously says any wetlands within 100 feet of the disturbance must be identified, a permit must be followed through, the Board has the authority to waive or act on it and I'm just following up basically over the last Planning Board public hearing it was brought up so...

Chairman Rogan stated Ted what we had said before you got here was that typically even if the area doesn't have an impact, you require or prefer it to be accurately shown on the plans, that's all.

Ted Kozlowski stated because we don't know what's going to happen in the future there may be some other things that go on and it's a document, that's what we are looking to do.

Chairman Rogan stated I think the, unless anyone disagrees, let's just get it shown accurately on the plan, either before next meeting or as a condition of any resolution.

Ted Kozlowski stated I don't see this as a big hold up, I really don't.

Mr. Arthur stated I guess you know my way of your know guidance on how you want to proceed with that, obviously if it's inaccurate, if our guy didn't flag correctly, we want to get to the bottom of that (inaudible)...

Ted Kozlowski stated if you want I'll put 3 flags out there tomorrow afternoon and you'll be done.

Mr. Arthur stated that would be perfect because then I can just send a surveyor out there and he can nail it.

Chairman Rogan stated get your money back from the wetlands guy.

Mr. Arthur stated I'm sorry.

Chairman Rogan stated get your money back from the wetlands guy, he only did half the work.

Mr. Arthur stated I might.

Ted Kozlowski stated well you know, he did do the other one quite accurately but...

Mr. Arthur stated partial.

Ted Kozlowski stated he or she, I'm not sure who.

Mr. Arthur stated okay so maybe I can call to confirm.

Ted Kozlowski stated late tomorrow afternoon, it's a holiday weekend, so I guess Tuesday you can have it done.

Mr. Arthur stated okay, that's fine, thank you.

Chairman Rogan stated have a good evening. Okay Ted we bumped Mr. Levine's fill permit from Tammany Hall [Road] to have him wait for you.

Ted Kozlowski stated okay.

3) LEVINE FILL PERMIT – Tammany Hall Road

Mr. Adam Levine was present.

Chairman Rogan stated so, if we could jump to that application, since he was, in fairness to the gentleman third on the list for tonight and have a discussion about that, Rich you want to start off with the soil investigations and deep test holes, we have a memo from Andrew but I would like your input.

Rich Williams stated sure, you have a memo from myself and the Engineer. Essentially we went out there and on the property that is owned by the applicant we had requested 4 deep hole tests, I laid out, I grided them out and took measurements. What we found in all 4 holes was you know, as Maser has phrased it, inert construction material, red brick, white brick, block, there were some small chunks of concrete slabs, a little bit, not a lot of rebar, you know all mixed in with soil. Of the 4 test pits we dug, 1 of the test pits had several logs in it but the other 3 were clean of any organic material which I think was everybody's big fear in this application was that there was an extensive amount of organic material mixed in with the C & D material which would you know, years from now would cause a concern, so...

Chairman Rogan stated Andrew, your memo seems to indicate agreement with what Rich said that basically there's a lot of junk there but not a lot that your believe is going to be a contaminated site, asbestos or PCB's or anything, having said that you also said there has been no testing done. We had spoken at the site walk and at our work session about the necessity of including the New York State DEC in this, we agreed that we would first do the deep test holes so that we had a good handle on what was out there prior to that contact. At this point I want to authorize, Ted have you already done that or...

Ted Kozlowski stated no, we agreed to wait until the public hearing and I'll just reiterate, you've gotten a memo from me, it is a, I do believe a violation of State DEC rules and regulations regarding to the deposit of solid waste on site, permits were definitely needed for that and its regulatory matter that, it's a regulatory matter for us in our codes and laws but it also supersedes us and you know we're there, we've seen it, it's our obligation to contact DEC.

Chairman Rogan stated and you have a gentleman from DEC that you a report with and believe this is someone we can work cooperatively with.

Ted Kozlowski stated yes, Ken Bresner is the regional engineer for region 3 in New Paltz and he will be the spearhead of DEC's investigation but it will involved an ENCONN officer going to the site and probably following up on an additional stated stop work order and then tests will be required.

Chairman Rogan stated I want to authorize Ted to make that phone call in support of the Planning Board to be able to work cooperatively with the DEC and our office...

Ted Kozlowski stated right.

Chairman Rogan stated to work on a resolution to this...

Ted Kozlowski stated I will generate a memo, that's how I am going to notify them, I will e-mail that

memo to them tomorrow. The other thing is the owner is here Mr. Levine, it would be in his best interest, sir if you have any documentation from the company that deposited the material.

Mr. Levine stated I do with me.

Ted Kozlowski stated manifests, things like that, if you have a DEC permit, that would be very beneficial on your behalf but you will need to produce that to both the Town and DEC.

Mr. Levine stated I have here, I do have a, it was a little hard to read it was a fax that the gentleman from B&R Trucking, it didn't come out perfectly but I also have his information and he is contactable at any time if you want hard copies of course of any documentation, that would be required and I can get that information to you or...

Ted Kozlowski stated but Mr. Levine, on this, this doesn't, it's not too helpful because its not clear of the address phone number or, it just says fill.

Mr. Levine stated yea, I was told just to get whatever I could immediately...

Ted Kozlowski stated right.

Mr. Levine stated and I got on top of these people, what I will be doing, I'm sorry, I will be contacting them once again and I will get hard copies of everything so it is completely legible, I wanted to show up tonight with something...

Chairman Rogan stated appreciate that, thank you.

Mr. Levine stated as per our conversation before to not show up empty handed so I brought all the documentation I can get but I will be getting as much as I can and I will provide. I really appreciate anything we can do to...

Chairman Rogan stated okay, again we are certainly going to try to work with you and for you as best we can on this, ultimately we still have a responsibility to, we want to make sure there is nothing in that soil, its not going to contaminate your own well or maybe your neighbor's water supply. Initially based on what we're hearing, we hope that's not the case, we also have a letter from your consultant...

Mr. Levine stated Terri Hahn.

Chairman Rogan stated yea and Rich, she wasn't going to be here tonight, huh, Terri...

Mr. Levine stated no, she was unavailable but she had mentioned that you know...

Chairman Rogan stated because some of the items that she references in her memo to us require, she is offering to remove quite a bit of fill and I don't know that you necessarily agree with some of the things in this memo, like all the fill behind your house which is the area that is right behind your decks, it says here, so you might want to talk to her.

Mr. Levine stated yea I had spoken to her on that, I will discuss that with her.

Chairman Rogan stated I mean obviously its your property, whatever she says doesn't apply to anything that we go.

Ted Kozlowski stated well let's be clear of one thing, no fill can leave that site now until all regulatory authorities have identified what it is exactly and how safe or hazardous it is. The other thing is, I would like to ask Rich to whatever Town violations there are so I can outline that to DEC so they are aware of what our concerns are.

Rich Williams stated this is a copy we can have.

Mr. Levine stated if I could make a copy for my own records.

Chairman Rogan stated okay, so we'll have that done for you and we'll start, I think that this, don't anticipate that this is going to be a very short process. I think just because of the complexities of the 2 agencies and the concern for what this fill contains, having said that, this Board is not trying to hurt you in any way but just to make sure that we can be assured that this is appropriate when it's all done that we're not going to have any big sink holes that are going to harm your children, that the next property owner isn't going to inherit something that they, they are not going to see because they are not going to see into the ground and all of a sudden they are going to have a public record of pictures of what's in this and say how could you guys allow this, it's not within in your Code, it's a violation. So these are things that we are going to be protecting, just like you're not the original homeowner but having said that, we will do our best to help you through this process, all right, anything else.

Board Member Cook stated I would like to ask something, you identify your property line in that back.

Mr. Levine stated Terri Hahn, the landscape architect is working on that and I think we had also spoken in our meeting when we walked the property to discuss different methods of either myself going to the Town or Terri Hahn getting the information for me. She said it is readily available for her to do that and one of the other reasons why she didn't come today is for me to save a little bit of money because she's good but expensive.

Chairman Rogan stated it probably wasn't necessary for her to here tonight, I was just asking because I wanted to make sure we weren't waiting on her or anything but figuring out that property line is going to critical but then you're dealing with that issue is something that is outside the purview of this Board but certainly something that we are going to have to contend with because if at the end of the day, that material has to be removed, we need to know about that so we can plan for erosion control et cetera. Where is that material going to be brought, is it going to be re-deposited on your, we just need to know. So anyway, we can't approve something that is outside of, you know off your property without some legally from the other owner.

Mr. Levine stated no, absolutely.

Chairman Rogan stated so okay, thank you.

Mr. Levine stated thank you very much.

Chairman Rogan stated thanks for patience too, I appreciate it, I know you had to wait a little bit tonight, appreciate it.

8) BONIELLO SITE PLAN – Discussion

Mr. and Mrs. Anthony Boniello were present.

Chairman Rogan stated well Anthony we cleared out the house for you.

Mr. Boniello stated it looks like it.

Chairman Rogan stated we were up to earlier and I was like where's Anthony and he said I told him 9 o'clock and I said don't worry we'll get back to him.

Mr. Boniello stated I'm last on the agenda though.

Chairman Rogan stated yea but we were bumping around because there were people that, other items so we were skipping over the agenda items that are just kind of discussion and get people out of there.

Board Member Montesano stated we know you were trying to get away from the kids.

Chairman Rogan stated I'm saying you're our priority right now, you are our...

Mr. Boniello stated you get up here.

Rich Williams stated wow.

Chairman Rogan stated Anthony's got plenty of experience being up here.

Mrs. Boniello stated let him do it.

Chairman Rogan stated he always likes to send it pretty early.

Rich Williams stated what's first.

Chairman Rogan stated whichever one you want, do want to do the sign application first.

Mr. Boniello stated well actually you can do my site plan issues.

Chairman Rogan stated he's going to wear us out first.

Mrs. Boniello stated (inaudible).

Board Member Montesano stated (inaudible).

Chairman Rogan stated Rich you want to lead the conversation as to...

Mrs. Boniello stated do you want me to put up your diagram.

Mr. Boniello stated I need the pointer stick and I want everything up.

Board Member Montesano stated the stick is right there and I know where it's going to go too.

Chairman Rogan stated oh man, rough.

Mr. Boniello stated very rough.

Chairman Rogan stated so why are we here tonight, what's going on.

Mr. Boniello stated well the sign application...

Chairman Rogan stated Ted can you and Mr. Levine just go outside please, so we can, we are joking around right now but we do want to get him out of here as well.

Mr. Levine stated I'm all set for this evening.

Chairman Rogan stated you're all set for this evening, thank you sir.

Board Member Montesano stated look I don't care what you're going to say.

Mr. Boniello stated there's a couple of things, I'm trying to finalize my site plan for my new building and my existing building and everything else I'm doing so I have to, Rich came up about Thursday and Nick came up. We went through a lot of stuff, stuff that I didn't realize was on the plan that he brought to my attention and I probably should have been a closer to my engineer, probably should have done some stuff but there is some stuff that needs to be addressed there.

Chairman Rogan stated okay.

Mr. Boniello stated okay, as far as the ramp, I thought that you know we had that done already, resolved.

Chairman Rogan stated I thought we did too.

Mr. Boniello stated okay but evidently it's not resolved.

Chairman Rogan stated can you tell us how from the time for my purposes from the time we met with the Supervisor, Nick and Mr. Williams and I thought we had a couple of different options. I never liked the idea of the lift thing because it seemed very expensive and prone to breaking and it seemed like with your construction ability and some limited area, we could construct some kind of ramp.

Mr. Boniello stated the biggest problem with that, I thought the ramp, again, my fault, with the ramp and the new building it is going to be a little tight getting into and I think Rich, when you were there, I think its tight...

Chairman Rogan stated tight.

Mr. Boniello stated if I need a ramp, I'll put it in the building somewhere but I think on that side, on the south side of building is too much and then we have the jog out which my engineer put on the plans that it was taking out, I don't know what he was thinking or what I was thinking...

Board Member Cook stated don't you need the ramp though, ADA-wise for people to get inside the building.

Mr. Boniello stated not to my knowledge though, I didn't think I needed it, I spoke with the Health Department, I spoke with...

Chairman Rogan stated the Health Department doesn't have anything to do with ADA.

Mr. Boniello stated and for not having tables in the...

Chairman Rogan stated I think from what I read from, I think it was either from Rich or from Nick there seems like there might be a little bit of a misunderstanding about the difference between not needing a public bathroom because you have under 20 seats which is a rule that has its origins in water usage et cetera. I know this is a concern, you were actually kind of forced to go to a certain seating count because of lack of septic capacity, so I know that the Health Department typically will say if you have 19 seats or less you're not required by Code to have a public restroom, doesn't mean you're a take-out business, it just means that you're not generating the numbers, I tell people all the time its good customer service though, to have a bathroom because people come in, they sit down, even if its an ice cream cone, kids, a little kid always has to go to the bathroom. What happens is they say can my child use the restroom, now they walk through your kitchen or they do, in this case they don't want you to blow out your own septic system.

Mr. Boniello stated I without a doubt am a, you know do I think that a ramp should be in that building, sure. I'm going to be perfectly honest with you sure, in 20, 25 years, it should be there but I think on that side, no but if I can make it work somewhere else because its going to be too tight to my building, I will do it...

Chairman Rogan stated do you have any ideas where it will work better.

Mr. Boniello stated well we threw some stuff around, maybe on the north side of my building or somewhere to get in there, I'm not opposing for it...

Chairman Rogan stated sure.

Mr. Boniello stated but I just think on that south side, it's too, very tight.

Chairman Rogan stated yea.

Mr. Boniello stated especially with the new building going there, it's not going to be good.

Board Member Montesano stated does he require having a handicap parking spot...

(Tape 1, Side 2 Ended – 9:15)

Rich Williams stated talk a little bit about ADA requirements, ADA are Federally mandated requirements, they are also incorporated for the most part in New York State Building Codes. I'm not going to comment on New York State Building Code because I am not a certified Building Inspector but I will comment on the Federal ADA statutes and the Federal ADA statutes essentially say when you're making substantial improvements to a site when you're doing substantial renovations to a building. Those areas that you're affecting and I want to throw in there when you're changing the use, those areas that you're affecting need to meet the ADA compliance, that's how we got to the ramp in the first place. In looking at the overall site, we were looking at substantial change in the use going from retail to a restaurant within the building, substantial improvements both on the exterior and the interior so we were looking to provide ADA

accessibility both into the interior of the building and on the site, so yes, my opinion you do need some way to get into the building, handicapped people yes you do need parking spaces, ADA wise...

Board Member Montesano stated is there a location directive on the handicap law.

Rich Williams stated the directive is the shortest accessibly route that's possible.

Mr. Boniello stated I don't think we have it on my original site plan.

Chairman Rogan stated right.

Board Member Montesano stated now what I'm trying to figure out is, if that ramp were to go on the south side of the building or the other side of the building...

Chairman Rogan stated on the east side to the right you mean, in the back.

Board Member Montesano stated right, if that gives them access to use the ramp and have the parking near that ramp...

Mr. Boniello stated I'm sure we can make happen.

Rich Williams stated right now the conditionally approved site plan has ADA accessible parking spots on the south side of the building directly across...

Chairman Rogan stated where it's paved, right.

Rich Williams stated right, from where the ramp was intended to go.

Board Member Montesano stated okay, what I'm wondering is can we modify that now if it would convenient because the object is the main, to me the main reason the ramp has to be there is so that someone would have access...

Rich Williams stated to the interior of the building.

Board Member Montesano stated right, so if we were to allow or if we were to modify the existing plan and say okay...

Chairman Rogan stated the east side...

Board Member Montesano stated now you can put it on the east side of the building, with the ramp...

Mr. Boniello stated what access to the hot dog, like, I don't want to disturb what you guys are talking about but just weighing through it and when Richie came up and let's, in 25 years, that's got to be in there, it should be in the site plan. I am 100% for it but I think on the south side of that building, you know, if we can make it work on the back of my building...

Chairman Rogan stated that's what he's talking about...

Board Member Montesano stated that's what we are trying to do.

Chairman Rogan stated that's exactly what he's talking about.

Board Member McNulty stated it would be the east elevation.

Mr. Boniello stated go fishing would you please, you pay more attention to that.

Rich Williams stated just so we're clear, right now currently, on the and I came back and looked at the plan after we had talked on the east side of the building, right now there are 3 parking stalls shown...

Chairman Rogan stated there is.

Rich Williams stated so we might lose 1 or more of those parking stalls if you put access into the building in a ramp there.

Chairman Rogan stated can I ask a question Rich, the 2 handicap spots that are currently shown that would be across from the south entrance where the ramp was supposed to go, if we move those 2 spots to where you are talking about, the back of the building, the back of the hot dog building, to east side of the building. Are the 2 spots previously shown still needed or would the new spots suffice, you're not following me.

Rich Williams stated no because I'm not hearing that he wanted to move the handicap spots to the back of the building...

Chairman Rogan stated well what I'm saying is you would probably want the handicap spots moved closer to where the ramp is wouldn't you.

Mr. Boniello stated well if my wife had put that thing up there, forget about it.

Chairman Rogan stated yea.

Board Member Montesano stated can you read, you pay for it.

Board Member McNulty stated are you saying we can swap the spots.

Board Member Cook stated well you have to have the handicap spots there...

Board Member McNulty stated move the handicap now...

Board Member Montesano stated these.

Chairman Rogan stated the way it's currently set up the handicap spot they would have to cross the road way, the entrance which isn't a great idea anyway.

Board Member Cook stated no, right.

Board Member McNulty stated so you can put them in spots 27 through 29.

Board Member Cook stated yea.

Board Member McNulty stated and then put those spots where the handicap is now.

Board Member Montesano stated this is where we are.

Rich Williams stated I don't know if you want to move the handicap spots regardless of where the ramp goes.

Chairman Rogan stated alright.

Board Member Montesano stated alright, we're at building 2...

Board Member McNulty stated so if that ramp was to go to the east side, the back of the building, he would want the ADA spots closer to the ramp.

Chairman Rogan stated move them over to here and put the ramp in and you're done.

Rich Williams stated you have 2 buildings on the site, you have to remember that.

Chairman Rogan stated okay, alright, what we were saying Rich is wouldn't it be advantageous to have the handicap spots closest the ramp. So move them from where they are proposed which is awkward anyway because now they are walking, handicap people are walking across the drive aisle, move them to the east side of the building...

Rich Williams stated I mean you, alright, what you could do yes, you could move them pretty much anywhere as long as its reasonable.

Mr. Boniello stated this is not funny.

Chairman Rogan stated she keeps you in line, we agree with you.

Mr. Boniello stated it's not funny.

Rich Williams stated she was...

Mrs. Boniello stated I was giving him the stick he asked for.

Chairman Rogan stated Anthony, this is on the record and it's okay, spousal abuse, you know you can...

Board Member Montesano stated right, we don't mind testifying to that effect.

Mrs. Boniello stated (inaudible).

Chairman Rogan stated I'm sorry, go ahead.

Rich Williams stated so the only thing I was trying to point out is there are going to be 2 buildings out on the site so without sitting here and seeing the site plan, I don't know that it is advantageous to move the ADA parking spaces because they are kind of centrally located where they are right now.

Board Member McNulty stated what is the use for the second building though.

Mr. Boniello stated for my business, lawnmower shop.

Rich Williams stated lawnmower shop.

Board Member McNulty stated so I would think you know, well I guess we don't know that an assumption on my part, you would probably have more use of ADA going to a hot dog stand or retail center than a mower shop.

Mr. Boniello stated correct, correct.

Board Member McNulty stated than a mower shop.

Mr. Boniello stated correct, I agree 100 %...

Board Member McNulty stated but that is an assumption, I don't know if that's true.

Mr. Boniello stated in the beginning when I was going through this, I says you know what do I need that for but you know what we have family that wheel chairs, I see that and I know it needs to be done but it needs to be done, if we can do it you know the way, you know (inaudible).

Board Member McNulty stated you get a lot of SUV's, small pick up trucks, dump trucks in and out...

Chairman Rogan stated (inaudible) you're saying...

Board Member McNulty stated it would be better away from the mower shop.

Mr. Boniello stated I'm saying to make it, to make it, for the whole site because listen, who knows, maybe she does so well and says to me you know I want the whole first floor, you need that ramp there, if its there, it's there.

Chairman Rogan stated not going to have the septic for it, you're going to have to do a bigger septic, that's your limiting factor on this site. If you say hey I'm going to put in a commercial lawnmower shop but things go well and you say you know what instead of hot dogs we're doing gourmet food, you have bigger issues on this site to contend with first before you talk about handicap parking because you don't have the septic for it. Fortunately you're in the business so you have the contacts to be able to make that happen but that would be, before you even think about anything else, that would be your first nut. The other thing is, it we're looking, it just occurred to me while we're looking at this, what we are currently showing you're going to have to extend some this asphalt because we are showing a gravel surface so where the, so if we can move those handicap spots to the back of the building, the back of the hot dog, you're existing building. You're going to have to extend your parking a little bit, the asphalt, maybe just in that area so that off loading and parking spaces but...

Mr. Boniello stated well I am 100% fine with paving the whole thing but...

Chairman Rogan stated wasn't that an issue of impervious surface.

Mr. Boniello stated that's an issue Ted said he's got a...

Rich Williams stated DEP.

Mr. Boniello stated I can't do it, I would love to do the whole thing.

Chairman Rogan stated in promulgation of handicap accessibility I think we would be hard pressed to have, we can't have gravel, so if we move them to the back of the building to provide the best accessibility that's what it is.

Mr. Boniello stated so maybe that spot has to be paved.

Chairman Rogan stated let them contend with us.

Board Member Cook stated Rich can a ramp fit on the east side.

Chairman Rogan stated he said he would probably lose a spot.

Rich Williams stated without seeing what we are going to do out there, I don't know, maybe. There is certainly enough room to do something, there are cellar stairs, there are basement stairs there...

Mr. Boniello stated and I said to you, I said I'm willing to let that go to make the ramp and then an access to what you guys are calling the east side of the building, which is the east side of the building, it's not the north...

Chairman Rogan stated right.

Mr. Boniello stated and I would make that work because I have another access on the north side of the building.

Chairman Rogan stated oh yea, I see that, down here.

Rich Williams stated that is assuming that the Building and Fire Code would allow that to occur, that would be fine, that would give us more flexibility back there.

Chairman Rogan stated well that sounds like a win-win for everybody, the whole idea of that.

Mr. Boniello stated it's just getting everything off the south side of the building the ramp, put the ramp...

Chairman Rogan stated you can see your concerns, you've got the drive aisle there and not really much else, we totally agree with you. Even when it was proposed, please understand when your architect comes in and proposes something, if it technical fits, it's hard to say no you can't do it, it fits, it's not the best situation. None of us ever really liked the fact that that was proposed there, the ramp was an awkward jut off the side of the building...

Mr. Boniello stated I scratch my head, he would bring some stuff up to me on inspection and I said no, he couldn't do that, well its right there...

Chairman Rogan stated right.

Mr. Boniello stated shame on me.

Chairman Rogan stated there was a point in this process where Mike was coming in for you for awhile, for whatever reason but that...

Mr. Boniello stated well Mike was the one, before I was going to fire him, Mike came in and got some stuff done.

Chairman Rogan stated right, so I know you've had your struggles with this project.

Mr. Boniello stated very, very, come on it's been a struggle, life's a struggle, what are you going to do.

Chairman Rogan stated yup.

Board Member Cook stated are there any other issues besides this ramp.

Chairman Rogan stated what else we got.

Rich Williams stated oh sure and I did give you a memo and you got a copy correct.

Mr. Boniello stated yea.

Rich Williams stated I gave everybody a memo, when I was out there I saw 3 big issues that really are not in compliance with the site one of them had to do with the building extension which was not, was shown to be coming off the building and apparently was never intended, the second one is a little bit easier, is the sign what we are going to do with the sign, they were moving the location of the sign, they were completely changing the design of the sign and in talking with Anthony, that was never his intent to do that but part in partial in that when get into it, we are going to have to talk about the size of the size and whether he can legally can have a bigger sign or not and I did talk about that in the memo on the sign. The third thing that I noticed when I was out there is Anthony a long time ago had put in 3 foot retaining wall because as you're approaching the garage, away from building 2, the grade significantly rises, it's not shown on the plan.

Chairman Rogan stated is that the retaining wall that is...

Mr. Boniello stated not the brand new one I did, that's another issue.

Chairman Rogan stated the one that was on site when we did our site walks though, wasn't there a retaining wall there.

Mr. Boniello stated no, it's probably been there for about 8 years.

Board Member McNulty stated where in the plans is the wall Rich.

Chairman Rogan stated well I'll tell you it would have been on site, we did our site walk a couple years ago...

Rich Williams stated it's running along the driveway.

Board Member McNulty stated on the right hand side as you drive in.

Rich Williams stated yes.

Mr. Boniello stated on the right hand side.

Rich Williams stated and I'm not talking about the retaining wall, I'm just saying, I'm talking about the grade change, the grade change is not really shown on the plan.

Mr. Boniello stated but I paid a lot of money Rich for the surveyors to come every time I go present something they have to come and resurvey my whole property...

Rich Williams stated I'm not saying you didn't...

Mr. Boniello stated and I pay them to do that.

Rich Williams stated all I'm saying is you know the way it is right now, it looks like a fairly level site going right over to building 1 and that's not the case...

Board Member McNulty stated it looks like a 6 foot difference towards that (inaudible).

Rich Williams stated there's a what.

Board Member McNulty stated it looks from about, proportionate from here to this, 6 feet from here to here looking on the plan.

Mr. Boniello stated here's what I did when I bought...

Rich Williams stated yea but (inaudible).

Mr. Boniello stated when I bought that lot next to my building to the south, there was and forgive me, if I have to get a permit or whatever, when I bought that house it was a fence maybe a 6 foot fence with probably 3 feet of shit tailings on top of it, okay. I took the fence down, I took the stones down and I put Unilock, exactly where the fence went. Was I supposed to get a permit for that, maybe, I didn't think pre-
...

Chairman Rogan stated you don't need a permit for that, right.

Mr. Boniello stated I don't think so, it was there...

Chairman Rogan stated but you should show it on...

Rich Williams stated I think you're all missing the point, is that...

Chairman Rogan stated well obviously.

Rich Williams stated he's got a series of improvements shown...

Mr. Boniello stated the grade never change though Rich, the driveway is still there.

Chairman Rogan stated he is just saying its not showing what the site really is.

Rich Williams stated right, so when he goes to make the improvements, for example he's going to put the ADA parking spaces in, well to do that he's got to remove material, he's got to drop the grade out on that.

Mr. Boniello stated on the existing site.

Rich Williams stated on the existing site.

Mr. Boniello stated correct.

Board Member McNulty stated but that is shown, correct.

Mr. Boniello stated it should be on the plan.

Rich Williams stated I don't but when you get to the end of the ADA parking spaces and you've now got the driveway for building 1, I mean there is no wall, there is no dramatic change in grade there, it looks like it keeps coming right down through and eventually he runs out of area where he can remove soil...

Mr. Boniello stated so what would you like my engineer to do with that.

Rich Williams stated well I think he needs to look at the change in grade so that we are going to say move that retaining wall back to wherever it is going be (inaudible)...

Mr. Boniello stated correct, I'll remove but I didn't change the grade I just put the...

Rich Williams stated I'm not saying you did. I'm just saying there is a bust in the plans when we have somebody go out to do an inspection...

Mr. Boniello stated so put it in your notes, I'll have somebody take care of that.

Board Member McNulty stated the fence wasn't originally shown on the plan either.

Rich Williams stated no, no.

Board Member McNulty stated okay, would that have been an issue if the fence stayed there and wasn't on the plan.

Rich Williams stated it would only have been issue in that he's got other improvements where the fence was.

Mr. Boniello stated it's the wall.

Rich Williams stated the fence had to go sooner or later.

Mr. Boniello stated I took it...

Board Member McNulty stated I guess my question is was there a significant change in anything other than the type of wall or fence.

Chairman Rogan stated no, that's the point of what he's saying...

Board Member McNulty stated oh.

Chairman Rogan stated the point sounds like and correct me if I'm wrong, the existing site conditions don't necessarily match what's on the plans so when they go to put in the ADA handicap, the elevations aren't, it

might be that the finished elevation is going to be that but in order to get to that point they are not accurately shown, so...

Mr. Boniello stated but to get to that Shawn...

Chairman Rogan stated I am just trying to summarize this conversation.

Mr. Boniello stated yea to get to that I have to change the grade, I never change it...

Chairman Rogan stated right.

Mr. Boniello stated all I did was put Unilock where that fence, I took that shit stuff that your father had there and put Unilock on.

Mrs. Boniello stated it's always my fault somehow.

Mr. Boniello stated that's all I did, you know.

Chairman Rogan stated no I understand.

Mr. Boniello stated I bought the house from her father, which he charged me 20,000 dollars more then I should have paid for it...

Chairman Rogan stated love, love, love.

Mr. Boniello stated we're going to wind anything...

Mrs. Boniello stated wasn't I worth it.

Mr. Boniello stated what's that.

Chairman Rogan stated every penny I'm sure, he's saying...

Board Member Montesano stated the following paid political announcement is going to cost you, so quit while you're ahead.

Chairman Rogan stated the bottom line is Anthony is sounds like everything is, I trust what you're saying, as long as we can be assured that the final plan can be built...

Mr. Boniello stated has even grades.

Chairman Rogan stated right...

Rich Williams stated right.

Chairman Rogan stated and if we have to look at relocating the 2 spots to the east side, even that, we are talking about minor things here this to me, this to me, these aren't big deals...

Mr. Boniello stated no I know.

Chairman Rogan stated it sounds like a lot right but it really isn't, let's just figure out a way to get it done so the end result, whether its filing some addendum to the plan whether its just making verbal notes that are saying these things are occurring, at this point I think we are all just looking to get this from this point forward to make sure we are all on the same page...

Mr. Boniello stated I got to tell you, you guys have been, did I drag my feet, absolutely, times are tough.

Chairman Rogan stated thank you, no you didn't, you didn't.

Mr. Boniello stated times are tough, well.

Chairman Rogan stated it's a situation of getting work done, we understand that.

Mr. Boniello stated you know what I mean, I don't want to step my boundaries, I want to do what I have to do, that's it.

Chairman Rogan stated I appreciate that.

Board Member Cook stated so you have Rich's memo...

Mr. Boniello stated correct.

Board Member Cook stated you met with Rich already, keep meeting with him, let's get...

Mr. Boniello stated well Rich, I spoke with Rich Friday, he told me he's 24/7 on the job so if I can call him up at 7 o'clock in the morning and get my engineer there, you'd be there for me, I know, you said that.

Chairman Rogan stated he is, I called him at early in the morning the other day and I saw him there on, he's got a problem that's bigger than this.

Mr. Boniello stated well if I call him, he'll be there.

Ted Kozlowski stated (inaudible).

Board Member McNulty stated it depends on how late we keep him here tonight.

Mr. Boniello stated you know what, it would save me more money in engineering fees if my engineer is sitting there, Rich is here, I'm here...

Chairman Rogan stated you're right, I recommend that you do that.

Mr. Boniello stated and this is what we're doing, that's it.

Board Member Cook stated exactly.

Chairman Rogan stated I make a recommendation that you guys all do that, we do that quite often, we have everybody meet, this back and forth is ridiculous and it wastes money for everybody, including the Town in fairness for the taxpayers of which you're one.

Mr. Boniello stated okay, you ready.

Chairman Rogan stated so she's up, let's deal with the sign issue.

Board Member Cook stated wait, wait so...

Chairman Rogan stated they are going to meet, they are going to resolve these issues on paper and...

Rich Williams stated well from what I'm hearing, you're looking for amended site plan.

Chairman Rogan stated which if he can bring in and we can do it and call it a day, fantastic.

Mr. Boniello stated do I want that ramp right now, no...

Chairman Rogan stated of course not, I know.

Mr. Boniello stated because its costly but you know in 20 years it should be there, I'm agreeing with you, I agree with you, if you guys tell me that I don't have to do it...

Chairman Rogan stated I think you should do it.

Mr. Boniello stated I think I should do it, I think I should.

Chairman Rogan stated I'm thinking, in fairness (inaudible)...

Board Member Cook stated I think the federal government thinks you should do it.

Mr. Boniello stated this is only the last couple hours I'm like you know...

Board Member Montesano stated are you trying to make hot dogs into a federal issue.

Mr. Boniello stated no.

Board Member McNulty stated it would be better for your business if you had it.

Chairman Rogan stated I think you're cutting you losses and realizing you know what, let's move forward, I want your wife's business to be open and doing all that she, you know that she should be doing.

Rich Williams stated I just want to be clear because there's been a lot of ambiguities in this whole process. Anthony seems to be indicating that he wants that ramp, he wants to do it but he wants to do it sometime in the future...

Chairman Rogan stated that's not what he just said.

Board Member Cook stated no.

Board Member Montesano stated he's going to it.

Rich Williams stated now...

Chairman Rogan stated he's doing it now.

Mr. Boniello stated in the last couple of hours, I thought about it and said you know, do I want to do it now, no...

Rich Williams stated I don't blame you but...

Mr. Boniello stated but when I thought about it, in 20 years its going to be there but I want to do it the right way, you know I want to do it stone, it's going to be there and it's done. When I do the new building you guys give me the approvals, I want it done the right way and it's done.

Chairman Rogan stated and its done, I'm looking forward to this site being because I think its going to be great, you're going to have the space you need...

Mr. Boniello stated oh I'm sure you guys know (inaudible)...

Chairman Rogan stated so you're going to sit down with Anthony and with whoever his professional liaison is, whether its Joel or somebody else and...

Mr. Boniello stated but if we could do it in the east part of...

Chairman Rogan stated I thought, we've already agreed, that's, I think that's, I like that better than the south side, I really do, so we are going to move those 2 spots, we may not even need the 2, we'll resolve that...

Rich Williams stated well you're probably going to have to grant a waiver.

Chairman Rogan stated no, I know but my point is that if you can provide the spots around the back, they will also service the rest of this facility equally, maybe even more centrally than the existing spots would and we are going to move on.

Board Member Cook stated and if you need to meet before 7 o'clock in the morning, Ted is available.

Ted Kozlowski stated absolutely.

Board Member Cook stated okay.

Mr. Boniello stated listen, I don't know if that's good because he screamed at me plenty of times.

Chairman Rogan stated he's passionate.

Ted Kozlowski stated I don't know about that one Anthony.

Board Member Montesano stated let's get to work.

Chairman Rogan stated you guys can meet out in the hallway while your wife finishes up business.

Board Member Montesano stated yea, you go out there, there's 2 dueling pistols.

Mr. Boniello stated you're fair with everybody but you yelled at me.

Chairman Rogan stated he's passionate also.

Mrs. Boniello stated I know.

Board Member Cook stated alright, Mrs. B.

Board Member Montesano stated he got that from his father.

Chairman Rogan stated could you please state your name for the record ma'am.

Mrs. Boniello stated Michele Boniello.

Chairman Rogan stated Miss, ma'am sounds older.

Mrs. Boniello stated a little bit but it's okay

Chairman Rogan stated hi Michele.

Mrs. Boniello stated hi.

Chairman Rogan stated your patient person.

Mrs. Boniello stated I can't say anymore.

Chairman Rogan stated we have a sign application, it sounds like we have some issues with overall, let's deal specifically with the issue of the Dog House of Gourmet Franks.

Mrs. Boniello stated yea Dog House is fine.

Chairman Rogan stated yea, the application, this picture, this is what you intent to do...

Mrs. Boniello stated yes.

Chairman Rogan stated do you have colors on this.

Mrs. Boniello stated you know, it's a pencil drawing because I didn't start it and I'm doing it myself.

Chairman Rogan stated it's okay, it's better than most of the ones we get.

Board Member McNulty stated yellow, white, red, blue.

Mrs. Boniello stated yes, something like that.

Board Member McNulty stated the letters are blue, the background's yellow.

Chairman Rogan stated and the size, you probably listed, I haven't read it.

Board Member Montesano stated (inaudible).

Chairman Rogan stated 3 by 3, 10 square foot, so Rich do you want to bring up the conversation now about the sign and what we're dealing with outside of this specific application.

Rich Williams stated about the size of the sign or the location.

Chairman Rogan stated let's start with size.

Rich Williams stated specific to the existing sign out there, the existing sign does not meet former Code requirements which limited the maximum size of a sign on a commercial property to 25 square feet, free-standing sign. We have since revised the Code and this is where Carl has to weigh in so that if you've got a special use, well if you've got multiple retail operations on the site, which we can make the argument that he does and you've got a special use permit, the sign standards vary, the thing that I'm not clear on is whether we can allow somebody who doesn't have that special use permit but otherwise would still qualify to enjoy the larger sign area.

Chairman Rogan stated on the spot.

Carl Lodes stated yea, I'm going to have to look at this, I just got Rich's memo.

Mr. Boniello stated can I say something.

Chairman Rogan stated sure.

Mr. Boniello stated that's okay...

Chairman Rogan stated you have to get her, she's up there, you have to get her approval though.

Mr. Boniello stated I don't like to go beyond the barriers but when that sign, I got pictures of my sign, it's pressure treated wood and its all rotted out, it's been there 18 years okay, the square footage may not be right but I caught, not going to say hell but from 3 or 4 residents in Patterson for the clock to dump down on to my sign which was probably I want to say 3 feet by 10, standing structure, the clock...

Rich Williams stated the old clock.

Board Member McNulty stated there was a clock out from.

Mrs. Boniello stated the base is still there.

Mr. Boniello stated that old clock that fell, I never put it back up, I never put it back up, so that's got to be...

Mrs. Boniello stated 5 by 10.

Mr. Boniello stated that's got to be 60 square [feet], I never put it back up Rich, the sign that flipped over on my building, I never put it back up either. So, do I, did I probably put that into the original, the sign I put 18 years ago, you know what if you do the math, it would probably be pretty close, the clock and my sign, the clock went down and it was probably, Rich...

Chairman Rogan stated what did the clock look like.

Mrs. Boniello stated the clock liked like, I remember it...

Mr. Boniello stated I don't know, he was here.

Chairman Rogan stated like a fancy...

Mrs. Boniello stated it was like a round on the top and kind of went in like that...

Chairman Rogan stated really.

Mr. Boniello stated to be honest with you, I think and the concrete is still there, I would love to put it back up...

Chairman Rogan stated so you said you got holy hell from residents who liked that feature and said to you, why don't you put it back up.

Mr. Boniello stated I had 18 years ago, a lady came into my shop and said I'm appalled that you didn't put that clock back up because I want to see it.

Chairman Rogan stated wow, Ronnie any historical significance, can you remember that.

Mr. Boniello stated I'm not joking.

Chairman Rogan stated but we have our historical society here, that's why...

Ron Taylor stated not that I know of.

Board Member Montesano stated go get a Timex watch and hang it.

Rich Williams stated no, there is no historical significance.

Board Member McNulty stated I remember the clock Anthony.

Mr. Boniello stated you remember it.

Board Member McNulty stated yes.

Board Member Montesano stated yea, that's how old he is.

Chairman Rogan stated 18 years ago, huh.

Mr. Boniello stated it fell, what happens is storm came in and knocked it right down and I just swept it up, did you take a picture of the concrete thing there...

Mrs. Boniello stated I did indeed.

Board Member Montesano stated yes, she did.

Mr. Boniello stated I took it off and never put the clock back up.

Board Member Montesano stated I heard it was somebody backing up with a trailer...

Mr. Boniello stated no, a storm did it, swear to God.

Chairman Rogan stated so you're basically stating that you had up this feature...

Mr. Boniello stated that's a couple of feet there.

Chairman Rogan stated you had up this feature that took up extra square footage that you didn't replace and so by default you have like a credit of square footage here. Hey I would be making the same argument if I were you.

Board Member Montesano stated you just did.

Chairman Rogan stated and you're also saying you have a current sign that is dilapidated.

Mrs. Boniello stated yes.

Chairman Rogan stated your words, so it's falling apart you want to put in a new sign, move a little, the location...

Mr. Boniello stated in Rich's respect, I know, I knew ten years ago that that sign was little bit, I wasn't saying nothing because nobody else is saying anything so I left it and it's rotten, falling apart...

Chairman Rogan stated it's just falling apart.

Mr. Boniello stated it's falling apart, so I'm not going to do anything...

Chairman Rogan stated I heard you.

Mr. Boniello stated and then he tells me that I moved the whole sign, I didn't move it, my engineer moved it.

Chairman Rogan stated the funny thing is though, of the area that you're using you're not really using it all.

Mrs. Boniello stated right, there's not business, the other business went out.

Chairman Rogan stated so the picture you show here, there is a lot area that isn't currently being used.

Mrs. Boniello stated that's why I want to sell hot dogs.

Chairman Rogan stated so if we take, the area of the power equipment, the fence sign and the empire plaza top...

Mr. Boniello stated you're going to get a lot of square footage there.

Chairman Rogan stated it's a lot, how wide is it from one to the other, 6 foot, 5 foot.

Rich Williams stated 5 feet.

Board Member McNulty stated I think you stated 43 square feet overall, is that what I read in here.

Rich Williams stated it was 5 by almost (inaudible).

Board Member Montesano stated its 8 by 8 by 5.

Board Member McNulty stated one side, one side.

Rich Williams stated we always just talk about the 1 side.

Chairman Rogan stated I see, well why don't we do this, why don't we get the answer...

Mr. Boniello stated put the clock back up.

Chairman Rogan stated that's a good idea but why don't we get the answer from legal because if we can legitimately say that yes this meets this definition. Rich has a great idea that might allow a greater sign capacity and you can put back up new signs and you know...

Mr. Boniello stated it has to be replaced and you can see it's dilapidated, I mean it has to be replaced so I will conform and do it real soon, whatever you guys tell me to do I'll do it...

Mrs. Boniello stated I have to get a hot dog sign up.

Mr. Boniello stated but if I can...

Chairman Rogan stated no, I agree.

Mr. Boniello stated you guys can give me the most square footage you can get...

Chairman Rogan stated you're on a road that you're driving 50 miles an hour, you need something that's going to catch your eye...

Mrs. Boniello stated I need a sign.

Chairman Rogan stated something tastefully done that says hey, here's the business that are in, as you zip by.

Mr. Boniello stated yea.

Chairman Rogan stated so let's see what we can do, in terms of the location, Rich you had mentioned, what's the deal there, they want to change the location or the existing location is no good.

Mr. Boniello stated well we are going to talk about that, I didn't...

Rich Williams stated I didn't say the location was no good, what I said was, the location, when they did the, again going back to the conditionally approved site plan, they had a completely different design shown, they had a completely different location shown...

Mr. Boniello stated (inaudible).

Rich Williams stated in talking with Anthony, Anthony said I didn't know we were doing that, I'm not moving my sign, I just want to use what I've got here and fix it...

Chairman Rogan stated right.

Rich Williams stated so.

Mr. Boniello stated but that's your job, you brought it to my attention, I agree with you 100% and I agree with that ramp, I swear I didn't agree with it but you know the way it was...

Mrs. Boniello stated we're not talking about the ramp.

Mr. Boniello stated I'm just saying though, sometimes it takes awhile to sink in.

Rich Williams stated and understand, my issue in this is...

Mr. Boniello stated Mike, you know.

Board Member Montesano stated yes I do.

Chairman Rogan stated it's an inside joke.

Rich Williams stated my issue in this is only having a plan or having improvements on the site that conform to the plan so everybody is on the same page, I don't care where his sign goes...

Chairman Rogan stated the plan says, I see, replace existing sign with new 25 square foot sign, they did that because it was easy for them to say I'm not telling Anthony but I want to get these plans through and get my approval, so I can get him off my back, they did it, you didn't know about it, you have a set of plans. You should have that set of plans posted on the wall of your shop so when you have coffee in the morning you look at it and say what are they doing to me now...

Mr. Boniello stated good idea.

Chairman Rogan stated you know because you're going to have your coffee, a little espresso, a little sambucca in there get you going in the morning. Alright so what we will do though, is we'll square this issue up and get answer to that, hopefully it will allow us to be able to approve what you guys want to do in the location you want to do it and it sounds like...

Mr. Boniello stated now as far as the ramp, can you give me a little time, if she opens up in a month without that ramp being there...

Board Member McNulty stated that's up to the Building Department, isn't it...

Chairman Rogan stated well yea, we first have to get you guys, we have to get you guys nailed on all your issues, that's got to happen first, right and then maybe we can talk to, because he was willing to accept a, so I think this is going to be much better right, wasn't he able to...

Mr. Boniello stated you know what, I, Nick said that...

Chairman Rogan stated no, no, my point is that if he was willing to accept that this is better, so I would think we would be able to work something out.

Board Member McNulty stated Anthony one thing you really want to pay attention to on your engineer and with the Building Inspector is specific guidelines on an ADA ramp, you have meet those dimensions...

Chairman Rogan stated on the slope.

Board Member McNulty stated slope, how far it's going to come out, the width, handrails.

Mr. Boniello stated I've got plenty of room on the other side.

Chairman Rogan stated okay.

Board Member McNulty stated but just make sure you follow it because if you build it 2 inches short, it's not going to pass.

Chairman Rogan stated okay.

Board Member McNulty stated I've seen it a bunch of times.

Mrs. Boniello stated so I need to hold off on making my sign.

Chairman Rogan stated I would hold off on making your sign, like ordering it...

Mrs. Boniello stated I'm making it.

Chairman Rogan stated oh you're making it.

Mrs. Boniello stated its going to take me some time.

Chairman Rogan stated you have a sign that's proposed, 3 by 3, you can go ahead and make it if you husband knows that if you guys get a bad determination, you've got 9 square foot signs, his other signs may need to come down, that's between you guys, that's my feeling. Ultimately at the end of day, if you're limited to 25 [square feet] then you're taking up 9 [square feet] but there are 2 other businesses currently, split it 3 ways, that's about 9 square foot a piece, that's equal...

Mrs. Boniello stated alright, so I'll just (inaudible).

Board Member Montesano stated you'll sell more hot dogs than lawnmowers anyway.

Mrs. Boniello stated I'm hoping.

Chairman Rogan stated you know Anthony, people already know here you are, they don't know here she is, you ask somebody where Empire Power is, they know.

Mr. Boniello stated yea.

Mrs. Boniello stated you could just bump my sign up to the top.

Mr. Boniello stated where do we, I guess my questions to you is, let's say she's ready to be open in a couple weeks and the ramps not ready, nothings ready, is she able to do that.

Chairman Rogan stated as soon as we get everything nailed down with the plans and we know if you guys meet in a week, Rich is going to tell us via e-mail or something, we've got everything its good to go, if she's ready to go. We can facilitate a conversation with Nick, we'll do it from the Planning Board, says we know there has been a whole diatribe of conversations going on here but in essence here's where we're at, here's what we want to do. The Planning Board's on board with this, can we issue a C.O. and we've done it with other things, put up a letter of credit for the, I don't know what the bond is on this at this point but as long as we're bonded or it not put up a letter of credit for the improvement...

Mr. Boniello stated you guys can bond me.

Rich Williams stated that's a very good question about the bond.

Chairman Rogan stated okay well I didn't mean to open up a can of worms on you but anyway.

Mr. Boniello stated I sent that and you laughed at me.

Chairman Rogan stated that's not nice.

Rich Williams stated no you didn't send it, oh the amount, no, no, no, but that's where we're going, that's one of the things that started this whole thing is we've changed our code with regards to bonding, Anthony wanted to come in and comply with the new Code requirements...

Chairman Rogan stated right, I remember that.

Rich Williams stated which essentially just says all he needs is an erosion control bond which in Anthony's case is going to be very low, so we can't...

Chairman Rogan stated okay.

Rich Williams stated but we are working on other things.

Chairman Rogan stated there's a lot going on out here, it's not like your, it's not like this hot dog business is the end of your process...

Mr. Boniello stated no.

Chairman Rogan stated you've got a building to build, so there is a lot of places to pick this up.

Mr. Boniello stated she can make hot dogs from my house, this is, my building, my site plan...

Board Member Montesano stated did you talk to Rosemary, see if she'll lend you the cart.

Mr. Boniello stated I'm sure everybody wants to go home.

Chairman Rogan stated it's not so much that, its we want to resolve this in the right way for everybody, so it sounds like we are all on the same page on this...

Mr. Boniello stated I hope so.

Chairman Rogan stated alright, so we will go to bat for you with the Building Inspector to see if we can get a temporary stay of, so you can open.

Mr. Boniello stated okay.

Chairman Rogan stated upon notification that you guys have met with Rich and you have the plans, who are using at this point in time.

Mr. Boniello stated I'm using the same gentleman.

Chairman Rogan stated oh you are...

Mr. Boniello stated Mike, well...

Chairman Rogan stated Mike from Joel's office, okay fantastic...

Mr. Boniello stated okay.

Chairman Rogan stated great.

Board Member Cook stated you know what it is...

Mr. Boniello stated I'm 90, 95%, Rich 95 or 85 or 80% going through this, so I can't change, I mean he's been okay, right, I know Rich...

Chairman Rogan stated you're on top of things so...

Mr. Boniello stated you're 100% right about some of the stuff that Joel does...

Chairman Rogan stated Anthony, you're on top of things in terms of seeing this through right now...

Mr. Boniello stated now, yes, now.

Chairman Rogan stated that's what you need to do because it's your business.

Mr. Boniello stated that's all I want to do is go forward.

Chairman Rogan stated it's most important to you more than anybody else, okay, so you know the idea on the sign...

Board Member Montesano stated you want the little one to put up.

Chairman Rogan stated no, no, he's just going to use the big one.

Mr. Boniello stated wrap it up.

Chairman Rogan stated thanks guys.

Mrs. Boniello stated thank you.

Mr. Boniello stated sorry about taking so long.

Chairman Rogan stated no, that's fine Anthony.

Board Member Montesano stated no problem.

Chairman Rogan stated thank you.

Rich Williams stated I have to talk to Mike.

Chairman Rogan stated Miss Boniello it was nice meeting you...

Mrs. Boniello stated you too.

Chairman Rogan stated and my condolences for putting up with him.

Mrs. Boniello stated thank you, likewise.

Chairman Rogan stated we put up with a lot him but he's a good guy.

Mrs. Boniello stated you really do.

Chairman Rogan stated thank you.

Mrs. Boniello stated thank you.

Mr. Boniello stated thank you.

Chairman Rogan stated take care Anthony, have a great holiday weekend.

Mrs. Boniello stated you too.

Chairman Rogan stated thank you. So we are down to just Ron...

Board Member McNulty stated Lea Rome.

Chairman Rogan stated a whole bunch of other stuff...

The Secretary stated you set a public hearing.

Board Member McNulty stated we're waiting for

b. Project Update

Chairman Rogan stated we set a public hearing, Levine we're done, driveway permit we did, Wireless Edge we're done. What we have left is the project update, we had referred that over to Carl or Tim.

Carl Lodes stated Tim is looking at it, he is going to present it to the Town Board.

Chairman Rogan stated okay.

Carl Lodes stated the Town Board on the 14th.

Chairman Rogan stated thanks.

Rich Williams stated part and parcel with that, Charlie had asked me to do another memo on how we need to address the coordination on site plans and what needs to come back to the Planning Board, I took the memo that we did in February, re-drafted it, so I don't know what you want to do with that.

Board Member Cook stated is what we have before us draft or it's been sent out.

Rich Williams stated it has not been sent out.

Board Member McNulty stated I haven't had a chance to read this yet, I just got in the box today.

Chairman Rogan stated I admit, I've been preoccupied with Wireless Edge, I apologize to everybody.

Rich Williams stated well you just got it today.

Chairman Rogan stated I just, it's been a difficult last week, we also have...

Board Member Cook stated excuse me...

Chairman Rogan stated please go ahead Charlie.

Board Member Cook stated can read this and then...

Chairman Rogan stated yea.

Board Member Cook stated okay it at the next work session.

Rich Williams stated yea, you can do anything you'd like with it.

d. & e. Local Law – Clubs & Research Facilities

Chairman Rogan stated we could even, absolutely. The local law on Clubs and Research facilities, we are having a all Boards meeting on the 20th and I think and Rich would agree we should have direction in mind so that we are contributors with an opinion on the 20th and have a direction. You guys have put a lot of work into, I read back through some of the stuff, the attorney seems to bring up some real great questions, that you did, it's your memo summarizing the input...

Rich Williams stated yea.

Chairman Rogan stated and I think it was well done and asks a lot of pertinent questions.

Rich Williams stated we also had provided the Board with a schedule for getting this done recognizing that nobody wanted to extend it, so the times are very tight, the attorney Les Steinman is currently re-drafting the Code, making whatever modifications he feels are appropriate to the 2 drafts he was provided. That is

going to be coming back at us very soon, so again I summarized the issues that he had and the information that he was looking for if anybody has any input, now is the time you need to make it, you know, after we've got the draft laws then, we are going forward.

Chairman Rogan stated okay, any comment from you guys at this very moment.

Board Member McNulty stated I don't have any comment at this moment.

Board Cook stated actually I'm going to spend the whole holiday weekend reading it and making notes.

Chairman Rogan stated good, you're amazing, you're my hero right now.

Board Member McNulty stated give me a copy of your notes when your done.

Chairman Rogan stated I did want to...

Board Member Montesano stated he's going to park next to Richard.

Chairman Rogan stated I did want to say and I apologize on the record because right after the Pledge of Allegiance, I had intended to say something on the record about the letter that we received about Board Member DiSalvo resigning from the Board and I wanted to extend a thank for the many years of service. I plan on doing and please remind me if I forget, at the next public meeting where I would like to say something nice about the years of service that she has contributed to the Town of Patterson and than her for her service and also put it on the record that if anyone is interested, Ron, in Planning Board position that...

Ron Taylor stated I already put a letter in.

Chairman Rogan stated nice, that would be welcome and we would certainly look forward to having a new member, new contributor to the Planning Board process. So, thank you Maria for your service, I will say something again next time. Anything from anybody else tonight before this...

Ron Taylor stated I have just a brief comment.

Chairman Rogan stated sure.

Ron Taylor stated I met with a representative of Hudson Valley Trust and their architect and walked this site and discussed the historic redesign of the building they proposed, they have put that redesign on hold because of my comments, hopefully because of my comments. What they are proposing to do now and they have before Building Department as far as I understand is stabilizing the structure as it is, not altering it, maybe taking out some of the old windows, what are new windows and just covering them over with matching siding and the primary thing is putting a roof on the building because the old one is about to leak and we discussed alternatives to the slate which is what's currently on there, it must have been a very expensive barn when it was built. So that is moving forward as far as I know and then we are supposed to meet again once the architect has formulated more specific recommendations. We didn't talk about things outside of the building, just the building itself and they are planning on not doing anything in the building at the moment, just stabilizing the structure and you know...

Chairman Rogan stated great.

Ron Taylor stated so I just wanted to...

Board Member Cook stated thank you for meeting with them.

Chairman Rogan stated thank you very much Ron.

Ron Taylor stated you're welcome, you're welcome.

Chairman Rogan stated we always appreciate the work that you do and that you will continue to do in the future. Anything from anyone else, motion to adjourn.

Board Member Montesano stated motion to adjourn.

Board Member Cook seconded the motion.

Chairman Rogan asks for all in favor:

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

The motion carries by a vote of 4 to 0.

The meeting adjourned at 9:55 p.m.