

TOWN OF PATTERSON
PLANNING BOARD MEETING
July 9, 2009

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**TOWN OF PATTERSON
PLANNING & ZONING OFFICE**

ZONING BOARD OF APPEALS

Howard Buzzutto, Chairman
Mary Bodor, Vice Chairwoman
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Lars Olenius
Gerald Herbst

PLANNING BOARD

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

**Planning Board
July 9, 2009 Meeting Minutes**

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

Present were: Chairman Rogan, Board Member Montesano, Board Member DiSalvo, Board Member Cook, Rich Williams, Town Planner and Ted Kozlowski, Town of Patterson Environmental Conservation Inspector, Andrew Fetherston from the Town Engineer's office, Maser Consulting and Carl Lodes from the Town Attorneys office, Curtiss and Leibell.

The meeting began at 7:30 p.m.

There were approximately 7 members of the audience.

Michelle K. Russo was the Secretary and transcribed the minutes.

Chairman Rogan led the salute to the flag.

Chairman Rogan stated thank you, please be seated. Okay, since no one is here currently for Fox Run, we will jump, if it's okay with everyone, to Mr. Steger's property, item number two for the amended site plan application. Rich if you would please, just summarize because I know that Mr. Steger went before the Zoning Board, we had done a site walk and just bring the Board up to what we are looking to do tonight and where we stand please.

2) STEGER PROPERTY – Amended Site Plan Application

Mr. Alan Steger, the applicant, was present.

Rich Williams stated well the issue before the ZBA has been decided at this point, it really has little relevance to the issue at hand, which is amended the site plan to incorporate a shed used for storage for the Post Office. The ZBA identified the shed as being too close to the property, too close the building during their site walk on the application that was pending before them and notified the Building Department, who notified Mr. Steger that the shed needed to be re-located on the site and that it needed site plan approval by the Planning Board. Several weeks ago, the Planning Board had done a site walk out there, taken a looking

at where the shed was in its original location next to the Post Office building and looked at a couple of proposed alternative locations on the site that might be suitable for the shed. Subsequent to you know, the Board doing their site walk, Mr. Steger did take it upon himself to relocate the shed and I did provide the Board with a plan, which shows where the shed currently is. My opinion, the shed currently meets the set back requirements for you know, for an accessory structure such as a shed, however, it still does take up a couple of parking lots on a site that is parking challenged. So you know, that's something the Board is going to have to weight, balancing all of the other issues and they need, the Post Office to have that structure on the site.

Board Member DiSalvo stated (inaudible – not using microphone).

Chairman Rogan stated correct.

Board Member DiSalvo stated (inaudible – not using microphone).

Chairman Rogan stated Mr. Steger.

Board Member Cook stated currently the shed.

Chairman Rogan stated oh, I'm sorry.

Board Member Cook stated is in the middle of those parking spaces.

Rich Williams stated he's got the plan showing the location of the shed, that sketch.

Chairman Rogan stated the shed is marked in the current location, which is here, the previous location that you remember was closer to the Post Office.

Board Member Cook stated sir.

Chairman Rogan stated so you have a dumpster and then you have, so that takes up one space and then you have the shed taking up two spaces.

Board Member Cook stated right.

Chairman Rogan stated so it looks like it leaves you with one, two, three, four spaces on that area. Is there.

Board Member Pierro stated we already, with the shed in the other location we lost two spaces anyway.

Board Member DiSalvo stated yeah (inaudible).

Chairman Rogan stated two spots, right.

Board Member Pierro stated so its really not a net loss.

Chairman Rogan stated right.

Board Member Pierro stated from what it has been in the recent past.

Chairman Rogan stated correct.

Board Member Pierro stated okay.

Chairman Rogan stated is there any area, Mr. Steger, Rich, there is an area shown as lawn and I do remember being out there but I'm glad we have the plan because it does get a little fuzzy. That would not take up parking spaces, in other words that would meet set back and increase your parking by two spaces, in other words by allowing parking where parking was set up to be. Sir, if you would just please come forward, thank you so much, state your name for the record.

Mr. Steger stated I propose that moving to the lawn area.

Board Member Pierro stated I presume you're Mr. Steger.

Mr. Steger stated where (inaudible), yeah Mr. Steger.

Board Member Pierro stated thank you.

Mr. Steger stated to the Post Office, they vehemently opposed it because they have to go out there with their carts and they take boxes of stuff and put it in the shed, so they don't want it want it out in the middle of lawn.

Chairman Rogan stated understood.

Mr. Steger stated that is how they wanted, where it's at and so I didn't realize when I moved it at the time the Building Inspector said all I had to do was move it so it met the requirements, so I moved it.

Chairman Rogan stated understood and when we had done our site walk, we had spoken about some areas that seemed like they would be appropriate, not having spoken with the post office of course but as you can imagine, all we are looking for we are not looking to take the shed use away. We just want to put in a spot that maximizes your parking allows because obviously the site is very challenged for parking. It was a bit tight even when we were there in the evening. There were not very many spots that were available. So I don't know if, sir, no one probably knows the property better than yourself, is there an area that the Post Office would amendable to that wouldn't be in the parking area.

Mr. Steger stated oh.

Chairman Rogan stated because you do have lawn area that would be closer than what the shed currently is, that would meet your set backs.

Mr. Steger stated the.

Chairman Rogan stated can I see that for a second.

Mr. Steger stated the problem is the wells, its set right in the middle of that lawn.

Chairman Rogan stated what about this area right here, compared to where it is, right in here, if you could stay, what is it, ten foot Rich, off each of the property lines. If you came ten foot off this property line and put it in here.

Board Member DiSalvo stated would they still have access to the parking (inaudible).

Mr. Steger stated well that wouldn't really help the parking because I would still have to leave the front open for the shed (inaudible).

Chairman Rogan stated would you know, because they're not, how often, I mean, they are in and out of this shed, not ten times a day.

Mr. Steger stated its once a day, once or twice a day.

Chairman Rogan stated you know.

Board Member Pierro stated so its intermittent, where they would lose the parking in front of the shed to where its parked on the grass there.

Chairman Rogan stated yeah.

Mr. Steger stated but I don't, right now I don't have a problem with parking because the Post Office only has two employees.

Chairman Rogan stated two employees.

Board Member DiSalvo stated (inaudible – not using microphone).

Mr. Steger stated years ago it was a problem because we had delivery people, the route people all worked out of the Post Office but now they're not, so.

Chairman Rogan stated you first; you look like you're biting at the bit.

Rich Williams stated no, not at all.

Chairman Rogan stated what about the idea that we stipulate an approval of the shed location, conditioned on the idea that if the Post Office no longer occupies the space, the shed is gone because this is being kept just for the Post Office. In other words, unique to this because he is saying two employees, there is a correlation between use and parking in that regard.

Mr. Steger stated it is the Post Office's shed, they put it there.

Chairman Rogan stated and they asked for it.

Mr. Steger stated and they got permission to put it there.

Rich Williams stated you might also want to tie this into if parking be comes a problem on the site.

Chairman Rogan stated exactly.

Rich Williams stated in addition to the Post Office exiting the site.

Chairman Rogan stated that's a great idea.

Board Member Pierro stated right.

Mr. Steger stated the parking (inaudible).

Chairman Rogan stated I'm sorry.

Mr. Steger stated if parking became a problem I would definitely have to move it but now parking is not a problem.

Chairman Rogan stated okay.

Board Member DiSalvo stated (inaudible).

Board Member Pierro stated Rich; there is no frontage problem if we were to put the shed in this location with the side yard or with the road here.

Rich Williams stated I don't know for sure.

Board Member Cook stated I think Mr. Steger said that he had wells or.

Chairman Rogan stated the well is right here.

Board Member Pierro stated the well.

Chairman Rogan stated right here.

Rich Williams stated correct, there is a well in that area.

Mr. Steger stated the well head is right in the middle of that.

Board Member Pierro stated that would be a problem if you had to drill a new well, I understand.

Chairman Rogan stated or even maintenance on it, access to it.

Board Member Pierro stated yeah, put a new pump in.

Rich Williams stated well you are also limiting site distance as you're coming around the corner that may be an issue.

Board Member Pierro stated okay.

Chairman Rogan stated um.

Board Member Pierro stated under the circumstances, I'm happy.

Mr. Steger stated also it would look terrible.

Board Member Pierro stated under the circumstances because there is really no net loss from what had been previously approved.

Mr. Steger stated in fact it turned out very well because it leaves me a place to put my garbage dumpster and I was thinking about putting a little fence in the corner, you know so I could hide the dumpster.

Chairman Rogan stated screen it, I like the idea of you screening that dumpster a little bit.

Mr. Steger stated and its not been a parking problem, so.

Chairman Rogan stated okay, so would the Board be comfortable with approving the amended site plan to allow the shed contingent upon what we spoke about.

Board Member Montesano stated definitely.

Board Member DiSalvo stated yup.

Chairman Rogan stated okay.

Board Member Cook stated yes.

Chairman Rogan stated you want me to put that in the form of a motion.

Board Member DiSalvo stated sounds like you did already.

Chairman Rogan stated I know, well I want to make sure that we restate what we are talking about. Rich, amended site plan SEQRA, is it.

Rich Williams stated type two action.

Chairman Rogan stated type two so its not required, thank you. Okay, in the matter of Steger Property, I make a motion that the Planning Board grants an amended site plan to allow the shed that is existing on the site to be relocated to the location shown on the plan submitted to the Planning Board.

Rich Williams stated Shawn, I prepared that plan.

Chairman Rogan stated you did.

Rich Williams stated just.

Chairman Rogan stated we can still.

Rich Williams stated as long as Mr. Steger is okay with that plan (inaudible).

Board Member DiSalvo stated (inaudible – not using microphone).

Chairman Rogan stated that look like the location sir.

Mr. Steger stated that's it, yeah.

Board Member Montesano stated that's satisfactory.

Chairman Rogan stated can you.

Board Member Montesano stated can you just sign it and say okay.

Rich Williams stated there is one other issue you should be aware of, typically you need to have a public hearing on a site plan application, I think this is such a minor application.

Chairman Rogan stated we can waive it.

Board Member Montesano stated we can waive that.

Rich Williams stated I refer to the attorney.

Tim Curtiss stated I'm sorry.

Rich Williams stated typically we need to have a public hearing on a site plan application.

Tim Curtiss stated correct.

Rich Williams stated all right, his is such a minor application, can they waive that requirement.

Tim Curtiss stated he's just moving the shed.

Rich Williams stated he's just moving the shed.

Tim Curtiss stated they can waive it.

Chairman Rogan stated in fact in this case.

Rich Williams stated (inaudible) in our Code, that says they can pretty much waive anything as it relates to a site plan.

Tim Curtiss stated right.

Chairman Rogan stated in fact, in this case Tim, the shed is not being moved any closer to any.

(Background noise, unable to transcribe).

Chairman Rogan stated its not being any closer, in fact its being moved further away from any.

Tim Curtiss stated you are actually decreasing whatever the sideline.

Chairman Rogan stated making it in more in compliance with the Code.

Tim Curtiss stated okay.

Chairman Rogan stated okay, so to.

Board Member Pierro stated I'll make that motion.

Chairman Rogan stated to complete the motion, contingent upon, number one that if the parking out there is deemed by the Planning Board to not be sufficient, we would like the shed removed, I realize that might be a conflict with the Post Office, we'll have to cross that bridge when we get there, there was a second.

Board Member Montesano stated second.

Chairman Rogan stated it was a second motion.

Board Member Pierro stated the second motion was to waive.

Chairman Rogan stated no, no, the second condition of the motion.

Board Member DiSalvo stated if the Post Office vacates the building.

Chairman Rogan stated oh, thank you and if the Post Office should vacate the property and no longer be a tenant, that that shed goes with them, so that we free up more space, thank you Maria, can I have a second.

Board Member Montesano seconded the motion.

Chairman Rogan asks for all in favor:

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

The motion carries by a vote of 5 to 0.

Board Member Pierro stated and in the matter of Steger, on Front Street, I make a motion that we waive the requirement for a public hearing.

Board Member DiSalvo seconded the motion.

Chairman Rogan asks for all in favor:

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

The motion carries by a vote of 5 to 0.

Chairman Rogan stated okay, Mr. Steger, thank you for your time.

Mr. Steger stated thank you.

Chairman Rogan stated Michelle, can you please make sure we keep that for the file.

The Secretary stated absolutely.

Rich Williams stated that's one, that's one.

Chairman Rogan stated Anthony Boniello is not here, Mr. Mayfield is not yet here, Brewster Plastics is not yet here. Kent Supply, we have someone here for Kent Supply.

Rich Williams stated yes.

7) OTHER BUSINESS

b. Kent Supply Co. Correspondence

Mr. Joseph Futterman, owner of Kent Supply, was present.

Chairman Rogan stated okay, just a second here.

Mr. Futterman stated hello.

Chairman Rogan stated good evening.

Mr. Futterman stated Joe Futterman.

Chairman Rogan stated hi, how are you.

Mr. Futterman stated how are you all tonight.

Board Member DiSalvo stated hi.

Chairman Rogan stated you want to briefly tell us why you're here.

Mr. Futterman stated yes, I would like to be taken off the docket, no, the docket because the current building economy I don't have the money to do some of things I'm (inaudible).

Chairman Rogan stated and Rich, we had approved a, we had made a motion to approve their site plan, it has not been completed at this point.

Rich Williams stated the two outstanding issues really are payment of the inspection fees.

Mr. Futterman stated pavement, yeah.

Rich Williams stated and posting of the bond, which would allow him then to have a site plan he can do the improvements on.

Chairman Rogan stated and I think as we had spoken at the work session, we could extend the condition site plan for six months.

Board Member DiSalvo stated six months.

Chairman Rogan stated we can do this on an as need basis.

Mr. Futterman stated I'm hoping by next year the building market should be back up.

Chairman Rogan stated we are praying that that is the case, as you know.

Mr. Futterman stated we are all hoping, I know.

Chairman Rogan stated we are looking to help you in any way that we can and we recognize.

Mr. Futterman stated okay, thank you.

Chairman Rogan stated and you have been very good at working with us and getting your site up to what we would like it to be and what you would like it to be. So, I think that is the least that we can do to help out.

Mr. Futterman stated and all these things that you want me to do, are things that I really do want to do, its just not smart for me to try and spend that money now.

Chairman Rogan stated absolutely.

Board Member DiSalvo stated in the matter of Kent Supply, I make a motion that we extend the conditional site plan for six months.

Board Member Montesano seconded the motion.

Chairman Rogan stated conditional approval.

Rich Williams stated Shawn.

Chairman Rogan stated yes.

Rich Williams stated six months takes you until when.

Board Member DiSalvo stated when does it expire.

Chairman Rogan stated what was the, do you know what the date was on that.

Rich Williams stated well that was the other half or it, are you extending it six months from when it originally expired.

Chairman Rogan stated we were going to do six months from the date of this meeting, which was longer is what you were saying.

Rich Williams stated yeah, right.

Board Member DiSalvo stated right.

Chairman Rogan stated we want to six months from tonight though on that. So six months from tonight though on that, six months from the date of the hearing.

Board Member DiSalvo stated extend the conditional site.

Rich Williams stated so you don't want to do it for six months, you want to do it retroactively, extending it to a point in time, whether its next may or.

Board Member DiSalvo stated so make it (inaudible).

Chairman Rogan stated but you don't even have to know the date, the motion can just be amended to state that the extension on the conditional site plan approval is for a date six months from today, retroactive.

Board Member DiSalvo stated the.

Chairman Rogan stated so moved.

Board Member DiSalvo stated so moved.

Chairman Rogan stated we have a second.

Board Member Montesano seconded the motion.

Chairman Rogan asks for all in favor:

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

The motion carries by a vote of 5 to 0.

Chairman Rogan stated thank you sir.

Mr. Futterman stated thank you very much.

Chairman Rogan stated Rich, thanks for the point of clarification on that. We have, Mr. Byron.

Mr. Bryon stated yes.

Chairman Rogan stated you're up, it's a nice thing when people don't show up early, you get moved right ahead.

Board Member DiSalvo stated (inaudible).

Chairman Rogan stated good evening sir.

6) PATTERSON AUTO BODY SITE PLAN

Mr. Jim Byron, owner of Patterson Auto Body, was present.

Mr. Byron stated good evening, I'm Jim Byron.

Chairman Rogan stated how are you.

Mr. Byron stated good.

Chairman Rogan stated good, we had received some sketch plans that we had looked at, at the work session.

Mr. Byron stated yes.

Chairman Rogan stated which showed some of the plans that you had prepared by your professional.

Mr. Byron stated yup.

Chairman Rogan stated which were nicely done.

Mr. Bryon stated yup.

Chairman Rogan stated we also had taken a look at a photo that I believe Rich printed from your website.

Mr. Byron stated yup.

Chairman Rogan stated just to get a sense because we haven't done a site walk yet.

Mr. Byron stated okay.

Chairman Rogan stated does anybody have, anybody want to take a quick look at the plans that were prepared, I have them here in my pile.

Board Member Pierro stated in mine as well.

Chairman Rogan stated you can see that we kill a lot of trees in this business.

Board Member DiSalvo laughs.

Mr. Byron stated paperless society.

Chairman Rogan stated that's true.

Board Member Cook stated maybe while you're doing that, Jim could just describe in two minutes.

Chairman Rogan stated that would be great.

Board Member DiSalvo stated (inaudible).

Board Member Cook stated what you anticipate doing.

Mr. Byron stated the reason I'm in front of the Board.

Board Member Cook stated yeah.

Mr. Byron stated okay, the reason why I'm in front of the Board tonight, is that, we put together a plan, a proposal that fell below any variance requirements, any Planning Board requirements to renovate our building. So the actual reconstruction of my building has nothing to do with what I am here tonight for. What I'm here tonight for is and stop me if I'm wrong Rich, is we're looking for a, the permitted use to have a store/gas station.

Chairman Rogan stated I thought we covered that last time that is not why I understand why you are here before us because you're saying a renovation but adding square footage is a construction, it's not a renovation.

Mr. Byron stated but it falls, doesn't it fall below and stop me if I'm wrong doesn't it fall below, I need no variance, I'm not asking for any kind of sanctioning of the Town to expand my property, I'm doing it with my square footage, I'm doing it within the guidelines of the Town of Patterson, am I correct.

Rich Williams stated well, no, not exactly.

Mr. Byron stated no, okay.

Rich Williams stated you may meet zoning requirements, we haven't gotten that far, we don't actually have a site plan to show how the addition relates to the property lines, it appears in this case, you do meet all the zoning requirements but we haven't actually made that determination. As you saw from the previous application, site plan approval is required from the Planning Board even for the location of a shed on a commercial site. I mean, they have broad powers when you're looking at changes to the existing site. Twice you've come back in to the Planning Board and gotten waivers that you didn't have to do a site plan for an addition onto the building. Similarly now, the plans that you presented to the Building Department, are showing an expansion of the building on the site, which requires site plan approval or if it's less than ten percent of the overall building, the Planning Board if they feel its appropriate can grant a site plan waiver.

Mr. Byron stated okay.

Rich Williams stated okay but that is still an action the Planning Board has to take, in addition to that, there is the issue of the use of the site as retail, currently the individuals, multiple individuals that are responsible for application of the Zoning Code, have all looked at it and said that you have as a permitted use out there a garage/gas station, gas station being a pre-existing, non-conforming use at this point. You are looking to change a use of a portion of the site to retail, which is also something that is either reviewed by myself or the Planning Board.

Mr. Byron stated okay.

Rich Williams stated because there is an expansion of the building in addition to that change of use, we all agree that it is something that is relevant for the Planning Board to weigh in on.

Mr. Byron stated okay, then that is what I'm here for Shawn.

Chairman Rogan stated fantastic answer.

Mr. Byron stated great.

Chairman Rogan stated initially we spoken, the first time you had appeared at the work session.

Mr. Byron stated yeah.

Chairman Rogan stated a little over a month ago.

Mr. Byron stated yeah.

Chairman Rogan stated about the retail section and about expanding that out, we do see that on the plans that you provided, very nice job by the way, on the architectural renderings.

Mr. Byron stated yup.

Chairman Rogan stated it's nice for this Board to get a sense of what you're looking to do right up front.

Mr. Byron stated yup.

Chairman Rogan stated so we appreciate that and then it looks like you are extending out the front of the building.

Mr. Byron stated no, the rear building, extending out the rear.

Chairman Rogan stated I'm sorry, the front of the rear building.

Mr. Byron stated correct, right.

Chairman Rogan stated and going up and making a second floor for office space on this.

Mr. Byron stated actually no, that's all open area, there is no, its going to.

Chairman Rogan stated you mean its open to below.

Mr. Byron stated its going to have a high ceiling, that's.

Board Member DiSalvo stated (inaudible).

Mr. Byron stated the back office.

Chairman Rogan stated yeah.

Rich Williams stated if I may.

Chairman Rogan stated yeah.

Mr. Byron stated this, there is already a second floor up here and then this, this one you're standing at the existing second floor here, you'll look down into the office, there is not second floor going in.

Chairman Rogan stated okay.

Rich Williams stated just so you know, Jimmy and for the Planning Board, I did take a look at the with Nick Lamberti, who is our Building Inspector, essentially what you're proposing is a two and half story one floor structure.

Mr. Byron stated yeah.

Rich Williams stated and that didn't make a lot of sense to us.

Mr. Byron stated yeah.

Rich Williams stated possible and it was something that he was going to talk to you about and get further clarification as far as what you're doing and why you have.

Mr. Byron stated he's sat, no, Nick sat in with architect on that.

Rich Williams stated okay and I don't, Nick was coming tonight and I don't.

Chairman Rogan stated okay, when he gets here we'll talk to him about it.

Mr. Byron stated yeah.

Rich Williams stated yeah but.

Mr. Byron stated it's a, I can tell you that the back office, this back office here, does not have a second floor. The second floor would be over the top of the existing building and we are going to do away with the flat roof, almost in its entirety.

Chairman Rogan stated and from an aesthetic standpoint, it looks fantastic, I really like the way this looks, its in the character of what we would, if you were coming in before us today, what can I do with the building, I don't think we could point you in a better direction architecturally.

Mr. Byron stated yeah.

Chairman Rogan stated than this and we appreciate that. Let me ask a question of you.

Mr. Byron stated yup.

Chairman Rogan stated you've got this level of detail done, we are going to go out and take a site walk regardless.

Mr. Byron stated yeah.

Chairman Rogan stated why would you not want to have, what would be the negative to you of having an approved site plan, showing all this as approved. I'm not, I want to be able to understand where you're coming from in this case.

Mr. Byron stated an approved site.

Chairman Rogan stated yeah, as opposed to right now, you don't have an approved site plan.

Mr. Byron stated what's the benefit of a site plan, if I don't.

Chairman Rogan stated the benefit of a site plan is that it documents what is on site, it shows that those uses can be supported by the site. It gives, in my opinion a greater value from the standpoint of knowing that these impacts have been evaluated and you stand on something that is codified. I mean, from a standpoint of use, does it matter, probably not to you but.

Mr. Byron stated nope.

Chairman Rogan stated what extra work would it take for you to have all of this approved, I mean, we've done waivers of site plans where previously they were approved and they, as you've seen and you will see where we've done modifications to site plans that already have existing approvals and then they say we're coming in. We're just going to do this but we are already dealing with something that has an approval on it. Where in this case, there is a history of coming in and getting waivers to do X.

Mr. Byron stated yup.

Chairman Rogan stated but then the use being maybe, I'm sorry not the use, the result or the construction maybe being different than that which was considered.

Mr. Byron stated if it was, it was to the better, I mean we.

Chairman Rogan stated I'm not refuting that.

Mr. Byron stated we took a, we took nothing more than an automotive dump site back in 1983, you know and I think we enhanced that intersection over the years.

Board Member Pierro stated absolutely.

Mr. Byron stated yeah.

Board Member Pierro stated from a real estate point of view.

Mr. Bryon stated and.

Board Member Pierro stated not to cut you off but from a real estate point of view, I hope you're in this business for a long time.

Mr. Byron stated yeah.

Board Member Pierro stated but your kids may flip this place in the future.

Mr. Byron stated yeah.

Board Member Pierro stated having a site plan would and there are a couple of attorneys in the room, having a site plan for when you convey this property will be a tremendous advantage.

Tim Curtiss stated it would help the value by about a third at least.

Board Member Pierro stated right.

Tim Curtiss stated because it means that everything on that plat has been verified by the Town and it's a lawful use, I know these are (inaudible).

Mr. Byron stated you're saying right now I'm not legal.

Tim Curtiss stated what they're saying is, somebody is going to want to due diligence to find out if everything that you have on that site, has been looked at and approved by the Town. So it puts you in a whole different category then if you have an approved site plan and say hey, here is my approved site plan, this is what the Town approved, this is what I got.

Chairman Rogan stated yeah.

Board Member Pierro stated and a good portion of it is done already here.

Chairman Rogan stated that is kind of where I'm coming from, you've done you're due diligence or staff has.

Mr. Byron stated I thought I did, I thought I did, right.

Board Member DiSalvo stated (inaudible – not using microphone).

Chairman Rogan stated and there are also aspects, so you know, there are aspects of site plan as we had mentioned at the work session, that can be waived. We are not looking for topo, where no topo is needed, let's say, which I know is an expense, you have to get a surveyor out there, if additional drainage is not required or if the drainage is so minor that our engineering staff and Rich feel comfortable and Ted, I'm sorry, I didn't mean to leave you out Ted, feel comfortable in not requiring that, then that is something we waive. I, to cut to the chase, really rather than running around and around on this, in the discussions we've had thus far, I think at most if not all of this Board is looking to memorialize and codify this site plan and get it approved, not to slow you down to get this, so you can start as soon as possible and we are willing to work with you in any way that we can.

Mr. Byron stated okay.

Chairman Rogan stated so I think what we should do, is move towards getting a site walk scheduled, so we can get out there and take a look and also, we, all of us have been to your site but we've never walked around and really, I don't, I know your business from seeing it on TV and from getting gas at your station but I don't know how you do things and how the site relates and how the uses relate to the areas of the site. Obviously you use some areas for parking of vehicles for sale, you have parking for people who are coming as customers.

Mr. Byron stated yup.

Chairman Rogan stated and hopefully now you're going to have people that are coming for your retail operation.

Mr. Byron stated right.

Chairman Rogan stated let's make sure that that all balances out and works properly and at the end of the day we are going to come up with something that you're going to be thrilled with and we're going with because you are a good local business man who we want to keep here in Town and let's call it a good day at the end. Unless anybody else has any other opinions, comments, questions.

Board Member DiSalvo stated no.

Board Member Pierro stated no, I think we ought to schedule a site walk.

Chairman Rogan stated let's schedule a site walk and get out there as soon as we can.

Board Member Pierro stated let's go.

Mr. Byron stated and what, where does this site walk go. When you say go for a site walk, you can come down anytime, it doesn't matter.

Chairman Rogan stated well that's great.

Mr. Byron stated I'm away next week but you can come down if its next week but where does that go.

Chairman Rogan stated what it does is and in this case I think it would be better if you were there. Many times we do site walks if we are looking at sites that are unimproved or wetlands issues, we will go without the applicant.

Mr. Byron stated yeah.

Chairman Rogan stated because its just generally the way it occurs but in this case because of your site, I'll get to that.

Mr. Byron stated I don't mean to be, I mean to be ignorant about it, I just don't know if the DEC walks my property and everything is approved, where my gas tank is above ground, where I store my waste oil, indoors, everything is where it needs to be, I have no floor drains, I have no footing drains, I have nothing that is going to discharge any substance out of that garage into the environment. The parking is safe, you're not pulling, you're not pulling into oncoming traffic, the driveway is clearly marked. What, when you say a site walk, I'm just not.

Board Member Pierro stated we're aware of all of those things.

Mr. Byron stated yeah.

Board Member Pierro stated we would like to go out there as a group and feel, maybe you can spray paint some lines on where the edge of the building is going to be.

Chairman Rogan stated oh, for the proposal, I'm sorry.

Board Member Pierro stated the addition.

Mr. Byron stated right, right, do the bump out.

Chairman Rogan stated you can use chalk, something that washes right off.

Mr. Byron stated yeah.

Chairman Rogan stated yeah.

Mr. Byron stated yeah.

Board Member Pierro stated just give us.

Board Member Cook stated and it just gives us a visual.

Mr. Byron stated yup.

Board Member Cook stated of when you give us the site plan, we know, okay, that your building is coming out so far, or in the back you have space for you know fifty cars or whatever or up front the cars for sale are so much and how that looks, its just a total visual of what you're going to be putting on the site plan.

Mr. Byron stated okay, then we'll schedule this.

Chairman Rogan stated for when you get back, would be great.

Mr. Byron stated when you have.

Chairman Rogan stated we'll have Rich schedule with you, so that, it would be great if you could be there.

Mr. Byron stated I would like to be.

Chairman Rogan stated and we'll come, I think routinely this time of year, we are doing them after work, say four thirty, four fifteen, something like that.

Mr. Byron stated yeah, great.

Chairman Rogan stated which would be great, it will help us to understand the way your site functions from your perspective because it doesn't help us if we use what we project on your site. It's only.

Mr. Byron stated okay.

Chairman Rogan stated hey you can say, when we are doing automotive work this is what happens on site, we move these cars here, they are in the way, we put them in the back, whatever. When people drop cars off, they put them here, so that we know that the site. It obviously is functioning the way it is and I'm assuming it's a safe site, I've never had any problems in there. This is all towards the goal of making sure what gets approved on here not only works for you but works for the next person, who you may sell to, that's all.

Mr. Byron stated okay.

Chairman Rogan stated and the project, the project, the process is not intended to be exhausted, it can be sometimes, I'll be honest, I just had this conversation with someone who we did a commercial project with, it can be when people aren't willing to compromise and they say this is what I have to have and that's it. Well this Board, we were just saying before the meeting, this is a Board that works toward approvals, we

deny almost, very rarely, anything, we work with people towards an approval. So we are going to work with you in compromise.

Mr. Byron stated okay.

Chairman Rogan stated and okay, so we'll set a site walk, we can work with Rich and your.

Rich Williams stated Rob Cameron.

Chairman Rogan stated Rob Cameron.

Mr. Byron stated just me, you can, you don't have to get Bob involved unless there's.

Rich Williams stated well Bob is going to have to make some changes to the plans and that is what we should probably talk about real quick is what you're looking for changes on the plans. What are you looking on the, as far as the site plan, you've got a partial right now, where I believe he is showing the location of the buildings.

Chairman Rogan stated well we want to see the overall, the survey should be, the plans should be overlaid onto the survey.

Rich Williams stated do you want to see the overall site, okay.

Chairman Rogan stated because we certainly are only going to be looking at what's on your property, if you have things that fall over, they may be great but that is not something I'm going to put my name on, you know.

Mr. Byron stated right, right.

Chairman Rogan stated unless you have some kind of deed easement or something that is not for our discussion right now because we don't have anything to look at.

Mr. Byron stated can't change it.

Chairman Rogan stated you know, any improvements that aren't shown on the plans you've shown, the outdoor storage for the vehicles is shown, the gravel area, the new area that was done just a couple of years ago.

Rich Williams stated no.

Board Member DiSalvo stated I don't think so.

Chairman Rogan stated so we'll put that on, so we can get that approved and show, it doesn't have to be striped out because it's a gravel area but we can show the limits of the amount of vehicles that can be put in there. You know, whether it's twenty of the cars you're selling and ten from customers, it doesn't really matter to us, its vehicles.

Mr. Byron stated right.

Chairman Rogan stated and the improvements that exist and overlay the new design and we're.

Mr. Byron stated yup, just so you know, the one of the website, that was a random shot taken by an airplane and then like a week or two later, a guy shows selling them, that wasn't a staged performance for television or anything, just so you know.

Board Member Pierro stated that's fine.

Chairman Rogan stated no, it's a great photo, we liked it.

Mr. Byron stated that is how we try to run everyday, I'm not looking to conceal anything there.

Chairman Rogan stated and Jim.

Mr. Byron stated yeah.

Chairman Rogan stated your reputation does perceive you, you have a very good reputation in the community.

Mr. Byron stated okay.

Chairman Rogan stated we acknowledge that.

Mr. Byron stated okay.

Chairman Rogan stated we appreciate that.

Mr. Byron stated all right.

Chairman Rogan stated we are looking forward to finishing this process as quickly as possible and getting to end so that you're happy and we're happy and we're all done. Thanks for your time.

Mr. Byron stated that's it.

Rich Williams stated one last thing, just so everybody is aware and we're all on the same page.

Chairman Rogan stated that's it, we're time, your time is over, what's up.

Rich Williams stated I'm going to take the plans that Mr. Byron has provided the Board and I'm going to do a punch list up of the outstanding issues, relative to his site plan.

Chairman Rogan stated great.

Rich Williams stated and those I'll identify and I'll talk with Andrew about those items that we feel may not be relevant to the site plan.

Board Member DiSalvo stated right.

Rich Williams stated such as topography and work that out so we've got kind of a checklist about what needs to be shown on the plans still, what we don't need to show on the plans. Then we can provide that to

the applicant so that, you know they have a good idea about the direction they need to go in preparing the site plan.

Mr. Byron stated I'll get that from your office.

Rich Williams stated sure and I'll provide that to you and you can give it to Rob if you so choose.

Chairman Rogan stated Rich, procedurally, you prepare that, and doesn't that have to be approved by the Board, in terms of waivers to the site, waivers from showing certain requirements.

Rich Williams stated absolutely.

Tim Curtiss stated that's true.

Rich Williams stated get a checklist started.

Chairman Rogan stated yeah.

Tim Curtiss stated then you go out and do your site walk and then to can say what you want waived and what you don't want waiver.

Chairman Rogan stated great.

Rich Williams stated then at the next board meeting you'll review that and any other material that might be submitted.

Chairman Rogan stated great.

Rich Williams stated and then you know, we can move the process.

Chairman Rogan stated okay, thank you very much for your time.

Mr. Byron stated okay, thank you.

Chairman Rogan stated enjoy your week away.

Mr. Byron stated okay, thank you.

1) FOX RUN PHASE II – Continued Discussion

Mr. Joseph Zarecki of Zarecki Associates, was present to represent the Applicant.

Chairman Rogan stated okay, looking to see whose here, we have Brewster, I'm sorry, Fox Run Phase II, you were number one on the Agenda, Mr. Zarecki. Good evening sir.

Mr. Zarecki stated good evening, how are you.

Chairman Rogan stated how are you. Okay, just to recap very quickly, we have a request for a recommendation to the Town Board for a rezoning to multi-family from what is currently R-4. We said

last time we would make a decision, Dave was not here, so we want to wait until he was here, as you know we have spent a really, inordinate amount of time because we've struggled with this decision. We have tried to put together pros and cons, clearly the Board had opinions in terms of, some strong beliefs on each process, multi-family or single-family, on you know having good points and bad points. Charlie, you had comments that you want to discuss with the Board about the information that Rich had helped us prepared.

Board Member Cook stated yeah I think, did you see the latest memo that Rich provided where is underlined.

Board Member Pierro stated June 6th, June 9th.

Chairman Rogan stated I will see, sorry.

Board Member Cook stated its supposed to be July.

Board Member DiSalvo stated you've got the wrong one.

Board Member Pierro stated it's the same one, its just it has the same date.

Board Member DiSalvo stated here it is.

Board Member Cook stated here Shawn.

Chairman Rogan stated no, no, you go ahead, I have one anyway.

Board Member Cook stated its about the comments about the.

Board Member DiSalvo stated (inaudible).

Chairman Rogan stated I found it.

Board Member Cook stated the one about Bullet Hole Road, the ruggedness of the topography and then the question marks around the Commerce Drive.

Board Member DiSalvo stated does he have it.

Board Member Cook stated I wasn't sure in what we provide the Town Board, I wasn't sure if we should highlight that, those two items or not and that was my only.

Chairman Rogan stated okay.

Rich Williams stated highlight or remove.

Board Member Cook stated highlight or remove.

Chairman Rogan stated highlight it, highlight and remove are two different things, what.

Board Member Pierro stated highlight it, absolutely.

Chairman Rogan stated highlight it means its important, remove means it doesn't apply.

Board Member Cook stated exactly, exactly, it could go, showing them or highlighting this to them or do we just remove it because maybe they just extraneous.

Board Member DiSalvo stated I don't think they know it.

Chairman Rogan stated I think that it doesn't hurt to at least, its stated in a helpful manner.

Board Member Cook stated right.

Chairman Rogan stated so.

Board Member Cook stated I'm good with that.

Chairman Rogan stated Mr. Zarecki do you have a copy of what we're talking about.

Board Member DiSalvo stated I just gave it to him.

Mr. Zarecki stated I just got it.

Chairman Rogan stated okay.

The Secretary stated I don't.

Chairman Rogan stated why don't we, it will just take a minute or so, why don't read this into the record. Fox Run Phase II Condo Complex. The Planning Board has received a request from RCC Enterprises as owner of the above mentioned parcel to consider changing the zoning designation for said lot, the parcel is currently zoned R-4 which permits the property to be used for single-family homes with a minimize lot size of four acres. The property owner has requested that the zoning designation be changed to permit construction of multi-family housing units. The lot is a 44.1± acre parcel, bounded on the south by Fox Run Complex, a multi-family condominium project, land use to the north and west is vacant land while to the east are single family homes on moderately sized lots. Patterson Interstate Business Park in the C-1 zoning district, borders the lot to the west. The ruggedness of the topography along the lots frontage on Bullet Hole Road, makes direct access to the lot from Bullet Hole Road, near impossible, access to the lot from Commerce Drive, may be possible, how ever at present Commerce Drive is not a Town road and actually ownership of the road is in question. The lot borders the common driveway for the Fox Run Complex however as a common driveway it is not considered frontage for purposes of meeting the Zoning Requirements. The Planning Board has completed a review of the proposal and finds that there are both positive and negative aspects to the request, which have been summarized below. We conclude with our recommendation on the proposed zoning change, under A for pros, An important consideration in setting an appropriate zoning designation for one or more parcels is the compatibility with the existing development patterns. With the present request the change in zoning to allow multi-family housing is consistent with the type of development on the adjacent lot to the south which has been developed with 303 condominiums. Construction of additional multifamily housing on the site would add to the diversity of housing types within the Town, and would provide an additional source of moderately priced housing.

The most readily available means of access to the lot is achieved by driving through the Fox Run Complex. Given that the likely means of access would be through the existing Fox Run Complex it was felt that multifamily housing on the site would be more marketable than would single family homes.

With access being derived through the Fox Run Complex, development of the lot, if zoned for multifamily construction, would simply entail extending the common driveway. Development of the site for single family homes would entail a much more complex process, as Patterson's Code requires that development of the site for single family residences would require each lot to have frontage on a town, or a private road. A town road could not be constructed off of a common driveway, and various legal issues surround whether a private road could be utilized. If a single family residential subdivision of the property be pursued, the Applicant may need to obtain relief from the Town Board pursuant to Town Law §280-a(4).

Multi-family development on the lot in question could potentially reduce the overall length of the driveway needed to provide access to the new units. In addition, multifamily development could potentially result in a greater portion of the lot preserved as open space, than would a single family subdivision.

Under letter B for cons In support of his request to rezone the parcel, the property owner provided to the Planning Board a preliminary layout for a multifamily housing project. The information submitted by the property owner indicated that his interests may lie in constructing a townhouse project. This is a significantly different type of property ownership from the condominiums associated with Fox Run Phase I. This fundamental difference in ownership will impose difficulties in truly integrating the two projects. For example, if this second phase is developed as townhouses there would need to be two separate Homeowners Associations' due to the difference in ownership.

While the Applicant has maintained he has existing easements to use the water supply system, wastewater treatment system and driveway, these easements do not impose any responsibility for contributing to the cost of operation and upkeep. For example, the Applicant, from the driveway easement may have the right to use the existing driveway to cross from Bullet Hole Road over the Phase I Fox Run Condominium property, but said easement does not obligate the owner to contribute to winter snow maintenance, pavement repairs or drainage system upkeep. Nor has he done so over the past years. The Applicant's plans to develop the parcel for multifamily housing include tying into the Fox Run Complex water system. In 2004 the Town created a water supply district for Phase I Fox Run Condominiums and made substantial capital improvements to the water supply system. The Applicant for Phase II did not contribute to these capital improvements, and is not part of the District. Therefore the Applicant would need to petition the Town to be included in the District, or construct their own separate water supply system. In addition, no final determination has been made that the existing water supply system is adequately sized to accommodate the increased demand from Phase II.

A multifamily housing project on the site would likely produce greater impacts than would a single family development of the of the site in such areas as::

Wastewater Generation
Vehicle Trips
Impervious coverage
Number of children

It was noted that the original design for the wastewater treatment plant was adequately sized to accommodate the additional flows from a Phase II of the Fox Run Condominium project. Also, the Board was concerned about the increase in traffic, given the condition of the Fox Run Complex common driveway which can only be characterized as poor.

In summary The Planning Board also discussed a second option for rezoning of the parcel. Commerce

Drive ends in a cul-de-sac on an adjacent parcel of land. Future use of this parcel may be limited, however, it may be possible to extend Commerce Drive through this parcel to provide access to the RCC Enterprises parcel. If this were to occur the property could then be rezoned for commercial uses.

After consideration of all of the factors mentioned above, while the Planning Board is skeptical about the existing zoning designation which permits single family homes, it did not find that a change in the zoning designation of the property to permit multi-family housing was appropriate. This was primarily due to the difficulties in integrating the two projects, the increased traffic on Bullet Hole Road and the increase in school age children. The Planning Board feels that the applicant should investigate the potential commercial possibilities for their property using access from Commerce Drive.

Chairman Rogan stated I will make a motion to forward this to the Town Board as a negative recommendation for the rezoning to multi-family for the property.

Board Member Pierro seconded the motion.

Chairman Rogan asks for all in favor:

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

The motion carries by a vote of 5 to 0.

Chairman Rogan asked for any opposed.

Chairman Rogan stated okay, we know that it may not be exactly what your looking for, we made a decision, I think we can try to state why we made that decision, we are certainly willing to look at other options but we, enough stated.

Mr. Zarecki stated okay, yeah we went through it long enough.

Chairman Rogan stated we did.

Mr. Zarecki stated all right, thank you.

Chairman Rogan stated an I appreciate your patience in this and you've been nothing but a gentleman to work with so.

Mr. Zarecki stated thank you very much.

Chairman Rogan stated thank you very much.

Board Member Pierro stated thank you.

Chairman Rogan stated I know, that was a mouthful. Mr. Boniello is not here, so we have Brewster

Plastics. I know, we'll cover that after this.

Board Member Pierro stated okay.

Chairman Rogan stated no, I'm good.

Board Member DiSalvo stated (inaudible).

5) BREWSTER PLASTICS – Initial Application

Mr. Harold Lepler, Mr. Bob Wallace, owner of Brewster Plastics, Mr. Phillip Doyle of LADA and Mr. Jim Velleman of BVH Integrated Services were all present.

Chairman Rogan stated hello there.

Mr. Lepler stated good evening Mr. Chairman.

Chairman Rogan stated how are you Mr. Lepler.

Mr. Lepler stated Board Members.

Chairman Rogan stated nice to see you.

Mr. Lepler stated nice to see you.

Chairman Rogan stated its not raining tonight.

Mr. Lepler stated we are here on behalf of Brewster Plastics, Mr. Wallace who is president and founder of Brewster Plastics is with us tonight, Mr. Phillip Doyle of LADA Associates, Land Planning is with us and Mr. Jim Velleman of BVH Integrated Services, our civil engineering firm, is with us as well.

Chairman Rogan stated okay, oh I'm sorry, go ahead.

Mr. Lepler stated I don't, you've received the application, Brewster Plastics went through approvals, I believe it was in 1996 and it was constructed and it was completed I think in '97 and it was shown as a two phase project, the total project was just under 52,000 square feet and constructed at that time was approximately 32,000 [square feet], they are at a point now where they would very much like to build a second phase with some changes. The building architecturally would be identical to what is presently there, there is no intended change in the use which is office, engineering, light assembly and distribution of their product. Population, presently in terms of employees, it approximately forty people and Mr. Wallace will probably correct me on that but its about forty and with the new manufacturing facilities, it is intended that there will be new hires for that and with that, for the manufacturing. He presently runs three shift, to the facility but the bulk of the people are all on the main shift, it is a skeleton, skeletal crew that operates in the later afternoon and evening shifts and that would continue. The architecture that was submitted to you is a continuation of the product materials, building height, identical to the existing facility, and all the construction would take place in the area immediately to the south of the existing building, step back quite a ways from Route 22 and the field topography that we ordered, just recently received I mean within days

reflects that its, I'm going to say plus minus subgrade, when we looked at the center of the building today, four inches had to be cut or filled, so we are looking at pretty much where we need to be. At our field walk, we discussed the ability to remove the full loop circulations to the building for reasons that were apparent in the field, basically the topography, the amount of addition disturbance and we looked at a hammer head configuration to an extension of the driveway that would, we believe, after discussions with the Town officials address the issue, the ability to get EMS vehicles, more particularly fire trucks back there and have the ability to turn around and drive out and Mr. Velleman can address issues of fire suppression, additional fire hydrants and the like. We have and I'll let him go into the particulars, addressed the issue of fire protection with the new facilities, classification of the "hazard that the insurance underwriters said" and what would be required in additional upgrades and I'll Jim address that. Issues of screening and the like our site plan, I'll defer to Mr. Doyle as well and Mr. Wallace is certainly prepared to address any issues regarding his operation needs before I turn it over to them for a minute, we received a very detailed review letter from Mr. Williams, we want to thank him, his extremely complete and we realize it's a new application.

Chairman Rogan stated yes.

Mr. Lepler stated I believe that he addressed the issues very fairly, very objectively, some of them we maybe have already incorporated in the plans but we agree, I mean, down the line, item by item with him I think that you may find that some of them are already on our boards and it is, we just started with you but.

Chairman Rogan stated well flattery will get you everywhere, so.

Mr. Lepler stated oh I know but it was.

Rich Williams stated I'm a little concerned that they wouldn't expect that anyway.

Chairman Rogan stated ah, that's nice but thank you Harold.

Mr. Lepler stated it really is and.

Unknown speaker stated Yeah I would like to reiterate what he said.

Mr. Lepler stated we've spent the last couple of hours reading through and going through this.

Chairman Rogan stated well Mr. Wallace from getting a tour of your facility and seeing how you run things, I think it looks like a mutual respect and if you are just doing things the right way and getting them done. We were very impressed walking around your facility, seeing how you run things; we were very excited about your expansion. We love the fact that you're here in Patterson and obviously here to stay and just looking to be able to get through this process as quickly as possible for you, so we don't delay you and it sounds like you've got a good team of professionals working with you.

Unknown Speaker stated I agree.

Chairman Rogan stated so let's progress as vastly as we can, doing a good job.

Board Member Pierro stated can we.

Mr. Lepler stated there is one other professional that is not here tonight but his name is on the drawings or their company and it's the architectural firm, they are out of Hartford, its Tecton associates but you've seen work, for instance the UCP building, the new building at Mt. Ebo that they've done. You may have seen pictures in the newspapers of the new medical office facility class A building over on [Interstate] 84, or the new guideposts headquarters. It's a fifteen man architectural firm, they are very thorough, they have worked with LADA and BVH over many years and they will appear at the next meeting as well, to answer any of your questions.

Chairman Rogan stated thank you.

Mr. Lepler stated so.

Chairman Rogan stated okay.

Mr. Lepler stated okay, whoever.

Chairman Rogan stated whoever wants to jump in.

Board Member Montesano stated equal time for everybody.

Mr. Velleman stated I'll try to brief.

Chairman Rogan stated Michelle (inaudible).

Mr. Velleman stated my name is Jim Velleman from BVH Integrated Services. I've doing the civil engineering for the project. A couple points that Mr. Lepler had mentioned, regarding the hammer head for the fire department, we are in communication with the fire department in regards to that. This plan here identifies where the hammer head would be on the plan.

Mr. Doyle stated put it on top.

Mr. Velleman stated right over here is the hammer head that we were discussing that we had in an 8 ½ by 11 for the project, we have since put it on the drawings, which will be submitted with architecture drawings to you. We are in discussions with the fire department for that hammer head and also discussing with them the fire protection, we are proposing to install a fire hydrant in the back, I think we had discussed that for their use. We did have a very good conversation with Brewster Plastics insurance underwriter and what they will require due to the new building and what will be taking place in there is a slight modification to the fire pond that is already out there. We do need to add some capacity so we are going to be doing a simple addition to that fire pond looking to raise the level of it by about fifteen to twenty inches around the outside just to get the additional capacity that we do need. The other issue that I would like to just address here and some of the comments, there was some notes right, some correct notes by Mr. Williams about how the hammer head was going to change some of the water swale, the swale that came down through there, we are capturing that water and it would be directed to the detention basin, which is consistent to the original '96 type approval that was, there was capture of that water. We will be re-introducing a swale on the southern side of the building, this is the capture that I was speaking about and redirecting it over to the stormwater area, we will be re-introducing the swale on the southern side and as Mr. Williams had pointed out, there is an existing storm drainage system that does run beneath that area. That storm drain system is extremely deep and it was done that way with things like this in mind, when it was first installed so we will

not be impacting that storm drainage system with the exception of having to cut down a man hole that is at a certain grade now, we will have to drop that top of frame down but it will not effect any of the piping because it was planned for back in the original design and construction. As far as the other points, I don't want to go through them individually, one by one however they're all again very good points and all of them are easily complied with and we will go through and comply with those and update the drawings as such.

Chairman Rogan stated Andrew, since we are technical, anything you want to bring up, we saw that you had an initial review on this, anything that the Board needs to be aware of that you spotted while you were out there or. I'm sorry Charlie.

Andrew Fetherston stated I did the initial review, I guess my concerns were erosion control stormwater, we did the initial review on the initial package which had the stormwater in the plans, subsequent information from DEC required some changes to them stormwater and the plans. We got the stormwater and the plans on Tuesday, we did our best to get something to BVH for this evening, I think that most of the comments that I had were technical in nature and anything at all that BVH wanted to speak about at this (inaudible).

Mr. Velleman stated I think one thing that I can address, just to show the Board, no, no, thanks, just to show the Board, this is one of the plans that was submitted to Mr. Fetherston which does discuss some of the erosion control measures that was not on the original application and basically what we are looking to do here and a lot of this was pointed out, I believe by Mr. Williams about the slopes and how we needed to stabilize that with erosion control blankets, we have already picked that up. Another comment was providing check dams in the swale on the southern side of the building, again, that is something that we have addressed although you haven't seen it yet but it is here and will be submitted. And then we do have erosion control measures, down on the eastern side of the building at the top of the slope to basically manage any of the stormwater that would be coming down here during construction and make sure that it doesn't head out down on to Route 22 in a dirty manner. We also have ESNY measures around the site for the existing catch basins and inlets and again in the work that we are doing in the retention pond, I'm sorry the detention pond, we would be adding in erosion control blankets there to help the stabilization.

Chairman Rogan stated Michelle, these are one hour tapes.

The Secretary stated yes.

Chairman Rogan stated okay, just note for everyone, in a few minutes this thing will beep, if we say hold on a minute its just because we have to flip tapes, that's all.

Mr. Velleman stated sure.

Chairman Rogan stated Charlie, you were going to say something, I apologize.

Board Member Cook stated all I was going to say is that in response to the Town Planner's memo and the Town Engineer's memo, that when you say you indicated on the plans and what not, we also look forward obviously to a response memo you know point by point.

Mr. Velleman stated certainly.

Board Member Cook stated they have it for their files.

Mr. Velleman stated yes we talked about that today, right before this meeting and we jotted our own little notes down but we are certainly going to compile that all onto one master response to all the comments.

Chairman Rogan stated we tend to find that people that do things in a certain way get things approved faster and if you make it easy for people to see that you've made changes, they can get right to it and so, anything to make the process smoother.

Mr. Velleman stated understood, understood.

Chairman Rogan stated great, Rich.

Rich Williams stated yes, really just a couple of things, I just want to you know, let the Board know that Mr. Fetherston really has done an excellent job in identifying the issues that need to be addressed by the applicant with the stormwater, so hopefully that will move along fairly quickly.

Chairman Rogan stated great.

Rich Williams stated I did want to ask you said you've been in contact with the fire department and can I ask who you've been in contact with and I'll explain why.

Mr. Velleman stated hopefully I get, his name I believe is David Raines, okay, you see, that is the issue we're having.

Chairman Rogan stated good to clarify.

Rich Williams stated that is the issue we're having. David Raines is the Fire Inspector for the Town, who you should be in contact with and who should be reviewing these absolutely but the Patterson Fire Department, I ran into one of the Assistant Chiefs and I, you know, the conversation had come up about Brewster Plastics and they weren't aware of the project, so I did send them plans and I'm going to follow up and hopefully everything is going to be fine with them. I'm sure that that hammer head really is going to be more than adequate. One of the concerns that we talked about briefly was the location of that fire hydrant.

Board Member DiSalvo stated okay.

Rich Williams stated which they weren't sure that they would want to pull a truck down that far if the building was engulfed, so.

Mr. Velleman stated yeah, that's a very good point, its funny you say that because we were thinking about the same thing, the hydrant itself, there is no magic to where we have shown now, if its determined by the Fire Department that its not in the correct location, we are certainly going to move it where it would be best for them to give them the ultimate flexibility in fighting a fire at the building.

Rich Williams stated okay.

Mr. Velleman stated we look for that input and if there is another name.

The Secretary stated hold a second.

Chairman Rogan stated hold on please.

(Side 1 Ended – 8:28 p.m.)

Chairman Rogan stated thank you.

Mr. Velleman stated I can work with you to get that other name of the person that I should be speaking to in addition to Dave Raines and make sure that everyone is on board with that we're doing.

Rich Williams stated and as soon as we figure that out, I will be happy to provide that. This all came about in the context in a meeting I had with, a chance meeting I had with one of the fire department members and then ultimately the chief was pulled in about the fire department would like to get more involved overall with the Planning process and I did give the Planning Board a memo to that effect. The chief and assistant chiefs are currently trying to work out how that is going to happen.

Mr. Velleman stated sure.

Rich Williams stated so.

Mr. Velleman stated no problem.

Board Member DiSalvo stated isn't there an existing hydrant there on the side of the building.

Mr. Velleman stated there are two.

Board Member DiSalvo stated (inaudible) by the office there.

Mr. Velleman stated there are two fire department connections on the building itself which the fire department uses to help pressure the sprinkler system.

Board Member DiSalvo stated now where are those hydrants, the fire (inaudible).

Rich Williams stated I mentioned it to the chief and he said where is Brewster Plastics, he didn't know there was a fire pond out there, I, so there needs to be a lot more conversation on this.

Board Member Montesano stated the problem is that when they change offices, those that were there before, don't necessarily tell those coming in what's going so it can be kind of confusing.

Board Member DiSalvo stated right.

Mr. Velleman stated well we can do whatever we need to, to talk to the right people and get them informed and if we need to modify the plan slightly or move the hydrant, that's easy, easy.

Mr. Wallace stated (inaudible – too far from microphone) I know they are (inaudible) into building burning buildings.

Chairman Rogan stated good point, excellent.

Rich Williams stated I was surprised when he said he didn't know about your fire pond (inaudible).

Mr. Wallace stated (inaudible).

Chairman Rogan stated great, yeah, I appreciate it, it just sounds like we have a great level of cooperation and working together on this and that is what really makes this fly and gets you started on construction as soon as possible.

Mr. Lepler stated Mr. Chairman there was an issue raised by Mr. Williams and I asked Mr. Wallace prior to the meeting and it's the, right now he has outside storage pallets and if you will containers with the new building he has affirmed that there is no need for any outside storage at all. He does have a utility, which I think will help, he does have a utility shed for his lawn equipment, and could, if that's okay, that would be relocated based on a field walk and then would be indicated on your site plan. Not putting a mower inside the building with gasoline or diesel.

Chairman Rogan stated it sounds like he would probably want that, to keep the flammables and combustibles away from the buildings.

Mr. Lepler stated that was the point but we would look to.

Chairman Rogan stated yeah.

Mr. Lepler stated re, its moveable, its on skids.

Rich Williams stated you can't keep flammables in a shed is to current code, so all of us keeping gas cans in the shed, you can't do that.

Chairman Rogan stated we are supposed to put them in our house, yeah.

Board Member Montesano stated just bring the whole truck.

Board Member DiSalvo stated it has diesel.

Chairman Rogan stated but if the lawnmower has gas in it, you can keep it in the shed, so.

Rich Williams stated I don't know if that's true.

Chairman Rogan stated well we'll work on that but that sounds imminently reasonable.

Rich Williams stated but regardless the shed should be relocated where they need it.

Mr. Lepler stated we can do that with a field inspection and agreement, there were issues also raised regarding representations for instance, responsibility in the sedimentation and erosion control practices that the contract is responsible, its understood that by Mr. Wallace and it can be affirmed in a document that the Applicant and Brewster Plastics is responsible as well.

Rich Williams stated these are all requirements of the SWPPP that you need to.

Mr. Lepler stated there is no question with any of those.

Rich Williams stated I don't think the question, I don't think that was ever raised as a question per se, who is going to do it as much as it was you need to add it to the document, that's all.

Mr. Lepler stated in asking the consultants, they feel that they can respond and put back in writing in a manner both in narrative and in plans respond to the issues that both the Town Engineer and the Town Planner have raised in the next week and have it back to you.

Chairman Rogan stated wonderful.

Mr. Lepler stated I think so.

Chairman Rogan stated great.

Mr. Lepler stated are there questions you have of Mr. Wallace or.

Chairman Rogan stated you know the tour that you gave us, I think answered a lot of our questions, that was really critical and we appreciate your time on this, so let's just keep up the good work.

Mr. Wallace stated for the ground breaking, we'll try not to have a rainstorm.

Chairman Rogan stated okay sounds good, thank you everyone for your time, unless there is anything else anyone has.

Mr. Lepler stated thank you.

Rich Williams stated do you want to talk process.

Board Member DiSalvo stated yeah.

Chairman Rogan stated well process, we have to do a public hearing.

Rich Williams stated correct.

Chairman Rogan stated we have to have the nod from you gentlemen that the plans are in order so we can approve them. So you let us know when you would feel comfortable with us setting a public hearing.

Board Member Montesano stated can we set a public hearing for the next meeting.

Board Member DiSalvo stated (inaudible) SEQR.

Rich Williams stated I think the plans are pretty far along, I'm okay and you know.

Board Member Montesano stated good I'll make a motion that we put a public hearing for.

Rich Williams stated the comments were easy.

Chairman Rogan stated next meeting.

Board Member Montesano stated next meeting, August 6th.

Board Member DiSalvo stated is that the work session.

Chairman Rogan stated is that okay with you gentlemen.

Board Member Pierro stated do we have time to do all the notifications Rich.

Chairman Rogan stated we have time.

Board Member DiSalvo stated yeah.

Board Member Pierro stated we have time.

Rich Williams stated they will.

Chairman Rogan stated yeah.

Mr. Lepler stated it will be incumbent on us and we can address that in the next, to have everything back to you has requested both a narrative and by drawings in such a manner that it'll be fine and we'll continue the communication with your engineer and your planner.

Chairman Rogan stated great.

Board Member Pierro stated very good.

Chairman Rogan stated can I have a second on the public hearing.

Board Members Pierro and DiSalvo seconded the motion.

Chairman Rogan stated two of them; we have a tie for second.

Chairman Rogan asks for all in favor:

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

The motion carries by a vote of 5 to 0.

Chairman Rogan stated Rich, well, there is no lead agent because there is no other, you don't have to do that because there really is nobody else involved but.

Rich Williams stated (inaudible).

Board Member Montesano stated we have to have a SEQR Determination.

Board Member DiSalvo stated you want to do SEQR.

Chairman Rogan stated Rich, prior to the public hearing or at the time of the public hearing in terms of SEQRA in terms of this project.

Rich Williams stated I, you know, I've been involved in this site since it was the Glass Onion.

Chairman Rogan stated since it was what.

Rich Williams stated since with the Glass Onion.

Mr. Lepler stated 1986, Glass Onion.

Rich Williams stated so I am very familiar, I went back through that, the original expanded EAF, I did go back through the SEQR Determination that was made in 1996 and then compared them to what we are doing today, the, what was issued a negative dec at that point, a negative determination of significance, in 1996 for the overall project, they are expanding it, not less than ten percent I think its about 7,000 square feet, which again is not significant.

Chairman Rogan stated okay.

Rich Williams stated what they are doing is I believe greater than a type two threshold, so its still an unlisted action but in this instance with the representations made by the applicant, that there are no other agencies involved, you are essentially lead agency by default and are now in a position tonight to make a SEQR Determination, if you so choose.

Chairman Rogan stated so in essence all we are doing though is reaffirming the previously approved SEQR, the previous SEQR determination, correct Tim.

Tim Curtiss stated yes.

Chairman Rogan stated okay, so based on the information presented, would anyone like to do a SEQR Determination for this project.

Board Member Montesano stated as far as Brewster Plastics, I would like to have a SEQR Determination of the a negative impact.

Chairman Rogan stated you're doing a negative declaration, correct.

Board Member Montesano stated yeah.

Chairman Rogan stated do I have a second on that.

Board Member Pierro seconded the motion.

Chairman Rogan asks for all in favor:

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

The motion carries by a vote of 5 to 0.

Board Member Montesano stated you expect me to read this nonsense.

Board Member DiSalvo stated its like a manual.

Chairman Rogan stated okay, we will se you next meeting for a public hearing, if something should come up, where we are running into trouble, just let us know and we'll postpone it for the following month.

Mr. Lepler stated we are that anxious to start, not in the mud.

Board Member Cook stated you are going to need to see Rich or Michelle relative to sending out notices if its applicable to adjoining.

Mr. Doyle stated Rich and I will take care of that tomorrow morning.

Board Member Montesano stated its all done.

Mr. Lepler stated I want you know to that Rich in his research pulled out the special use permit.

Rich Williams stated well it was n your documents.

Mr. Doyle stated yeah we gave it to him.

Mr. Lepler stated Tim, Tim, wait, wait.

Tim Curtiss stated we are all getting old and gray.

Mr. Lepler stated I looked at the year that we signed it, I'm embarrassed, you weren't born, it was 1977.

The Secretary stated no, I definitely wasn't born.

Board Members laugh.

Chairman Rogan stated I actually wish that Mr. Byron has stayed and then left but I really was hoping that he had stayed the whole time because what I wanted him to see was that when you do your due diligence and you do your work, things can move very quickly and that we always tell people, we promise them that if you do your hard work, we will not delay you especially not unnecessarily.

Mr. Lepler stated I just.

Chairman Rogan stated so, we wanted him to get (inaudible).

Mr. Lepler stated a small adlib, Jim Byron and myself and five other fellas are leaving for Nova Scotia on motorcycles Sunday morning, leaving Brewster Shell at seven o'clock.

Chairman Rogan stated so you then you can carry that message for us.

Mr. Lepler stated I will tell him all week.

Board Member Montesano stated too bad, you did come over to 52, you could have gone over to Danbury.

Mr. Lepler stated five hundred miles day one.

Chairman Rogan stated I would say if you can let him know that we are on his side that would be (inaudible).

Mr. Lepler stated I shall.

Chairman Rogan stated and that will, I appreciate it. Have a nice evening gentlemen.

Mr. Lepler stated thank you very very much.

Board Member Montesano stated keep the wind in your hair this time.

Chairman Rogan stated you are wearing a helmet though right.

Mr. Lepler stated (inaudible).

3) ANTHONY BONIELLO – Wetlands/Watercourse Permit

Mr. Anthony Boniello did not appear.

Chairman Rogan stated Mr. Boneillo, was stated tonight that he would not be here. We have a wetland/watercourse permit, we had spoken with Ted, basically no issue, the area is already disturbed, it's a lawn area that they are utilizing. What we need to do is document, no, we need to get things on paper.

Ted Kozlowski stated Anthony needs to clarify what exactly it is that he wants to do.

Chairman Rogan stated so all I wanted to do was bring it up.

Rich Williams stated can we get him a mic.

Board Member Montesano stated state your name for the record here.

Ted Kozlowski stated I'm not going on a motorcycle trip.

Board Member Montesano stated coward.

Ted Kozlowski stated no, Anthony needs and I'm going to talk to him because he needs to clarify exactly what he wants to do, if this is a children's play area, that's one thing.

Chairman Rogan stated that's it.

Ted Kozlowski stated it could involved the pond, it could involve the stream, you know, so, we need to know exactly what it is that he wants to do. And while I'm here, Mayfield.

4) JOHN T. MAYFIELD – Wetlands/Watercourse Permit

Mr. John Mayfield did not appear.

Ted Kozlowski stated Rich did you talk to Mr. Mayfield.

Chairman Rogan stated well we spoke to him.

Rich Williams stated at the site walk.

Ted Kozlowski stated I know but.

Rich Williams stated not since.

Ted Kozlowski stated did he, you haven't heard from him, I haven't heard from him either. I'm surprised he's not here.

Chairman Rogan stated make a motion to table Mr. Mayfield's application, I'll call him.

Board Member Montesano seconded the motion.

Chairman Rogan asks for all in favor:

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

The motion carries by a vote of 5 to 0.

Chairman Rogan stated okay, we have Daniel J's correspondence.

Rich Williams stated can we stay on Mayfield for a minute.

Chairman Rogan stated sure.

Rich Williams stated do you want me to send him a letter reminding him to be at the next meeting.

Chairman Rogan stated absolutely.

Ted Kozlowski stated I'm going to call him too.

Chairman Rogan stated it didn't seem to do any good because he got a letter and we spoke to him in person.

Ted Kozlowski stated we were all at the site walk and I talked to him personally and reminded him please come to this meeting, I know its not your thing but you need to be here.

Rich Williams stated what do we, do I need to do anything conditional in the letter to encourage him.

Chairman Rogan stated I think if you.

Board Member DiSalvo stated we don't have to go there.

Chairman Rogan stated state it in a very helpful manner that the process that we've laid out from the site walk and thus far has been one of compromise and working with you and that process can really be as easy or as difficult as you want to make it and I think its in his best interest to get in here.

Ted Kozlowski stated well I'm going to call him too because he's you know.

Chairman Rogan stated and take care of it.

Board Member DiSalvo stated sooner he gets in here, the sooner he can get started.

Chairman Rogan stated that's it.

Ted Kozlowski stated I mean we have, I believe this Board and myself and Rich, we've bent over backwards and we've let some things slide, the application is certainly not a complete application, we just want this be resolved and you know. I'm surprised he's not here.

Rich Williams stated there is the additional issue, I gave everybody a copy I believe with the memo that I did on this, which identifies a number of issues that he hasn't done. One of them we are going to run a foul on is if we are going to have a public hearing on this, he has not submitted a name list and odds are, he's not going to do the notice. Has anybody given any thought to that.

Chairman Rogan stated so we have the option.

Ted Kozlowski stated you have option to waive the public hearing.

Rich Williams stated yes you do.

Tim Curtiss stated you also have the option to make the list.

Chairman Rogan stated that is what, that was what my point was going to be. Do we have the option of creating the list and sending the notices ourselves and what is the fee for the wetlands permit.

Ted Kozlowski stated one hundred fifty or a hundred.

Rich Williams stated one hundred fifty.

Board Member DiSalvo stated plus postage.

Chairman Rogan stated and that well I'm trying not to set to much of a precedent here. Is there a way to do that Tim and in a reasonable manner and add that to the wetlands permit to say that the Town incurred the cost of fifty dollars in postage to do this and.

Tim Curtiss stated yeah you, what you can do is give him the options to either give him the list and he publishes or you will do it and you will bill him as part of the permit.

Chairman Rogan stated okay.

Tim Curtiss stated that's his.

Chairman Rogan stated I think that.

Ted Kozlowski stated I'm going to have a conversation with him tomorrow.

Chairman Rogan stated great.

Ted Kozlowski stated its going to be pretty straight forward.

Chairman Rogan stated say hey here shoot yourself in the foot.

Ted Kozlowski stated yeah, why are you doing this, we are willing to work with you, we've gone the extra mile and all he had to do was show up here tonight we get this thing resolved and it didn't happen.

Chairman Rogan stated great, Daniel J's, we have some correspondence.

7) OTHER BUSINESS

a. Daniel J's Correspondence

Chairman Rogan stated from our Fire Marshal and what is going on at Daniel J's.

Rich Williams stated the Director of Code Enforcement is here tonight.

Tim Curtiss stated take it away.

Ted Kozlowski stated I was just leaving.

Rich Williams stated take it.

Nick Lamberti stated I was just at the site.

Chairman Rogan stated good evening Nick, how are you.

Board Member DiSalvo stated see any cars there.

Nick Lamberti stated two days ago, good afternoon, good evening.

Chairman Rogan stated good evening.

Nick Lamberti stated I was just at the site several days ago, I met with the owner and he indicated that he is in the process of cleaning up the whole building, the separation between the restaurant and the rental space that he has was a big issue for us for the Fire Inspector especially, yes.

Board Member Pierro stated sorry to interrupt you but which owner did you meet with.

Board Member DiSalvo stated the tenant or the owner.

Nick Lamberti stated not the tenant, the owner of the whole facility.

Rich Williams stated John Rentoulis.

Board Member Pierro stated Dino Rentoulis.

Nick Lamberti stated his son Dino, Dino, yes.

Board Member Pierro stated Dino, okay.

Nick Lamberti stated Dino said that he has taken over, his dad is out of the picture and he is going to responsible for doing all the changes, he came to the Building Department and submitted plans and I asked him, before I approve the plans that haven't been approved yet, I want to come to the site, so I did. Looked at what was going on we insisted he put up a fire wall separation between the two buildings, he's agreed to that. When I was there I wanted to take a look at it but the restaurant owner didn't have the key, so we were unable to see it on that day but he assured me that he would do it and I would be able to come back and inspect.

Chairman Rogan stated Nick, can I ask what.

Nick Lamberti stated yeah.

Chairman Rogan stated what ability do we have to follow through on that to make sure that these items get done once and for all.

Nick Lamberti stated I told him he wouldn't get a C.O. if he doesn't comply.

Chairman Rogan stated that works.

Nick Lamberti stated so.

Board Member DiSalvo stated (inaudible).

Nick Lamberti stated he wouldn't be able to occupy the building, he wouldn't be able to rent it, so.

Chairman Rogan stated okay, I would request from this Board that you not, that we back you up on this that you not give a C of O, a condition C of O or anything until these items are resolved. We are looking to clear this up as well.

Nick Lamberti stated and there are other issues too that reading back through the file, issues about lighting, issues about cleaning up the refuse area and he hasn't really addressed though.

Chairman Rogan stated yeah.

Nick Lamberti stated the last thing I mentioned when I was leaving the site was reminding him of the condition of the garbage area was horrible.

Chairman Rogan stated yeah.

Nick Lamberti stated the restaurant owner had piles of dishes thrown on the side there. The gates were totally damaged to the point where they really weren't able to enclose the garbage anymore and I said this needs to be cleaned up and repaired and he said yeah well he was going to encourage the owner of the restaurant to do that and I said ultimately you're the owner and we are going to hold you responsible, so.

Chairman Rogan stated right.

Nick Lamberti stated he said yeah, yeah, yeah and that is how we left it.

Chairman Rogan stated great.

Board Member DiSalvo stated did that flooding ever get rectified, remember we went there and all of the water was running off of the road into there.

Board Member Pierro stated Charlie did some remediation on the back.

Board Member DiSalvo stated he put the, that worked, we've had some storms so nobody has complained about it there.

Board Member Pierro stated I understand that there is a tattoo shop going into the building in the front.

Nick Lamberti stated there is a sign indicating that.

Board Member Pierro stated they are going to need a sign permit.

Board Member DiSalvo stated the sign is up already.

Board Pierro stated the temporary sign is up.

Chairman Rogan stated its tattooed on with ink.

Tim Curtiss stated on the side of the building.

Board Member Pierro stated coming soon.

Board Member Montesano stated he's going to tattoo that right on the.

Chairman Rogan stated Nick, I hope it goes without saying that we appreciate your hard work on this in following through with all of these items, its not easy I understand but we do appreciated your time.

Nick Lamberti stated yeah sometimes its just difficult to get people to respond.

Chairman Rogan stated I understand.

Nick Lamberti stated but repeated persistence will eventually get you there.

Chairman Rogan stated yeah wear it well.

Board Member Montesano stated I know where there is a good Sherman, its in operating condition.

Chairman Rogan stated thanks very much Nick.

Rich Williams stated don't give it to Ted.

c. Paddock View Estates Performance Bond

Chairman Rogan stated we have Paddock View, we had discussed, I think, didn't we take care of Paddock View at the work session.

Rich Williams stated you did take care of Paddock View (inaudible – not using microphone).

Chairman Rogan stated we had made a recommendation.

Board Member DiSalvo stated what did we do.

Chairman Rogan stated we made a motion to re-evaluate the bond.

Board Member DiSalvo stated has that been done yet or now.

Chairman Rogan stated I know that you had reached out to Mark in terms of we wanted him to understand that he had to pay the cost.

Board Member DiSalvo stated oh okay.

Chairman Rogan stated and you know, in essence Andrew, this gentleman is saying you know the bond amount that was calculated by the previous engineer and the bond amount that my engineer came up with are significantly different and you know in these days I just want to make sure I'm paying the right amount and you know.

Andrew Fetherston stated he's talking about Field and Forest.

Chairman Rogan stated no, Paddock View.

Rich Williams stated Paddock View.

Board Member DiSalvo stated Paddock View.

Rich Williams stated this is the one that we talked about earlier, this Board is not aware of what's been going on. He's been wrestling with other issues as well, one of the issues that came up, I talked to Andrews about.

Chairman Rogan stated okay.

Rich Williams stated came up in the past couple of days, this was reviewed a long time ago and as the Board may remember, because of the cut that they had, they proposed a retaining wall, coming out into the DOT right of way.

Chairman Rogan stated we are talking about Paddock View.

Rich Williams stated Paddock View, which was all reviewed by the DOT, they gave them engineered design drawings and all the engineering calculations for that retaining wall, they picked up their permit from the DOT this week. And the DOT in the permit says you can't put the retaining wall in our right of way.

Chairman Rogan stated you've got to be kidding.

Tim Curtiss stated got to love the State of New York, gotta love it.

Chairman Rogan stated just starts from there and trickles down, doesn't it Tim.

Rich Williams stated so everything else kind of got pushed back, I'm getting Andrew plans and we are going to wrestle with this.

Chairman Rogan stated okay.

Rich Williams stated I encouraged Mark to go back and try to push his way through the DOT but we are also going to take a look at it and see if we can't come up with another option.

Chairman Rogan stated with regards to the reevaluation of the bond amount, we kind of said to Mark that if it's a difference of quantity, in other words, one engineer spec'd out X number of yards of fill and the other one different, then we just need to clarify who, what the amount is, if it is a difference of cost, it has been previously explained to this Board that sometimes the contractors get costs because they are in the business

that are cheaper than what the Town would and you know, if we are looking at going in and remediating a site, we have to work with our prices. Having said that, posting a bond for a site that hasn't been touched yet, also seems, you can understand from their perspective, they want to get their approvals and you know they have to post these bonds. We are just looking for that re-evaluation to make sure the numbers are correct.

Andrew Fetherston stated I have and maybe I'll provide to Rich to provide to the Board, a list of costs of basic site improvements that we've been using for a good period of time that gets updated periodically. Maybe I'll give you that just for reference.

Chairman Rogan stated yeah, it might be cheaper right now.

Andrew Fetherston stated I'm sorry.

Chairman Rogan stated the economy.

Andrew Fetherston stated we use it in a lot of different towns.

Chairman Rogan stated great.

Andrew Fetherston stated yeah.

Chairman Rogan stated and Mr. Porcelli has to understand that it may be that the numbers come out the same as what they were previously and that is the cost and the gamble that he's going to take but we appreciate you looking at that. And we have a slightly new issue tonight to discuss in terms of, we have information in our packet about Field and Forest.

d. Field and Forest Discussion

Chairman Rogan stated Rich, you brought a plan in, we just have, I guess you had another series of deviations from what was approved that we just need to talk about a little bit.

Board Member Pierro stated a quick perusal of this, Rich could this have been rectified with a field change with the Building Department or was it. I didn't read through all the documents yet.

Rich Williams stated I think it goes a little bit beyond a field change, you've also got a memo tonight from Dave Raines.

Board Member Pierro stated I haven't gotten to it yet.

Rich Williams stated okay I understand but you got a memo tonight from Dave Raines who said I didn't review it, didn't know about it, didn't approve it.

Chairman Rogan stated okay.

Board Member Pierro stated okay.

Chairman Rogan stated can Rich, can you walk the Board through the items.

Rich Williams stated I did do a quick, today I did do a quick punch list of what I saw were the changes, the most significant changes the 13000 gallon water tank was moved from the north side of the building to the south side of the building in proximity to the septic tank that is an issue that really needs to be addressed by the Health Department as well as being shown on our site plan, yes.

Board Member Pierro stated that was the first water tank.

Chairman Rogan stated two twenty.

Rich Williams stated we are not talking about the fire tank, we are talking about the potable water tank servicing building four.

Chairman Rogan stated oh okay.

Board Member Pierro stated okay.

Rich Williams stated I'm sorry, I do that all the time, I say water tank and everybody immediately goes to fire.

Board Member Pierro stated I thought it was suppression.

Rich Williams stated yeah, no, it has nothing to do with the old issue of the fire tank, in addition Mr. Nichols memo says that they raised the building six feet out of the ground both Andrew and I have looked at it and we are not sure exactly what that is and I will let Andrew speak for himself but. The building, there are changes to the grade out there, as a result, he's had to shift eighty-eight parking spaces down to the north end of the bank of parking and he's created a ramp, a handicap accessible side walk ramp, coming up to the main door. There is another side walk that extends around to the water control room which has now been shifted to the other side of the building, due to the changes in grade, he's got a retaining wall shown on the plans, Mr. Lamberti was out there this afternoon, he can probably give the Board a better idea about what the changes are.

Chairman Rogan stated great.

Rich Williams stated and I think that's pretty much it. I also identified in the memo, the issue with the water tank needs to be reviewed by the Health Department, the changes that he's proposing effect the landscape plan, other than that I didn't see anything earth shattering though I will have the Board note that the Town Engineer did not look at the slope of the ramp yet to make sure that it is in compliance, part of that has to do with we are not sure where he's getting the grades from at this point.

Andrew Fetherston stated you know when I looked at the plans, the original set of plans that I was given and the plans that I just received with the revision, show the same first floor elevation but the memo says that the building has been raised six feet, so I'm confused. I, in looking at the ramp, there is an elevation, there is a bottom elevation, at the top and it matches the first floor elevation, it kind of makes sense but if the building was raised six feet.

Chairman Rogan stated right.

Andrew Fetherston stated I can't quite tell where the change was, so I don't know if there was an error in one of the numbers or I just can't quite tell if it meets ADA standards.

Chairman Rogan stated well reach out to Harry Nichols and ask that question.

Andrew Fetherston stated I can certainly do that.

Chairman Rogan stated it saves time.

Andrew Fetherston stated Charlie I thought had a question on the water pipe that had been used on the pipe.

Rich Williams stated you had asked the status of what was, Stantec had raised a number of issues out on the site.

Board Member Cook stated right.

Rich Williams stated before they had left and you asked for an update on those, that is the water line.

Andrew Fetherston stated when we first came on Board, all of the water line was already installed but I was given with some of the materials, some of the paperwork that I was given on the site, included a shop drawing approved by Harry Nichols, submitted to Stantec for the correct water pipe so it appears that is what was installed. We never saw it be installed, I have the shop drawing that shows it was apparently the correct stuff.

Chairman Rogan stated Andrew, even though I know you don't work for the Health Department, as an engineer do you see that they are going to have a problem with that water storage tank being located about ten feet from a septic tank.

Andrew Fetherston stated its an oddball, its not something a come up on everyday, I told Rich I have at least three manuals, a red book from Health Department that has a lot of separation distances in it, ten state standards for water and sewer and DEC manuals, I told him I'd take a look, look at the tables and see what I can find and possibly get in touch with you know, Budzinski.

Rich Williams stated Mike Budzinski.

Board Member Pierro stated Rich what's the, what material is the potable water tank made out of.

Rich Williams stated fiberglass I believe.

Board Member Pierro stated okay.

Chairman Rogan stated and I hope it goes without saying that they'll understand it's a potable water tank, not a fire suppression tank.

Nick Lamberti stated yeah, I was there this afternoon and Rich was talking about the sidewalks before, there is a two tiered wall, more or less creating this sidewalk and the difference in elevation because of all the rock. They have their, they are preparing to pour either tomorrow or early next week and one of the things that we told them I was out there is to make sure that they call us for an inspection before they pour

because we want to make sure that they meet the right slope so they meet ADA requirements. They have a slope going towards the one side of the building where the tanks, the water tanks would be and the main parking is on the opposite side of the building and there is a ramp leading to the parking area there as well. What were some of the other issues that the Board was interested in.

Chairman Rogan stated well the, I think the change in elevation of the building, we are going to square away and see exactly what we are dealing with, how that affect the use of the site, it sounds like it doesn't except for the sloped ramp.

Nick Lamberti stated yeah the slopes are gentle enough that I think it isn't going to be an issue really for the handicap access.

Chairman Rogan stated okay but we can't, we can't take an action on these changes at least until we know from Health Department and from Andrew about the water storage tank being so close.

Board Member Pierro stated right.

Chairman Rogan stated now you could take an action on each individual item I suppose to rule out some of the ones that are less intrusive but.

Board Member Pierro stated but until we know if the tank is even permitted that close.

Andrew Fetherston stated I had one more issue, if I may.

Chairman Rogan stated please do.

Andrew Fetherston stated we were asked to quantify, I'm sorry, we were asked to go out and quantify those items that are installed in place for a bond reduction.

Chairman Rogan stated okay.

Andrew Fetherston stated I was very hesitant to do that still having these questions. We were asked to do it on the tenth and, that was the date they were supposedly going to have these pieces in place. I have no problem quantifying what's in place and presenting that to the Board as this is what could be suggested as a reduction; however that would accompany a memo of any outstanding questions.

Chairman Rogan stated understood, I think that's appropriate, any objections.

Board Member Montesano stated none at all.

Board Member Pierro stated would we be within our right to withhold a bond return until we find out whether or not the water tank is properly installed.

Chairman Rogan stated and I think that is in essence what Andrew was saying.

Tim Curtiss stated it's a requirement of the plan; it's a question of whether it's been (inaudible).

Board Member Pierro stated we don't know if it's permissible yet.

Chairman Rogan stated right.

Tim Curtiss stated yeah true, you don't know if it complies with either the Health Code or (inaudible).

Andrew Fetherston stated it wasn't following your procedure, it wasn't following your Code, get you approval first and then put it in the ground.

Board Member Pierro stated right, sure.

Chairman Rogan stated it seems.

Andrew Fetherston stated its kind of going backwards.

Board Member Pierro stated we've been through that twice with this particular project.

Chairman Rogan stated if they didn't require you to have solid piped water from a catch basin to another catch basin fifty feet from a septic component that a potable water tank should not be, even a sealed fiberglass potable water tank should not be twenty feet, I would think.

Rich Williams stated I just want to reinforce, it's in the ground.

Chairman Rogan stated oh I understand but if the Health Department won't approve its going to pop out of the ground.

Board Member Montesano stated (inaudible).

Board Member Pierro stated they'll have to move it.

Rich Williams stated I think with Nick here and I think with Andrew here, we are going to tighten some of this up certainly. Clearly this is a problem about, especially with this individual doing things without notifying anybody that there is going to be a change.

Chairman Rogan stated yeah well I'm happy we have five very competent sitting at, six I'm sorry, sitting in the audience tonight, all working for us and I appreciate all that, that's great.

Andrew Fetherston stated I'll try Harry in the morning.

Chairman Rogan stated he has a new number by the way, I hope you have the new contacts.

Andrew Fetherston stated I have correspondence from him.

Chairman Rogan stated he has an office Putnam Lake.

Nick Lamberti stated Harry was out there today.

Board Member DiSalvo stated in the Shamrock building.

Chairman Rogan stated yeah I just don't have it on me, yeah sure.

Board Member Montesano stated he didn't even get a sign.

Andrew Fetherston stated okay I would just suggest that I'll have our inspector Bob Faulk possibly join you, maybe on the site tomorrow, that would be good, okay.

Board Member Montesano stated can we request them to remove their version of the correct thing until we approve and then put it back in.

Tim Curtiss stated no, that would be (inaudible).

Board Member Pierro stated their engineer may sign off on it, you know.

Tim Curtiss stated he may have signed off and said this is in compliance, originally.

Board Member Montesano stated yeah but he's not in compliance with us.

Tim Curtiss stated yes sir.

Rich Williams stated you're telling this Board that if Harry Nichols signs off on a deviation to the site plan that they are without authority.

Tim Curtiss stated no, he asked if we can make him take it out, they already signed off on it, you can't make him take it out, hold it and put it back in (inaudible).

Board Member Montesano stated oh I don't know about that.

Chairman Rogan stated no.

Board Member Pierro stated let's be reasonable.

Tim Curtiss stated you don't do that.

Rich Williams stated no, you got it, that must be it.

8) MINUTES

Chairman Rogan stated we have the May 28th and June 4th meeting minutes.

Board Member Pierro stated I wasn't here unfortunately.

Chairman Rogan stated you were unfortunately not here for June.

Board Member Pierro stated I was here for May 28th, not June.

Board Member Montesano stated I'll make a motion that we accept May 28th and June 4th.

Chairman Rogan stated a second.

Board Member DiSalvo seconded the motion.

Chairman Rogan asks for all in favor:

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

The motion carries by a vote of 4 to 0.

Chairman Rogan stated Dave you're abstained from June 4th.

Board Member Pierro stated right.

Chairman Rogan stated okay, very good. Anything from any of you lady or.

Board Member DiSalvo stated do you want to talk about the Shamrock.

Chairman Rogan stated do we, the Shamrock, you want to do that tonight, that's fine, we're here.

Rich Williams stated I'm sorry.

Chairman Rogan stated oh the castle.

Nick Lamberti stated the castle yeah, the signs were taken down.

Chairman Rogan stated great.

Nick Lamberti stated they complied, the only sign that is kind of questionable is they had the sandwich sign, I don't know how much the Board wants to remove that, you know I told them when I spoke with them, you have to remove the other signs and the other sign, if we don't get a lot of complaints maybe we can let it go but I didn't want to absolutely say that she could keep it.

Board Member Pierro stated if I'm correct, the sandwich signs aren't in the Code either, right.

Nick Lamberti stated they're not.

Board Member DiSalvo stated is that it, (inaudible).

Nick Lamberti stated technically if you want her to take it down.

Board Member Pierro stated they are all over Town.

Tim Curtiss stated no, I know they are.

Board Member Montesano stated I want clarification, is salsa the sauce or the dance that they are allowing.

Chairman Rogan stated both.

Board Member Montesano stated but it doesn't say that, they just say the word.

Board Member DiSalvo stated did we ever get approval for the Wellness sign on the top, whatever happened with that.

Rich Williams stated no, not the free standing sign, the building mounted sign only.

Board Member DiSalvo stated was approved.

Board Member Pierro stated yes.

Rich Williams stated yes.

Board Member DiSalvo stated so this one is still there.

Board Member Pierro stated yeah, we just replaced the 524 Realty Group sign.

Chairman Rogan stated Mr., oh the free standing one or the one on the building.

Board Member Pierro stated the one on the building.

Chairman Rogan stated oh okay.

Board Member Pierro stated that was approved.

Chairman Rogan stated so I'm glad you brought that up though, the IO Wellness then has a free standing sign that we have not approved.

Rich Williams stated if you remember, you know the Board considered it.

Board Member DiSalvo stated the square footage.

Chairman Rogan stated I remember, yeah.

Rich Williams stated the Wellness sign plus the existing sign.

Chairman Rogan stated okay.

Rich Williams stated exceeded the code.

Chairman Rogan stated right.

Rich Williams stated the Board's direction was, you know go back to the applicant and you know tell them.

Chairman Rogan stated re-work that space.

Rich Williams stated re-work the space.

Board Member DiSalvo stated he did.

Chairman Rogan stated I think in that regard, in that regard, I hate to say it, tell them to take the sandwich board sign down then until they get this wrapped up.

Nick Lamberti stated okay.

Chairman Rogan stated tell them that because the direction from the Board was to re-work that sign to make it legitimate, it, we are willing to be as helpful as possible but they are not working with us.

Nick Lamberti stated it's the Wellness sign that is sitting on top.

Chairman Rogan stated correct.

Board Member DiSalvo stated on top of the sign.

Board Member Pierro stated right.

Chairman Rogan stated and as Rich had said they need to reduce the size of the Shamrock sign to incorporate the Wellness sign into that or seek a variance on it.

Board Member DiSalvo stated or they can reduce the Wellness sign too, can they do that instead.

Chairman Rogan stated they can but ultimately they already used up all of their square footage with this sign, so they have to that or seek a variance.

Rich Williams stated if they reduce it Maria, its not going to visible.

Board Member DiSalvo stated yeah.

Chairman Rogan stated so.

Nick Lamberti stated we had provided pictures, you have those.

Rich Williams stated I think they are looking at that.

Tim Curtiss stated they are looking at that.

Chairman Rogan stated and that, anybody else on the Board, that is just my opinion.

Board Member DiSalvo stated how many more signs can be nailed to these posts.

Chairman Rogan stated I don't want to bust any body chops but.

Board Member Montesano stated oh we can very creative

Chairman Rogan stated (inaudible).

Board Member DiSalvo stated that's good, that's good.

Nick Lamberti stated the signs on the (inaudible).

Board Member Pierro stated we offered the olive branch and they didn't grab.

Chairman Rogan stated right.

Board Member Pierro stated or ask for it, that's what happens when you're nice.

Chairman Rogan stated please feel free to make us the bad people, you have a tough enough job without you know, without an unreasonable Planning Board. Anybody else while we are here.

Tim Curtiss stated (inaudible).

Board Member DiSalvo stated I think the Carriage House looks nice with their little post and rail fence around, I haven't been in there to eat yet but I've heard its very good.

Chairman Rogan stated I've heard a lot good things though.

Board Member Pierro stated yeah the foods good, they don't have a liquor license yet so.

Chairman Rogan stated someone who ate there commented to me how the outdoor area with the fence looked awesome, with the screening and everything they said they really liked it, it was nice, so it was good to hear, I understand from the newspaper that D'Ambrozio is having a heck of a time because of the stigma from the Paddock, which is unfortunate.

Board Member DiSalvo stated well their karaoke nights are fairly busy.

Board Member Pierro stated its insane, my wife and I walked in there Friday night, the whole, every person in the restaurant was singing, it was like a concert.

Board Member DiSalvo stated its okay then.

Board Member Pierro stated its like a concert.

Board Member DiSalvo stated did you sing.

Chairman Rogan stated we have a letter.

Board Member Pierro stated are you kidding me, my brothers used to beat me up when I sang in the shower.

Chairman Rogan stated we have a letter from Couch Road Corporation, thank you for whoever passed this down because I saw it in the pile and then had forgotten about it. Basically going through their approval process, is they are respectfully requested two consecutive 90 days extension periods from their final subdivision approval, so moved that.

Board Member Montesano seconded the motion.

Chairman Rogan stated that we give them two consecutive 90 day periods.

Chairman Rogan asks for all in favor:

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

The motion carries by a vote of 5 to 0.

Chairman Rogan stated okay, motion to adjourn.

Board Member DiSalvo seconded the motion.

Chairman Rogan asks for all in favor:

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

The motion carries by a vote of 5 to 0.

The meeting adjourned at 9:05 p.m.