

**TOWN OF PATTERSON**  
**PLANNING BOARD MEETING**  
**July 12, 2007**



**AGENDA & MINUTES**

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3) <b>D’Ottavio Wetlands/Watercourse Permit – Public Hearing</b>	11 – 15, 23 – 27	Public hearing opened and closed. Discussion of plantings and remediation.
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5) <b>Flash/BMMD, LLC. – Lot Line Adjustment</b>	17 – 18	Lot line adjustment application approved with conditions.
6) <b>Maplewood North Subdivision</b>	18 – 20	Site Walk discussion.
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12) <b>Tractor Supply Company</b>	48 – 54	Discussion of wetland culvert and drainage. Site walk scheduled.
13) <b>Other Business</b>		
a. <b>Boniello Site Plan</b>	54 – 59	Discussion of oil/water separator and wetland buffer
b. <b>Putnam County National Bank</b>	60 – 61	Extension granted from October 12, 2006.
c. <b>Deerwood Subdivision</b>	61 – 64	Discussion of road dedication issues.

**d. Site Walks; RP Development,  
Maplewood North Subdivision**

64 Acknowledgement of site walk comments.

**e. New England Equine – Bond  
Release**

64 – 66 Bond release recommendation to Town  
Board

**14) Minutes**

66 – 67 Approved May 31<sup>st</sup>, June 28<sup>th</sup>, June 7<sup>th</sup>.

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**TOWN OF PATTERSON  
PLANNING & ZONING OFFICE**

**ZONING BOARD OF APPEALS**

Howard Buzzutto, Chairman  
Mary Bodor, Vice Chairwoman  
Marianne Burdick  
Lars Olenius  
Martin Posner

**PLANNING BOARD**

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

**Planning Board  
July 12, 2007 Meeting Minutes**

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

**APPROVED**

Present were: Chairman Rogan, Board Member Pierro, Board Member Montesano, Board Member Cook, Rich Williams, Town Planner, Gene Richards with the Town Engineer's office, Stantec Consulting Services Inc, Anthony Molé, from the Town Attorneys Office, Curtiss, Leibell and Shilling P.C. and Ted Kozlowski, Town of Patterson Environmental Conservation Inspector (Arrived late at 8:02 p.m.).

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

Michelle Russo was the Secretary and transcribed the following minutes.

There were approximately 9 audience members.

Chairman Rogan led the Salute to the Flag.

Chairman Rogan stated thank you, please be seated.

**1) GEORGE APAP – Site Plan Waiver 6 Month Review**

Chairman Rogan stated is anyone here for George Apap.

Rich Williams stated I did speak to Mr. Apap, who said he was planning on attending.

The Secretary stated he was in today.

Rich Williams stated he was in today.

Chairman Rogan stated okay.

2) **REELEX PACKAGING SOLUTIONS, INC. – Sign Applications**

Mr. Edward Moran from Bursco Signs was present, representing the application.

Chairman Rogan stated is anyone here for Reelex Packaging Solutions.

Mr. Moran stated right here.

Chairman Rogan stated please come up. Good evening sir, if you could please use the microphone and please state your name for the record so that the Secretary can properly record the minutes.

Mr. Moran stated Edward Moran with Bursco Sign company.

Chairman Rogan stated good evening Mr. Moran.

Chairman Rogan stated I have your sign application and from what I remember from our work session, it was two weeks ago, so it is a little bit unique, we usually have them a week prior. You had proposed two signs.

Mr. Moran stated yes.

Chairman Rogan stated and with the Zoning you are basically allowed to have one sign and we were looking for you to decide which of the two was your priority.

Mr. Moran stated I thought you were going to review both or have you already done that and perhaps allow both.

Chairman Rogan stated I think that it was an issue of the total square footage, of exceeding the total square footage.

Mr. Moran stated we do not exceed the total square footage.

Chairman Rogan stated was it, its location.

Rich Williams stated no its.

Board Member Pierro stated there are two signs. One is allowed in front of building and the other one is not normally allowed out on Route 22, am I correct Rich.

Mr. Moran stated this is not on Route 22, this is within the, oh I'm sorry.

Rich Williams stated correct, he is proposing two signs, one out at the entrance, towards Jon Barrett Road and then one back in on the site near where they are proposing to have the entrance to the business. The issue is that our Code permits one free standing sign only.

Board Member Pierro stated right.

Rich Williams stated and they are proposing two.

Mr. Moran stated we would like to have two because this would be the one for instance at the end of the driveway off the main road that goes into the park. They are in the park about half of a mile.

Chairman Rogan stated what about having two that in total do not exceed the Zoning for what is it, twenty-five square feet.

Mr. Moran stated these don't, combined they don't exceed it.

Chairman Rogan stated okay.

Mr. Moran stated this one would be right next to where the entrance is, it is about 250 to 260 feet down the driveway, we just wanted people to know as they are looking down driveway, that is where we are. I know that it is not normal but.

Board Member Pierro stated my only problem with that is, not to interrupt you, my only problem is how does this affect other locations where we have limited one sign and not allowed people to put two[signs] up.

Rich Williams stated well again, this issue is that it is simply not permitted by Zoning.

Board Member Montesano stated right, go to Zoning.

Chairman Rogan stated they have to go to Zoning.

Board Member Montesano stated now if you think, that is a unique situation because it is an industrial park and you've got people going into the park and you have to know that the park is there, that the road is there. Which is fine but the average driver when he is bringing something in, is not going to be looking for just the name of the road, they are going to look for the sign of the business you are trying to get to. So being that this is an industrial park.

Rich Williams stated Mike, they are not proposing one down at the entrance to Route 22 and Jon Barrett Road. They are proposing two out on the site.

Board Member Montesano stated on the site itself.

Rich Williams stated on the site itself.

Mr. Moran stated one of them is at the driveway but it is so far down the driveway to the entrance door that we thought that it would auspicious to have one there. So as you are at the driveway you are not you know, you need to find something.

Board Member Montesano stated I can see if you have it located at the end of the road and then at the site itself because once I am in the site there is no other, where are you going to go, if you end up at the parking lot, you are in the parking lot.

Mr. Moran stated eventually there will be a tenant that is actually located in front of this company. The front part of the building in the past has been [rented].

Board Member Montesano stated then that would be a second mounted.

Chairman Rogan stated gentlemen if I might, if this is an issue for Zoning, if they want two signs, why don't we let them go to Zoning and Zoning can decide whether or not [to allow it].

Board Member Pierro stated and that way we can make a recommendation.

Mr. Moran stated we know we want this sign.

Chairman Rogan stated okay.

Board Member Pierro stated is that the one closest to the building.

Mr. Moran stated it is the one that is at the end of the driveway, we need this and we know we need it.

Chairman Rogan stated we can approve the one sign tonight.

Board Member Pierro stated sure.

Board Member Montesano stated yes.

Board Member Pierro stated at least they are started; maybe there will come a time when we find that this satisfies their needs.

Mr. Moran stated that is true, let me ask you one other question, if you don't mind. I have with me, a second drawing of one that is on the building, that door is 260 feet down the driveway and that is not a ground sign. That would be the only building sign if this was allowed.

Board Member Montesano stated it is still another sign.

Board Member Pierro stated I forgot our conversation from the work session, was that permissible, okay. What is the square footage of that, have you figured out what.

Mr. Moran stated this is a total of, well the actual sign area is the same as this, excuse me, it is ten square feet.

Chairman Rogan stated so you would be a total of twenty square feet.

Mr. Moran stated yes.

Chairman Rogan stated building mounted sign and the sign mounted out at the front of the property.

Board Member Pierro stated would we need to amend the application Rich.

Chairman Rogan stated just amend the motion.

Board Member Pierro stated amend the motion.

Rich Williams stated well, Dave brings up a good point that they currently have two applications for two free standing signs, so one should be amended to a building mounted sign and that will roll the fee and everything else right into the sign that they are no proposing.

Chairman Rogan stated you said that they have an application for two signs.

Board Member Pierro stated yes.

Chairman Rogan stated no two applications.

Rich Williams stated two applications for two free standing signs. I requested that he submit two applications based on the two free standing signs.

Chairman Rogan stated sorry, I only have one of them.

Board Member Montesano stated there was a second.

Rich Williams stated they are almost identical.

Board Member Montesano stated yes.

Board Member Pierro stated they look identical, they are confusing.

Mr. Moran stated even the square footage and everything is nearly identical.

Board Member Pierro stated to make it easier, I am comfortable with the building mounted sign if it is only ten square feet.

Mr. Moran stated that is all it is.

Board Member Pierro stated and the sign out at the common drive, at this point.

Mr. Moran stated okay.

Board Member Montesano stated that wouldn't be hard.

Mr. Moran stated I happen to have five of these if you want, I don't know how many you need.

Rich Williams stated we need one for the file.

Board Member Montesano stated we can give you one of those.

Chairman Rogan stated Rich are you familiar with the location that they are looking to put the sign on the exterior. We don't have any problem with sight line distance.

Rich Williams stated on the building.

Chairman Rogan stated on the one out in front, not on the building.

Rich Williams stated I am familiar with it. You can pull far enough past that sign.

Chairman Rogan stated that is all I am concerned with.

Board Member Pierro stated maybe Rich would like to see it, have you seen this Rich.

Chairman Rogan stated we would need a motion with a SEQR determination for the application and the amendment including the addition not to exceed ten square feet building mounted sign, same style, and same design.

Board Member Pierro stated in the matter of Reelex Packaging Solutions, Inc. 39 Jon Barrett Road, I make a motion that the Planning Board makes a negative determination of SEQR in regards to the ten square foot building mounted sign in which the application will be amended, one of the two applications will amended and I make a motion that the Town of Patterson Planning Board approves that ten square foot sign as discussed this evening.

Board Member Cook seconded the motion.

Chairman Rogan asks for all in favor:

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

Motion carries by a vote of 4 to 0.

Chairman Rogan asks for any opposed. Okay.

Board Member Pierro stated in the matter of Reelex Packaging Solutions, Inc. 39 Jon Barrett Road, I make a motion that the Town of Patterson Planning Board grants a negative determination of SEQR for a sign not to exceed ten square feet to be located at the intersection of the common driveway and the front driveway of the building as described in the application presented to the Patterson Planning Board dated July 19, 2007.

Mr. Moran stated you are okaying that one, is that what you are saying.

Chairman Rogan stated yes. Before we get a second on that, can we amend that.

Board Member Cook stated it can't be July 19<sup>th</sup>.

Board Member Pierro stated June 19<sup>th</sup>, I'm sorry.

Chairman Rogan stated can we also include that Rich confirms the location that it isn't going to create a site line issue.

Board Member Pierro stated to amend that location that Rich Williams visibly inspects the location of the roadway frontage sign so that it doesn't impede sight distance or visibility.

Board Member Cook seconded the motion.

Chairman Rogan asks for all in favor:

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

Motion carries by a vote of 4 to 0.

Chairman Rogan asked for any opposed. Motion carries. Thank you sir.

Mr. Moran stated thank you very much.

Chairman Rogan stated just please speak to Mr. Williams about the location of that just that we are sure.

Rich Williams stated I will try to be out there first thing in the morning. There is already an existing sign there that they are replacing.

Mr. Moran stated thank you very much.

**1) GEORGE APAP – Site Plan Waiver 6 month review**

Mr. George Apap was present.

Chairman Rogan stated I see Mr. Apap came in. You were second on the agenda sir. Can you just state your name for the record sir.

Mr. Apap stated George Apap.

Chairman Rogan stated Mr. Apap, we were speaking to you actually seven months ago about your site and basically with regard to the structure behind the residence, behind the office and that being a non-conforming use, it is a steel box basically with a roof line attached to it. We were wondering what your plans are for that.

Mr. Apap stated I would like to replace it with something else. Today I just wanted to start very preliminarily with you from Planning Board to give you my ideas of what I would like to do and then I hope to go to the Zoning Board to ask for a variance on it. I brought a copy of my survey and I just boxed out where I would like to put the building and I guess I would like to start with the Planning Board's opinion if that would be a suitable location for the building and then we'll go to the Zoning Board to see what type of variances are needed in order to put it in. I don't know if you can see the box that I drew on there [refers to survey].

Chairman Rogan stated the small shed that is shown between the house and Mobil, it looks like the box.

Mr. Apap stated that shed is no longer there, it is gone and I would like to eliminate the steel shed in the back so it will only be one out building on the property.

Chairman Rogan stated and what would the proposed use of this building be.

Mr. Apap stated both for our painting operations and we do some fabrications of different things and painting of different things and storage.

Chairman Rogan stated okay.

Board Member Pierro stated Mr. Apap that shed that was up against Mobil's property, that was their equipment, that was Mobil's or was that yours.

Mr. Apap stated the one that is shown on this map here.

Board Member Pierro stated yes.

Mr. Apap stated next to the driveway, that was mine, I demolished that.

Board Member Pierro stated okay.

Chairman Rogan stated we are looking at the possibility of resolving the trailer and shed that we don't like and putting up a building that would potentially need some variances from Zoning Board for side line set, rear yard set back.

Mr. Apap stated yes, rear yard set back.

Chairman Rogan stated and creating a building that would be used for some storage, for some painting. Do you mean like sprayer painting.

Mr. Apap stated some spray, some brush and we do a fair amount of fabrication of various carpentry projects.

Board Member Pierro stated so it will be no different then what is done on the adjoining parcel where the furniture place is.

Mr. Apap stated very similar actually yes.

Board Member Pierro stated okay.

Chairman Rogan stated I am certainly amenable to reviewing an application, I think anything that can clear this up and meet your needs. You have done a fantastic job with what you have done with the property. It is definitely an asset to the community.

Board Member Pierro stated the appearance is great.

Gene Richards stated Shawn.

Chairman Rogan stated yes.

Gene Richards stated if I can ask Mr. Apap a quick question.

Chairman Rogan stated please do.

Gene Richards stated I drove by your site earlier, I am with the Town Engineers office, I am Gene Richards, and I happen to notice the grade where that barn is going to sit, is up a few feet from the driveway. So you are going to do something with grades there to put that barn in.

Mr. Apap stated it would be at grade with the driveway. We will have to excavate out a little bit to have it at grade with the driveway.

Gene Richards stated okay.

Chairman Rogan stated so that, rather than grading up to it, you are just going to set it in.

Gene Richards stated I just wanted to hear what they were proposing.

Chairman Rogan stated okay.

Board Member Cook stated Shawn, I have a question.

Chairman Rogan stated sure.

Board Member Cook stated are we talking about removing this structure and this structure.

Chairman Rogan stated that structure is already removed on the right. [points to plan]

Board Member Cook stated this one is. [points to plan]

Chairman Rogan stated yes.

Board Member Pierro stated gone and installing that.

Chairman Rogan stated correct, that exactly correct.

Board Member Pierro stated Mr. Chairman.

Chairman Rogan stated yes.

Board Member Pierro stated do we need a motion to send this recommendation to the Zoning Board.

Rich Williams stated no we don't have applications. There are two ways that Mr. Apap can get to the Zoning Board of Appeals for here, he can go see the Building Inspector, get a denial based on non-conforming based on the Zoning requirements or he can submit an application to the Planning Board for site plan approval which you are going to have to do anyway and by virtue of having that application, that entitles you to go to the ZBA. So either way you are comfortable with doing it but right now we don't have an application pending.

Board Member Pierro stated one other question, can Cheryl do a denial.

Rich Williams stated yes.

Board Member Pierro stated because Dave Raines, I understand is away for ten days or so.

Rich Williams stated well we will probably wait until Dave Raines gets back but we've got plenty of time between now and the ZBA.

Board Member Pierro stated depends on the time frame.

Rich Williams stated yeah, I am not sure that he is going to start this tomorrow.

Mr. Apap stated well, it is on, I would like to get it done soon, I would like to get in the ground before the winter and complete it during the winter if possible but I am not planning on starting right away.

Rich Williams stated well you may want to give yourself some lee time to get through the regulatory requirements that we have, which will take a little bit of time.

Chairman Rogan stated in that regard you may want to start with the application because that will get the ball rolling there with our review. Get some plans in mind, you know if you have an idea of what you want to build, start on that especially because there are going to be some ventilation issues with spraying paint, so we are going to have to look at that.

Rich Williams stated yes but they are all going to be Building Department issues.

Board Member Pierro stated okay.

Mr. Apap stated thank you very much.

Chairman Rogan stated very good, we appreciate you looking at it this way because this is going to be I think that best.

Mr. Apap stated it solves both problems, it gets rid of the steel container and it is going to make a building that is going to help me and be an asset to the Town as well.

Chairman Rogan stated thank you.

Board Member Pierro stated thank you sir.

Mr. Apap stated alright, thank you.

Rich Williams stated Mr. Chairman if I might, George do you have any idea how soon you are going to do this.

Mr. Apap stated I am going to the engineer tomorrow.

Rich Williams stated so say, another six month extension would get you to where.

Mr. Apap stated yeah.

Chairman Rogan stated thank you for keeping us on track. Can I get a motion on that.

Board Member Pierro stated in the matter of George Apap, Route 311 Patterson New York, I make a motion that we grant an extension for six months to allow the design and engineering and building permit process for the installation of a new garage and allow the violation to occur until that such time that this application process be complete.

Rich Williams stated I think, if I might, you are just allowing the steel container to remain on the site.

Board Member Pierro stated oh alright, fine.

Board Member Montesano seconded the motion.

Chairman Rogan asks for all in favor:

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

Motion carries by a vote of 4 to 0.

Chairman Rogan asks for any opposed. Okay, thank you sir.

Mr. Apap stated thank you.

### 3) **D’OTTAVIO WETLAND/WATERCOURSE PERMIT – Public Hearing**

Mr. Steven D’Ottavio is present representing the application.

Chairman Rogan stated Mary, is this lady sitting next to you here for the application.

**Mrs. Bodor** stated yes.

Chairman Rogan stated Michelle can you read the public hearing for D’Ottavio please.

The Secretary read the following legal notice:

**NOTICE IS HEREBY GIVEN** by the Town of Patterson Planning Board of a public hearing to be held on Thursday, July 12, 2007 at 7:30 p.m. or as soon thereafter as may be heard, at the Patterson Town Hall, 1142 Route 311, Patterson, Putnam County, New York to consider an application entitled **“Steven D’Ottavio Wetlands/Watercourse Permit to construct a 32’ Addition and 2<sup>nd</sup> Floor to existing dwelling, to repair to the right of the driveway, to remediate damage done to the wetlands and to add small walking bridge across stream. The property is located at 444 Haviland Hollow Road,”**

Patterson, New York. All interested parties and citizens will be given an opportunity to be heard in respect to such application.

Chairman Rogan stated Mr. D'Ottavio can you please state your name for the record and.

Mr. D'Ottavio stated Steve D'Ottavio, owner of 444 Haviland Hollow [Road].

Chairman Rogan stated you are getting good at these public hearings and after you give the green cards to the secretary, you can just please give a very brief presentation of why we are here and what we are doing.

Mr. D'Ottavio stated I would like to put an addition onto my house and I found out that there is wetland in there and the addition would be in the wetlands buffer.

Chairman Rogan stated do we have any comments from the audience. If you do, you have to come up and use the microphone please. So that we can get you on the record Ma'am.

**Ms. Goldsmith** stated I'm Debbie Goldsmith, my property is at 478 Haviland Hollow Road which is next to 444 [Haviland Hollow Road]. The property has been owned by my parents for over fifty years and I am pretty much managing the property at this point for them. The thing is that I was concerned because I lived there for so many years and when I saw the lack of care that was taken in tending to the environment I was concerned about what care would be taken in the construction of the addition to the dwelling.

Mr. D'Ottavio stated okay.

**Ms. Goldsmith** stated and I would like to know what the buffer to the wetlands means actually.

Chairman Rogan stated the buffer to the wetlands is whenever we have a wetlands delineation, whether it is a stream or a wetland, the wetlands buffer in Patterson is 100 feet from that. So that is an area that is protected so that we can limit the disturbance and the impacts to that wetland.

**Ms. Goldsmith** stated so.

Chairman Rogan stated can you point to your property on the map.

Mr. D'Ottavio stated the other way.

**Ms. Goldsmith** stated here.

Mr. D'Ottavio stated yes.

**Ms. Goldsmith** stated okay, so my property is here, okay.

Chairman Rogan stated so you have wetland on your property as well then.

**Ms. Goldsmith** stated I am sure that there must be yes.

Chairman Rogan stated because the stream or the watercourse comes down through there.

**Ms. Goldsmith** stated and this is the old road here, is that what this is.

Rich Williams stated no, that is the existing.

Mr. D'Ottavio stated that is Haviland Hollow Road.

**Ms. Goldsmith** stated this is Haviland Hollow, where is the old road.

Mr. D'Ottavio stated along the stone wall.

**Ms. Goldsmith** stated okay along the stone wall, so your addition is not going to go.

Mr. D'Ottavio stated this is up higher and the road is probably eight feet.

**Ms. Goldsmith** stated right, it will be quite a distance from the old road as it is on the side of the property.

Mr. D'Ottavio stated yes, I mean it is going to look a lot nicer, I can say that right now.

**Ms. Goldsmith** stated because the house that is there right now, is not very attractive.

Mrs. D'Ottavio stated right, correct.

Chairman Rogan stated no.

**Ms. Goldsmith** stated are you making any changes to the outside structure of the house.

Mr. D'Ottavio stated I have a plan.

**Ms. Goldsmith** stated naturally I am concerned about the noise of equipment and that all the work will be done during week day working hours.

Chairman Rogan stated well that certainly isn't under our purview, that would be under the Building Department, we are here just for the wetlands impacts.

**Ms. Goldsmith** stated okay.

Chairman Rogan stated so that is certainly a question for between the owner and the Building Department.

Mr. D'Ottavio stated we would only work during the time we are allowed to work, I don't like to work on Sundays.

**Ms. Goldsmith** stated I did hear a lot of heavy equipment, grinding up tree stumps and it was very noisy.

Mr. D'Ottavio stated this would be the front, this would actually the side of the house, this is actually the road over here, they consider that the front of the house, this is the existing house right here.

**Ms. Goldsmith** stated this would be a garage maybe, okay. Thank you.

Mr. D'Ottavio stated yes.

Board Member Pierro stated this is no further clearing on the front of the property towards Haviland Hollow [Road].

Mr. D'Ottavio stated no I am done.

**Ms. Goldsmith** stated plenty of clearing has been done.

Board Member Pierro stated most of that was in the rear and along the driveway and we are aware of what went on out there and we are making necessary steps to stabilize that property. He has a clear direction from our Environmental Consultant and we have a plan.

**Ms. Goldsmith** stated okay because some really large trees were taken down.

Board Member Pierro stated we understand that but there will be a lot of plantings.

Chairman Rogan stated there are going to be plantings.

Board Member Pierro stated and some grasses and some stabilization out there.

**Ms. Goldsmith** stated okay.

Chairman Rogan stated do you have any other comments.

Mr. D'Ottavio stated this is your property here, this wetlands continues onto your property, this is the little stream that got clogged up right here.

**Ms. Goldsmith** stated thank you.

Chairman Rogan stated any other comments from the audience on this project. Can I get a motion to close the public hearing.

Board Member Pierro stated I make a motion to close the public hearing relative to Mr. D'Ottavio.

Board Member Cook seconded the motion.

Chairman Rogan asks for all in favor:

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

Motion carries by a vote of 4 to 0.

Chairman Rogan asks for any opposed. We are going to table this discussion until our Wetlands Inspector gets here, if that is okay with Mr. D'Ottavio.

Mr. D'Ottavio stated that is fine.

Chairman Rogan stated thank you sir.

Board Member Montesano stated I make a motion that we table the application.

Chairman Rogan stated can I have a second.

Board Member Cook seconded the application.

Chairman Rogan asks for all in favor:

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

Motion carries by a vote of 4 to 0.

#### **4) FANNY DOOLITTLE – Request for Waiver of Site Plan**

Mrs. Patricia Searson was present to represent the application.

Chairman Rogan stated is anyone here for Fanny Doolittle. Good Evening.

Ms. Searson stated good evening.

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

Ms. Searson stated Patty Searson.

Chairman Rogan stated are you the owner.

Ms. Searson stated yes.

Chairman Rogan stated okay. Can you please explain your application and what necessitates the stairs and just a little bit about it.

Ms. Searson stated I have two basements, I have one basement that is only accessible from the outside and the other basement is accessible but you have to walk the entire length of the store, down the stairs the entire length. So I would like to put a stair case through on the outside of the building to the basement that is not accessible.

Chairman Rogan stated and the Board discussed this at the work session and I don't believe that anybody had any issue with this staircase.

Board Member Pierro stated I went out and took a look at it on my own and I think that it is a necessary improvement.

Ms. Searson stated it would be.

Board Member Pierro stated for safety and for egress and.

Ms. Searson stated and there would be a door to outside for a fire exit.

Board Member Pierro stated excellent.

Chairman Rogan stated one comment that I do remember someone saying at the work session from people that have been in your store.

Ms. Searson stated I am cleaning it now.

Chairman Rogan stated they say that often times the doors are quite blocked for fire means and egress; you want to make sure that that is cleaned up. Any other concerns from the Board.

Board Member Pierro stated no.

Chairman Rogan stated can I have a motion for a site plan waiver for construction of the stairs.

Board Member Pierro stated in the matter of Fanny Doolittle, Route 311, Patterson, I make a motion that the Town of Patterson Planning Board grants waiver of site plan for a staircase to installed on the side of the building.

Board Member Montesano seconded the motion.

Chairman Rogan asks for all in favor:

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

Motion carries by a vote of 4 to 0.

Chairman Rogan asks for any opposed.

Ms. Searson stated so do I still go to the Zoning Board now.

Rich Williams stated yes.

Chairman Rogan stated yes, absolutely.

Ms. Searson stated I still do, thank you.

Chairman Rogan stated thank you very much.

5) **FLASH/BMMD, LLC. – Lot Line Adjustment**

Mr. Steve Miller of Badey & Watson Surveying and Engineering.

Chairman Rogan stated Flash/BMMD, LLC. Lot Line adjustment. Mr. Miller, how are you.

Mr. Miller stated very well how are you.

Chairman Rogan stated good thank you.

Board Member Pierro stated Mr. Miller before you start, Mr. Chairman I respectfully recuse myself from this application because I have listed this property for sale in the Town of Patterson.

Chairman Rogan stated currently or in the past.

Board Member Pierro stated currently.

Chairman Rogan stated Michelle, please let the record show that Dave is going to step down and recuse himself from this application.

Mr. Miller stated that will still allow the Board to have a quorum.

Chairman Rogan stated three, three is enough, we have a Board of five.

Board Member Montesano stated do you want to make it no quorum.

Mr. Miller stated I am just checking, I don't have to find out afterward.

Chairman Rogan stated Mr. Miller just please state your name for the record.

Mr. Miller stated my name is Steve Miller, I am with Badey & Watson Surveying and Engineering, here representing the applicants. This is a lot line adjustment between William Flash and Charlotte Scott Davis and BMMD, LLC. Flash and Davis are the owners of two tax lots on East Branch Road, BMMD is the owner of an adjoining lot. Their application or proposal is to adjust the property line between then adjoining properties, actually to more align with a boundary line agreement that was agreed on by the adjoining owners. The change in the lot lines do not create any zoning violations of the lots of the required areas and that is.

Chairman Rogan stated fair enough, does anybody from the Board have any questions or comments on this application. It seemed pretty straight forward when we reviewed it. No, Charlie.

Board Member Montesano stated no, no problem.

Board Member Cook stated nope.

Chairman Rogan stated I will do the motion in this regard I guess. In the matter of Flash/BMMD Lot line adjustment, I make a motion that the Planning Board grants a waiver for showing the well and septic on Lot B owned by Williams Flash and Charlotte Davis, that we grant a negative determination of significance of

SEQR and approve the lot line adjustment with the six general and one special condition contained in the memo for the Planning Board dated July 12, 2007, so moved.

Board Member Montesano seconded the motion.

Chairman Rogan asks for all in favor:

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

Motion carries by a vote of 3 to 0.

Chairman Rogan stated thank you Steve.

Mr. Miller stated thank you very much.

Chairman Rogan stated Michelle, please show that Dave is rejoining the Board, I know that you saw it but thank you.

The Secretary stated I heard his shoes.

Chairman Rogan stated yeah.

Board Member Pierro laughs.

## **6) MAPLEWOOD NORTH SUBDIVISION – Continued Review**

Applicant did not appear.

Chairman Rogan stated is anyone here for Maplewood North Subdivision. I didn't expect anybody. Maplewood North is the site that we just site walked, isn't it on the Town line.

Rich Williams stated right.

Chairman Rogan stated does anybody have any conversation that they want to have on Maplewood North, that is the site walk we did the other night Brewster/Patterson.

Board Member Pierro stated the only concern that I had that was brought to our attention by Rich, was the fact that the entrance driveway maybe closer to the wetlands buffer that is on the left hand side of the property there or on the right side of the house.

Rich Williams stated that was RP Development, that was the one that (unable to hear).

Chairman Rogan stated the one by Green Chimneys.

Board Member Pierro stated oh.

Chairman Rogan stated we are on Maplewood North

Rich Williams stated the one on the cul-de-sac.

Board Member Pierro stated oh I'm sorry, I have the wrong one

Chairman Rogan stated its alright, that's fine.

Board Member Pierro stated this is not Hazel Drive, this is not RP Development.

Chairman Rogan stated nope.

Board Member Pierro stated we are talking about the steep, the lot that was moved.

Chairman Rogan stated that is correct.

Board Member Pierro stated the septic was going to be in the Town of Patterson.

Chairman Rogan stated that is correct, yes.

Rich Williams stated I did do site walk comments, there weren't a lot of comments, it was a pretty benign site over all.

Board Member Pierro stated again, I see no problem with the subdivision itself as long as we work out the easements to have the driveway for lot 2 allowed through lot 1 in front.

Board Member Montesano stated question, Anthony, if they put the septic system on another piece of property even with a right of way etcetera or an easement, if that second piece of property goes into foreclosure or anything like that can the mortgagee or whoever.

Anthony Molé stated it is still subject to the easement.

Board Member Montesano stated it would be still be subject.

Anthony Molé stated what they do is they make the easement in perpetuity of the run with the land so no matter who it transfers title into by foreclosure or by sale or whatever else, the easement would remain. We would make sure, we would review the language of the easement and we would make sure that is in there. What we also do is in a situation like that we say that the easement can not be changed, modified, vacated or withdrawn without the Town of Patterson's approval.

Board Member Montesano stated thank you.

Board Member Pierro stated and my other concern, I forgot to ask Gene and Shawn and I discussed it about the grade going to that lot up in that back, will they be able to meet Town standards.

Gene Richards stated I haven't reviewed the project.

Board Member Pierro stated I thought that you were out there with us.

Chairman Rogan stated no.

Gene Richards stated no, not that one.

Board Member Pierro stated you were out at the first one.

Chairman Rogan stated yeah.

Board Member Montesano stated right.

Rich Williams stated they are going to have to show the driveway profiles on the plan, certainly.

Board Member Montesano stated fine.

Rich Williams stated I do want to point out that one of the Board Members had suggested that the septic system be on its own lot separate from the residential lot in the Town of Patterson and that was in the site walk comments.

Chairman Rogan stated creates many more Zoning issues then having an easement, which we can do.

Rich Williams stated it doesn't comply in any way, shape, or form with the Zoning but I did feel that I should point that out that it was brought up.

Chairman Rogan stated if not for all the rules huh.

Board Member Cook stated I think if that was brought up with the concern that Mike expressed that Anthony addressed.

Rich Williams stated okay.

Chairman Rogan stated okay, anybody else.

Board Member Pierro stated that's it.

**7) BEAR HILL ESTATES SUBDIVISION – Continued Review**

Mr. Michael Liguori of Hogan & Rossi was present to represent the application.

Chairman Rogan stated Bear Hill Estates Subdivision, what happened there. I thought that Rob Cameron, didn't he walk in a minute ago. He was here for Papitto.

Rich Williams stated is he.

Chairman Rogan stated I thought I saw Rob Cameron come in, if not it was his ghost.

Rich Williams stated he was coming late because he was in Kent.

Chairman Rogan stated Ted is here.

Mr. Liguori stated hey, Anthony, how are you.

Chairman Rogan stated good evening.

Board Member Montesano stated it is all yours.

Mr. Liguori stated good evening Members of the Board, Michael Liguori from Hogan & Rossi on behalf of Bear Hill Associates, LLC. Here to request the final site plan approval for the Bear Hill plat that we would like to record. Our most recent submittal to the Board addressed the comments of Rich Williams in his last memo to us and it looks like we have one or two general conditions and some special conditions but we can certainly address them.

Chairman Rogan stated I remind the Board with the approvals now we not only do a subdivision approval but we do a site plan approval, so there are two resolutions on these projects.

Board Member Pierro stated okay.

Rich Williams stated if I could just bring up a couple of issues before the Board takes action. First off, you do still need to address SEQR, I couldn't find any record where we've actually issued a negative declaration and the other just so that you are aware, essentially what we are doing at this point is that we are subdividing out the road to comply with past actions of the Town Board. As such there is no requirement within the resolutions for Recreations Fees, there are no site improvements proposed, so there are no inspection fees, those are typically in a resolution for a subdivision. In this case, this is a unique condition and they are not included in there at this point and I didn't want anybody to think that we were looking for Recreation Fees on this also.

Mr. Liguori stated thank you.

Chairman Rogan stated we do subdivision approval first and then site plan, yeah.

Rich Williams stated SEQR first.

Chairman Rogan stated SEQR first.

Board Member Pierro stated in the matter of Bear Hill Subdivision, I make a motion that the Planning Board makes a negative determination of SEQR.

Board Member Montesano seconded the motion.

Chairman Rogan asks for all in favor:

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

Motion carries by a vote of 4 to 0.

Board Member Pierro stated additionally I make a motion that Patterson Planning Board grants a resolution for final subdivision approval with the eleven.

Chairman Rogan stated it is actually only five, I don't know the numbering.

Board Member Cook stated yeah.

Chairman Rogan stated your numbering for the general conditions says 1, 2, 3, 10, 11 but it is five general conditions.

Board Member Pierro stated a mistake, shocking, absolutely shocking.

Rich Williams stated as long as I get the words right.

Board Member Pierro stated with the five general conditions listed in the document dated July 12, 2007.

Chairman Rogan stated can I have a second on that.

Board Member Cook seconded the motion.

Chairman Rogan asks for all in favor:

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

Motion carries by a vote of 4 to 0

Board Member Pierro stated in the matter of, 1, 2, 3, 4.

Chairman Rogan stated four, at once.

Board Member Pierro stated oh boy, in the matter of Bear Hill Subdivision I make a motion that the Town of Patterson Planning Board grant final site plan approval with the four general conditions and two special conditions listed in the document dated July 12, 2007.

Board Member Montesano seconded the motion.

Chairman Rogan asks for all in favor:

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

Motion carries by a vote of 4 to 0

Chairman Rogan stated thank you very much.

Mr. Liguori stated thank you guys very much, I really appreciate it. Rich thank you so much for.

Chairman Rogan stated you did a lot of work on this, we appreciate it.

Mr. Liguori stated thank you for your help, I appreciate it.

Board Member Pierro stated just like college again, right doing research.

Mr. Liguori stated it is like it never ended.

Board Member Pierro stated yes I'm sure.

Mr. Liguori stated everyday is like this but thank you guys I appreciate it.

Board Member Pierro stated thank you Mr. Liguori.

**3) D'OTTAVIO WETLANDS/WATEROURSE PERMIT – Public Hearing cont.**

Chairman Rogan stated we are going to bring back to the table D'Ottavio. Can I get a motion to resume that. Do we need a motion to do that since we tabled it.

Rich Williams stated doesn't matter.

Chairman Rogan stated it doesn't matter.

Board Member Montesano stated it doesn't matter.

Chairman Rogan stated Mr. D'Ottavio.

Board Member Pierro stated let the record reflect that Ted Kozlowski is back in the room and we are going to continue. Did the house burn.

Ted Kozlowski stated no I have UL, the underwriters guy, he called me at 6 O'clock to come over.

Chairman Rogan stated whats that.

Board Member Montesano stated 6 o'clock.

Chairman Rogan stated so Ted, we are up to you. We have done the public hearing, we've had some comments from a neighbor and we are waiting.

Ted Kozlowski stated okay, did the neighbor have concerns that I need to answer.

Chairman Rogan stated just concerns about clearing, they were concerned about what a wetland buffer, I did my Ted impression as best I could.

Ted Kozlowski stated so you got mad.

Board Member Pierro stated no.

Chairman Rogan stated no, no, no.

[Board Members laugh].

Board Member Pierro stated and we advised Ms. Goldsmith that the remediation that will be taking place or most of the remediation that will be taking place and we were aware of what was going on out there and that we are addressing it.

Ted Kozlowski stated my concerns again Steve, just for the record we do need to have the septic and well shown on here, that is required as part of the permit process. I will come back out, I thought that was the property line but we should connect this, we need to have a document, a permanent document because you may or may not be the homeowner here in the future and so whoever moves here, uses this house, we document properly the wetland and what to do. You also need to put the buffer line, the buffer line is 100 foot buffer between the edge of the wetland marking and wherever a 100 feet goes, that is the regulatory zone that the Town. I take it you two are the neighbors, okay. So the 100 feet there, I told Steve that we need 30 trees to be replaced, that is what I determined in the field and that when Steve is ready, at this point I would wait until September, I wouldn't be planting the trees now in July and August.

Chairman Rogan stated chances of survival.

Ted Kozlowski stated let's wait until September and then I will place them when he is ready.

Chairman Rogan stated place them you are going to dig the holes, I heard that.

Ted Kozlowski stated no I am not digging.

Board Member Montesano stated it is one the record.

Ted Kozlowski stated it is on the record that Ted is not digging holes. I have dug holes in other ways but anyway. I will have them placed properly. And I also am surprised by the property line is not on your property when it comes down off the hill there. Did you have any questions for me.

**Ms. Goldsmith** stated now I am curious about what trees are going to be planted, Maple or (unable to hear).

Ted Kozlowski stated it would be wetland conducive trees specifically red maple or swamp white oak, I don't know what is going to be available at the nursery, I am going to give Steve a choice of stuff but everything that is going to be planted it going to native species. It is going to be two to two and one half inch caliper balled and burlapped trees, it is not going to cheap and it can be swamp white oak, maybe river birch, red maple, those, not a lot of people thing weeping willow is native, its not, so those trees, those types of trees. It was a forested wetland and that is what we want to return it to. The other thing is that I do not have a problem with Steve having a bridge of some sort and you really should put that on the plans too.

Chairman Rogan stated you actually recommended that.

Ted Kozlowski stated there should be some type access to the other side of the wetland at the narrow point.

Mr. D'Ottavio stated its on there.

Ted Kozlowski stated I don't have issue with that, it is appropriate.

Chairman Rogan stated so Ted in order to issue the wetland permit for this, we need the revisions you were talking about shown on the plan.

Ted Kozlowski stated and then Steve to plant, to agree to plant thirty trees as we discussed.

Chairman Rogan stated okay.

Ted Kozlowski stated and Steve and really if there are any other additives, if you are going to put a deck or anything, let's do it now, let's identify it.

Mr. D'Ottavio stated I believe that that is it.

Ted Kozlowski stated spent enough money.

Mr. D'Ottavio stated well I am saving, now that you are planting all the trees.

Ted Kozlowski stated now I am going to sing you all a song.

Mr. D'Ottavio stated so I just need to get this revised and get this to Rich, I don't need to come to another meeting.

Ted Kozlowski stated we also need to determine our wetland fee which we haven't done yet. Which is a reflection, Rich, its been awhile, a dollar per square foot, is that what it is.

Rich Williams stated a dollar per square foot for disturbance within the buffer, two dollars per square foot for disturbance within the wetland, and three dollars per square foot for impervious coverage for these two areas.

Chairman Rogan stated wow.

Mr. D'Ottavio stated when are you getting my kids, at what point do you want the children. Because you can have them, free of charge.

Ted Kozlowski stated that is on the record.

Rich Williams stated I have my own I am trying to get rid of.

Chairman Rogan stated wait until Donna gets a copy of these minutes.

Mr. D'Ottavio stated she won't.

Ted Kozlowski stated Steve just in the future, I hope.

Mr. D'Ottavio stated yes.

Ted Kozlowski stated I hope the message has been sent.

Mr. D'Ottavio stated the message is perfectly clear.

Chairman Rogan stated Steve, you asked if you had to come back to another meeting, if you can get everything here in time, and we can do it at a work session, we've reviewed this, we've had the public hearing, we could probably approve something like this.

Rich Williams stated he is just showing the well and septic.

Ted Kozlowski stated well we have the bridge.

Rich Williams stated yes the bridge is there.

Ted Kozlowski stated the bridge is here.

Chairman Rogan stated if you can get it in, then we can do it at a work session, we could do it now.

Board Member Pierro stated yes, lets' do it now.

Ted Kozlowski stated I would still like to see these lines go to the property.

Rich Williams stated the well and septic shown on and the thirty trees, we are making a condition of the permit.

Board Member Pierro stated SEQR.

Chairman Rogan stated yes.

Rich Williams stated yes.

Board Member Pierro stated in the matter of Steven D'Ottavio, I make a motion that the Patterson Planning Board makes a negative determination of SEQR and that we approve the wetlands/watercourse permit contingent upon additional lines being added to the map, then what else Rich.

Chairman Rogan stated well and septic.

Rich Williams stated well and septic.

Board Member Pierro stated well and septic being identified on the map and this being provided to Rich Williams and that the approval be conditioned on the installation of thirty trees to be placed by Mr. Kozlowski, not dug but placed.

Board Member Montesano stated you take all the fun out it.

Ted Kozlowski stated I will send Steve a list of acceptable trees and it will be up to him to obtain them.

Chairman Rogan stated okay, can I have a second.

Board Member Montesano seconded the motion.

Chairman Rogan asks for all in favor:

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

Motion carries by a vote of 4 to 0

Chairman Rogan stated okay.

Mr. D'Ottavio stated just so that I am clear on this, I get those bring them into Rich, I can pay my fee and go for my building permit.

Board Member Pierro stated yes.

Ted Kozlowski stated Steve did ask me can he work on the house, the house is within the buffer. I don't have a problem with that, he is not expanding or anything.

Chairman Rogan stated if you are comfortable with Ted, I think that.

Ted Kozlowski stated I don't have an issue with it.

Board Member Pierro stated he is still going to have to install erosion controls, correct.

Rich Williams stated if he is working on the exterior.

Board Member Pierro stated as long as you are aware of that sir.

Mr. D'Ottavio stated yes, thank you very much.

Board Member Pierro stated thank you.

## **8) PAPIITTO SITE PLAN – Continued Review**

Mr. Robert Cameron of Putnam Engineering and Mr. Vincent Papitto were present.

Chairman Rogan stated Papitto Site Plan. You shouldn't be doing it this time of year, shouldn't be doing it, there are larvae in there.

Ted Kozlowski stated I know.

Board Member Pierro stated okay, I thought that (unable to hear).

Chairman Rogan stated and I mentioned it to.

Mr. Cameron stated good evening, I am Robert Cameron from Putnam Engineering representing the applicant, Vincent Papitto.

Chairman Rogan stated good evening Rob.

Mr. Cameron stated this application was before the Board, was it last month, no it was the month before actually and the project site is located on Fair Street in the IO Zone. Their property is about 2.61 acres in size, there is an existing structure on the property and at a previous Board Meeting, I believe that it was determined that they could go forth and seek permission from the Building Department to construct offices in the single family dwelling and that has been done. We are back before the Board tonight seeking site plan approval for a 6,000 square foot building to be located at the rear of the property and the purpose of this building is a contractors garage and storage yard. The garage being just to store equipment not to do service, not as a repair garage or anything of that nature.

Chairman Rogan stated Rob you have given us a couple of grading plans for the driveway, lets' start with the driveway since that is a big part of this application. Let's read through the comments.

Board Member Pierro stated Rich, to your recollection does the current driveway meet code.

Chairman Rogan stated sixteen percent.

Board Member Pierro stated sixteen percent that is what.

Rich Williams stated current Code for commercial driveways is ten percent; there is an existing driveway out there that was use for a residence which the residential standard is fifteen percent, and the driveway was determined to be about sixteen, give or take a percent.

Mr. Cameron stated yes.

Chairman Rogan stated and the commercial requires ten percent plus a little bit of a level area or slight down gradient (unable to hear).

Rich Williams stated it is coming out onto the County road so the County controls standards there, I believe that the County standards are that they need a three percent negative grade.

Chairman Rogan stated okay.

Mr. Cameron stated it is a three percent grade, I don't know if it necessarily has to be negative just as long as we can get the drainage to work that street.

Chairman Rogan stated over three, up would help you a lot in this case.

Gene Richards stated Rob, I looked at the, I have the standards for the County in our office, I am just not sure if they are still current, they are dated 2000, and what that showed was the coming off the edge of the road was five percent negative slope and  $\frac{3}{4}$  inch per foot down and then you can go up three percent for the next fifteen feet.

Chairman Rogan stated how far down does five percent have to go down, for what distance.

Gene Richards stated this is not five percent, it is  $\frac{3}{4}$  inches per foot, I forget what that works out to percentage wise but that is for five feet and then it can go up at three percent.

Chairman Rogan stated oh I understand.

Gene Richards stated over fifteen feet. That is the County standard unless they've changed it.

Mr. Cameron stated okay.

Rich Williams stated I think that they did something different on Dunning.

Gene Richards stated oh, I don't know.

Chairman Rogan stated the grading that you have shown to the make the ten percent without even addressing the first part of it, you have areas that are over six foot cuts to make that ten percent. Could you do some kind of retaining walls or something to reduce that, I mean.

Mr. Cameron stated well the real issue is that as you look at that, if we do that ten percent it is going to cut it off from that existing driveway and the garages that he presently has in use and that is our real issue. I guess we could put walls in there but you can't access the garage and all that that is there and it is going to significantly destroy the beautiful landscape that is in the front.

Chairman Rogan stated this site isn't very good for the intended use with the driveway the way it is.

Gene Richards stated Shawn.

Mr. Cameron stated well it is just that the driveway is steep, I don't think that they have a problem getting their equipment up there. I would say that if this was a very long driveway, let's say hundreds of feet at a fifteen percent slope I think that it would more of a significant issue. Right now I think the length of this driveway, what do we have there the first, I think that is about 120, 150 feet or so at the beginning where I am at fifteen percent. The owner doesn't have a problem with his vehicles getting up there, the worst thing that he has a problem with is having an crowns or anything like there where the bottom of the low boys would drag. What we would like to ask the Board to consider is that you know, if the owner doesn't have an issue with that driveway at that slope and there really aren't too many other places we can go, we have the septic on the other side, we have a property line on the other, there really aren't a whole lot of choices here. We are in the IO zone and I think that the whole intention of Town Zoning is that you want to encourage the use of these properties for commercial use. Right now you basically have a residence on there.

Chairman Rogan stated the problem is we had a residence on there. You are explaining exactly the problem, if the residence wasn't there and you were looking to develop this property you would be looking at a different driveway configuration to get the trucks back there.

Board Member Montesano stated and if you started out with a new piece of property you wouldn't have the problems with complying with drop off.

Chairman Rogan stated that is exactly my point. Gene you wanted to say something, please.

Gene Richards stated Rob, what I was going to suggest and you haven't looked at that with the sketches that you provided is that the other alternative that you could look at would be to push the driveway further north on Fair Street, the entrance. I don't know how much it is going to help you, whether you go all the way down to there or not, you have a retaining wall down in the area. If you pushed it north and then kind of let it curve, you have to avoid your septic system obviously.

Mr. Cameron stated that is the issue, I would be cutting.

Gene Richards stated just if you could curve it, like a reverse curve in there, that would lengthen the profile, it would help you meet the grades up by the garage. It is a possible alternative but it is going to mean more disturbance to the site, you have to look at what it does to sight distance out on Fair Street.

Mr. Cameron stated the issue, I will tell you right now is with his trucks, with his tractor trailers, if I come down here, there is no way that I am going to be able to get that truck to face at ninety degrees to the street, he will never be able to make a turn onto Fair Street going that way, I don't even need to plot that out on the computer to tell you that. There is just physically not enough room there and if I were to get that to straighten out, I would be undercutting, the septic system expansion area is out there, this is the septic system and the expansion area is.

Gene Richards stated that box doesn't represent the primary and the expansion.

Mr. Cameron stated well when this house was done, that is directly from the Health Department, that is the septic system.

Gene Richards stated I question that.

Mr. Cameron stated so, I mean, there was no requirement for expansion and.

Gene Richards stated well years ago what they required for expansion was fifty percent and maybe this is old enough where that fell under those standards but today it is 100 percent expansion so it may (unable to hear).

Mr. Cameron stated right, but even if I were to use the old standards of fifty percent, it would still take it out here. Honestly there really isn't, I don't for see that being able to work besides it really tearing up the property and having a big driveway cut across the front and honestly I don't think I can make the ten percent even then.

Chairman Rogan stated well you have shown that your fifteen percent plan, you've shown some grading that needs to be done to make the fifteen.

Mr. Cameron stated yes.

Chairman Rogan stated how far can you push that and still keep access to the garage, in other words can you make twelve percent or thirteen percent, something like that. What is your best and worst case scenario on the that because at fifteen percent you are not showing any grading beyond the lower corner of the septic as reference, is that the point where you have to be back at your existing grade to make use of the garage on the contractors office, are you following what I am saying.

Mr. Cameron stated yes.

Chairman Rogan stated okay.

Mr. Cameron stated I would have to look at that. Can I see that.

Chairman Rogan stated of course.

Mr. Cameron stated [pointing at plan] this is the existing one.

Board Member Montesano stated second page.

Chairman Rogan stated the second page is the ten percent.

Rich Williams stated Shawn, would you like to see them plot out a couple of scenarios showing both plan and the profile.

Chairman Rogan stated I think that is appropriate considering I think what you are looking for is a waiver from the ten percent.

Mr. Cameron stated yes.

Chairman Rogan stated if that is the case, I think that it is this Board's job to see how close we can get that rather than just saying that ten and fifteen is the realm. I think that if you show us it done on a twelve percent or a thirteen percent and see where that limit is of grading and still getting back to grade for that garage. Because I can certainly understand your concerns what that.

Mr. Cameron stated you see, what I think is going to happen and I didn't run all the AutoCAD programs on this but we did run various scenarios and looking at that what I think is going to happen is at twelve percent I am going to cut next to septic system.

Chairman Rogan stated I see what you are saying but can't you cut your driveway is ten feet off of the septic system, can't you go right into that with a retaining wall something.

Mr. Cameron stated I believe the regulation is twenty feet, that you can't, I will check that out.

Chairman Rogan stated okay.

Mr. Cameron stated I am pretty sure that is.

Chairman Rogan stated I understand what you are saying.

Board Member Pierro stated do you have an as built on the septic system, is that available.

Mr. Cameron stated yes.

Board Member Pierro stated is the actual septic system within the twenty feet or are we talking about the expansion area.

Mr. Cameron stated that outline is the septic system. Something happened here.

Chairman Rogan stated yes, your plan fell down.

Board Member Pierro stated that was a little bit of a grade there Shawn, where this tip is, could you imagine that there is septic or expansion area.

Chairman Rogan stated that is probably septic, he has the as built, right.

Mr. Cameron stated that is what I am trying to look at now. That is the septic area.

Chairman Rogan stated yeah, so they made the expansion adding on to.

Mr. Cameron stated as I indicated the expansion would have to be out in the front area some place.

Board Member Pierro stated oh I see. Fifty feet.

Gene Richards stated Rob, can you get us copies of the as built.

Mr. Cameron stated yes I will, did I send over a copy of the Health Department.

Chairman Rogan stated the letter.

Gene Richards stated the letter.

Mr. Cameron stated I only sent, I didn't send the attachments because in the back was like an appendix with attachments and that was in it.

Gene Richards stated just the letter.

Chairman Rogan stated the letter was specific to the contractors office, it didn't make any mention to the new building like bathroom usage.

Mr. Cameron stated we are not proposing anything.

Chairman Rogan stated we had said at another meeting we are absolutely want a bathroom and a hand wash sink in that building, absolutely. There is no reason that people should be up in that building and working on stuff and I know you said that you aren't planning on doing anything but you are going to be doing something to those trucks and have to walk down into that beautiful house, contractors office and wash your hands and go to the bathroom, they are going to peeing out back, excuse me. We have had it where we approved it prior to me being on the Board on some buildings and it became a problem and that is something that we are going to want you to put in a half bath. No I didn't think that it would be but we just have to make sure that it is approved by the Health Department.

Mr. Cameron stated okay then I would have to go back to the Health Department with that because initially that was not part of what I had explained to them.

Chairman Rogan stated I understand. It seems like this project that it really comes down, our main issue is what we are going to do with this entry way, we have a couple of issues with the building but predominately it is this driveway.

Board Member Pierro stated what is the reason that they didn't want to come to the left side of the driveway and possible get away from changing the grade up in here, was there a reason.

Chairman Rogan stated you mean pulling it away from.

Mr. Cameron stated it was the trees, you didn't want to do anything with those trees. Isn't there something in the Code where does my driveway have to be so far from the property line.

Rich Williams stated residential driveways ten feet.

Mr. Cameron stated but for commercial its zero.

Board Member Pierro stated I would rather see them come to the left closer to the adjoining property line so as to not cut into the grade there to lose the access to the garages and I would rather err on the part of safety and lose a couple trees on the left hand side, we can replant something else.

Chairman Rogan stated I agree with you.

Board Member Pierro stated do you think, do you see what I am saying here Rich, if we were to come this way a wee bit more.

Rich Williams stated I know exactly what you are saying.

Chairman Rogan stated Gene what do you think that we could do to make this the safest with what we are working with here, are we on the right track with talking about shifting to the left a little bit or is there anything that we are missing that we should be talking about.

Gene Richards stated take a look at that and see what it means and if it helps him but you are essential saying before about looking at twelve percent was if the Board is looking at waiving the requirement to go to ten percent. There is no reason that you should immediately go to fifteen percent, it should only go over ten percent the minimal amount necessary to make it work.

Chairman Rogan stated exactly.

Gene Richards stated whatever that number is, then Rob can go back and look at and play with grades and play with the location on Fair Street to minimize the (unable to hear).

Board Member Montesano stated yeah with that grading if we bring it over towards the left, would that grading, would that limit him where he can go with the grading because he is going to be right on the property.

Chairman Rogan stated hold that thought.

Board Member Pierro stated time out.

The Secretary stated okay.

Board Member Montesano stated okay, if you turn it around.

Mr. Cameron stated yes, you are correct.

Board Member Montesano stated you are going to be bringing this over more then this grading that we have here, even if it is at ten percent is going to end up over here and that means.

Chairman Rogan stated over the property line.

Mr. Cameron stated I am going to be limited by the property line, you are absolutely right, I am going to be able, I will have to push that only over as far as I can until I grade up to the property.

Board Member Pierro stated but I think that the combination of the two, grading to the left a little bit and then getting a little closer to the septic system area there where you don't have to actually cut into the septic fields, might work, I'm not a, Gene can you.

Board Member Montesano stated that would mean, what I am looking is if we allowed a twelve percent grade that would be one reason would be to that you don't really want him going into the other guys property.

Board Member Pierro stated but he is not, there is no requirement that he meet as Rich said, there is no side yard requirement for a commercial driveway.

Board Member Montesano stated but the grading is going to.

Rich Williams stated the grading is going to push it that way anyway.

Board Member Montesano stated he could possibly because of grading at that percentage go into the other guys property and that may create a problem.

Board Member Pierro stated who is the adjoining owner.

Gene Richards stated they can look at putting in a retaining wall if necessary to make it work.

Board Member Pierro stated the County.

Board Member Montesano stated I understand that we can do that but the fact that you are going to have to grade it first, will the wall go in before the grading is completed.

Gene Richards stated well you would rough grade the driveway and get it to a point and then you can erect the wall.

Board Member Montesano stated what I am worried about is if the County suddenly decides that you can't do that or the bus garage.

Board Member Pierro stated does Mr. Papitto have a comment.

Mr. Cameron stated he was explaining to me that there are some utility lines over here and there are some additional specimen trees which I guess maybe are not listed on this but I will have to, when I come in I will show you where those are. Again, I understand your concern that you want to minimize the slope to the minimum possible and we can take a look at that and see what we can along this side. I will show whatever is out there, if there is a utility line or something like I will have the surveyor go back out there and shoot some more information so I can get all that on the map as to what is happening out there.

Chairman Rogan stated Gene, maybe not to this application but just for Board knowledge can you grade over a property line with a grading easement, is that something that has ever been entertained.

Gene Richards stated that is more of a question for Anthony, but yes if there is some legal mechanism that allows you that the adjacent property owner allows that to happen, then it would be fine.

Chairman Rogan stated the for instance really is the subdivision we see quite often where they grade over property lines when one person owns the whole subdivision at one point.

Rich Williams stated generally we require a temporary grading easement on all subdivisions.

Chairman Rogan stated rather than trying to grade back to and having these side slopes just grade through the property line would make more sense but okay I was just curious really.

Gene Richards stated but then they would have to contact the adjoining property owner and get the approval and get some legal instrument prepared.

Chairman Rogan stated so lets' see what our best case scenario is on this because I know the applicant seems a little bit upset back there but we are trying to do, to help you out here and get something that we can approve, we have regulations that we are trying to meet so it is safe. If you have a truck that comes down that grade and can't stop or an accident, they are going to look at you but they are going to look at who approved what you are doing and so we are just trying to cover both.

Mr. Cameron stated okay.

Board Member Pierro stated okay.

Chairman Rogan stated does anyone have anything else.

Board Member Pierro stated that's it.

Board Member Cook stated I do.

Chairman Rogan stated yes.

Board Member Cook stated you have received two letters, right, one from Rich and one from Gene.

Mr. Cameron stated yes.

Board Member Cook stated addressing a number of points and maybe the next time you are in you could either have addressed or responded to the points in both of their letters.

Mr. Cameron stated yes I will, actually I have some comments that I would like to discuss further on these if everyone else is through.

Chairman Rogan stated sure, of course.

Mr. Cameron stated okay, one of the issues that was brought up was the elevations of the building and I wanted to ask about the, he is proposing this obviously as a metal building and what we were because of the site and how it is, this is a huge embankment over here, this goes very steep and the requirement is that you can't have exposed metal if I am correct. Would we be able to get any variance for maybe not doing some of the sides of this building because of the site condition. I mean nobody will ever see these two sides of the building because of the lay of the land on this property.

Board Member Pierro stated so you are asking that the front of this building be one material and the back.

Mr. Cameron stated or if we didn't have to cover the back, if we didn't have to architectural treat the sides that just clearly are not going to be visible. I understand the whole purpose of this, you don't want metal buildings when you are driving down the highway and you look up and see an ugly metal building. In reality most of this site is very difficult to see because of the grading how it is and this house hides a good portion of the building how it is and the applicant is planning on, there is a row spruces along there, I don't know when you were out on the site you saw all those spruces, he is going to relocate those along this side of the building. There was a comment about landscape plans and we are going to address that in our landscape plan.

Board Member Pierro stated those are pretty significant trees.

Mr. Cameron stated he is going to look at seeing how he can relocate those.

Board Member Pierro stated if he is going to look at relocating those then he may be able to relocate some of those specimen trees on the left hand side of the driveway as well.

Mr. Cameron stated okay, so I was just wondering if there was any relief in the Code for not treating.

Board Member Pierro stated my only concern would be about any development on the Shaw property in the rear. Is that going to be exposed if something ever gets developed back there. Is some other neighbor going to have to look at an ugly metal building.

Rich Williams stated and we don't know what is going to built there.

Board Member Pierro stated yeah, right.

Chairman Rogan stated we don't have an application or anything, it is hard to say.

Board Member Pierro stated I understand.

Mr. Cameron stated in this case you would have to take down this entire mountain side and then you would have to take down his property too to see that. I will do a profile through here and I will show you.

Board Member Pierro stated okay. I would be amendable to some relief there if no one else comes up with any reason why there shouldn't be. As long as the front of the building what is exposed to customers and people on the street is somewhat architecturally better than just a metal building.

Mr. Cameron stated and both Rich and Gene had brought up the screening that is proposed along here. We had proposed a chain line fence with the vinyl slats in it as screening along here and the issue was is that going to suffice for screening. When the Board had done their site walk that was one of things that you were going to take a look at is how you felt screening would be appropriate for this site.

Chairman Rogan stated it seems we were talking about more about just not, just a separation between property lines. I thought we were talking on site about post and rail not so much a visual screening but a delineation of the property lines. Do you remember other than that, or do you remember us talking about fencing for screening because I honestly don't remember that.

Rich Williams stated not on the site.

Board Member Montesano stated if I remember right the adjoining property.

Board Member Pierro stated the Von Essen side, the side where the existing metal building is.

Board Member Montesano stated right, yeah. It is a commercial piece of property.

Chairman Rogan stated yeah I wasn't worried about visual screening.

Board Member Montesano stated just something about a property delineation would be fine.

Board Member Pierro stated yeah, I don't.

Chairman Rogan stated what about the stone walls, remember we had talked about those, they are going to tearing them down, the one above the pool.

Rich Williams stated we talked about that and possibly seeing if they had an interest in re-locating them.

Chairman Rogan stated maybe that would be a good start for between the property line, take that stone wall and bring it around to your property line and put some plantings.

Rich Williams stated the issue, the requirement within the Code for screening and fencing is contractors yards are generally not attractive areas. So we screen them off as best we can so that they are not visible from other areas, whatever those areas might be.

Board Member Pierro stated I think that it might be financially a little more reasonable for the applicant to put up some sort of screening as opposed to moving the stone wall. I mean it is nice to use the stone wall but let him use those stone walls as he sees fit at another time.

Mr. Cameron stated unfortunately the stone wall would not act as screening for the contractors yard.

Chairman Rogan stated I was actually thinking in combination with some plantings, I was thinking of a natural, but you know whatever you guys want.

Board Member Pierro stated it is pricey.

Mr. Cameron stated the issue with a natural is.

Chairman Rogan stated (unable to hear). Whatever you guys decide is fine with me.

Board Member Pierro stated right, okay.

Mr. Cameron stated so the screening for the contractors yard you are okay with it being a chain link fence with the slats or something along that.

Board Member Pierro stated I would be.

Mr. Cameron stated okay.

Board Member Pierro stated anybody else.

Board Member Montesano stated yeah, no problem. It's a contractors yard.

Board Member Pierro stated it is in an IO Zone.

Chairman Rogan stated yup.

Board Member Pierro stated you can't make a silk purse out of a sow's ear.

Chairman Rogan stated there you go.

Board Member Montesano stated depends on who is doing it.

Gene Richards stated Rob, is the intention of the fence to go around the existing tree on the property line (unable to hear).

Mr. Cameron stated we are going to go around it somehow, obviously on our side. We will also locate, like I said, apparently there are some other trees or stuff in the front here and we will locate those and show how the fence is going to get around them or actually wherever it is, where is the fence going. It is ending up here, so if there is anything up here we will show it and it will go around that tree.

Board Member Pierro stated I think they brought it up. You had considered oil/water separators on the site, correct.

Mr. Cameron stated we actually wanted to discuss that, that was one of the other points that we wanted to talk about because there were some other issues in here about the gravel yard area and the possibility of spills and how we were going to handle that and if there was an oil/water separator and the issue with the floor drains and the garage and obviously if we put floor drains in the garage, I am sure that you are going to mandate that I have to have an oil/water separator some place. We would like to keep the yard a gravel yard, we had mentioned previously, there is not a whole lot of this yard that is still gravel most of it is

paved but if we pave the whole thing we are going to storm water issues, with this site we just can't physically afford to locate all kinds of detention facilities in this and get that necessary filtration and all that. We were leaving this portion gravel because he really only needs this front section paved so that he can get in and out, if we leave it gravel and he is not doing any maintenance out there and he has everything that is going to happening in the garage here, I don't think that there is a need for any type of barrier underneath the gravel.

Chairman Rogan stated is the gravel just for turning radius and moving the trucks in and out, if nothing is going to stored out there on the gravel then.

Mr. Cameron stated he might have some equipment out there, I mean because he has excavators and stuff like that.

Chairman Rogan stated remember what we did with Burdick.

Board Member Montesano stated you are going to need it because you are going to have equipment no matter how well you maintain it, there are going to be leaks, sooner or later. Now if you are inside of a building and you have it going into the separator from the building that is one thing but to put it out on a gravel pad without something underneath that gravel to catch it, that means that it is going to separate right into the ground and then it will be there. The object would be if you put the barrier underneath it and it goes into the oil/water separator that you are going to have to put in anyway. I would prefer to have it that way because the greatest equipment in the world, the most expensive equipment in the world from Mercedes Benz down the line does eventually leak.

Mr. Cameron stated okay, so we will work out an oil/water separator someplace.

Gene Richards stated Rob, you already show two tanks on the plans and (unable to hear).

Mr. Cameron stated yes.

Gene Richards stated (unable to hear).

Mr. Cameron stated we could do that.

Gene Richards stated (unable to hear).

Mr. Cameron stated I have to think about that, as to how we are going logistically do that. You also had a comment about the storm water and this being a berm and that this is also the point where we are going to overflow onto the adjacent property, yes we are because we have a drainage analysis and we are not going to put anymore over here then is already going there, as you noticed from this plan that a lot of this water that would typically go here is already being captured. In a hundred year storm event we just can't capture all that water in a hundred year storm event so at some point this would probably fill up and I would have spill way which would overflow onto the adjacent property. Obviously this would still be functioning, we would still be funneling out as much of the water as the hydraulic head would permit to get down the pipe and flow towards the street but it certainly is not designed to capture a hundred year event.

Gene Richards stated the concern I had with the spill way is that it is starting to concentrate your flow and that is what I am I thinking about is those hundred year storms and whereas under the existing condition that is all lawn area, not that it doesn't go to that adjacent property but it is by sheet flow over lawns, now

you are going to have pavement and getting a higher rate of run off, pavement or gravel, it goes into that swale, at some point it fills up and then it is going to top off and go out your spill way, the more concentrate flow plus you have a fence line right there with those plants and you might have a two inch gap.

Mr. Cameron stated I was going to respond to that, we would raise it up.

Gene Richards stated you don't want to do anything that creates scour there, that would start eroding the soils.

Mr. Cameron stated we will develop a calculation that will show exactly what is coming over there in CFS and where it is going to go. In just looking at this right now, we didn't put it here and that is good because we are not running it into the building, the intention was if it comes back here it is going to go down here and it is going to go past the back of that building. So I am not running it out into the side of the other guys building but we will work on a calculation and show exactly how much is going over there and again if it is going to scour anything or what is going to happen with that.

Gene Richards stated okay, we will see how it works out.

Chairman Rogan stated thanks Rob.

Board Member Pierro stated thank you Rob.

Mr. Cameron stated thank you. Are we at the point, regarding SEQR, can we do lead agency, how are we with that.

Rich Williams stated the only concern I would have is when we do the circulation, we are also sending it to County and I would probably rather have the driveway locked in so County is looking at what they are going to be looking at towards the end of the project, that would be my only concern.

Chairman Rogan stated that makes sense.

Board Member Pierro stated that does make sense.

Mr. Cameron stated I will send it to the County again if you want. In other words if.

Rich Williams stated send what.

Mr. Cameron stated another plan to the County.

Rich Williams stated send what.

Board Member Pierro stated yes but we haven't approved anything out yet.

Mr. Cameron stated if you send any plan to the County right now, I can keep the County appraised as to what the decision is regarding SEQR, I mean honestly I don't think that the County is going to challenge you to be Lead Agency on this, the issue is giving them information. I would be more than happy at any point in time to send them additional information regarding the driveway and copy them but for the purpose of lead agency I think.

Rich Williams stated my only question is I don't know where the driveway entrance is, I don't know what the grade of the driveway is, none of that, I haven't heard anything that clearly defines what that is going to be so what are you sending to the County.

Mr. Cameron stated well at this point in time, if you want declare lead agency we would send them the present plan. If anything changed in that, we would send another copy to the County to keep them appraised and again I don't think that this is an issue where the County is going to challenge for lead agency on this issue of the driveway.

Rich Williams stated I don't think that they are either.

Board Member Montesano stated but I would rather send them something that is sensible not to be continued, at least that is my feeling on it.

Chairman Rogan stated I agree with you Mike.

Board Member Montesano stated I would rather it not be continued, serials are something from my time and every Saturday you had to be there.

Chairman Rogan stated thanks Rob, have a good evening.

Mr. Cameron stated okay, thank you.

## **9) HUDSON VALLEY TRUST – Wetland/Watercourse Application**

Mrs. Theresa Ryan of Insite Engineering was present to represent the application.

Chairman Rogan stated Theresa are you here for Hudson Valley Trust.

Mrs. Ryan stated we received comments from Rich before the last meeting and re-submitted a response to his comments. We didn't get any additional, new comments one this, so at this point we would be asking the Board to schedule a public hearing and make a SEQR determination.

Chairman Rogan stated which we are comfortable with and I think that the main this was where it was going, sure.

Rich Williams stated what project are we talking about.

Chairman Rogan stated Hudson Valley Trust.

Board Member Pierro stated Hudson Valley Trust, the bridge.

Rich Williams stated I just wanted to make sure.

Mrs. Ryan stated oops [the wrong plan was posted].

Chairman Rogan stated which project was that.

Board Member Montesano stated he waited all day for that, you realize that.

Mrs. Ryan stated I do.

Chairman Rogan stated which one did you put up.

Mrs. Ryan stated do you need that plan up because.

Board Member Montesano stated that is up to you if you want to leave it up there.

Board Member Pierro stated is that the wrong one.

Mrs. Ryan stated yes.

Board Member Montesano stated you didn't notice that there that was a slight difference of opinions.

Board Member Pierro stated leave it up, that's fine, do we need the plan really.

Chairman Rogan stated no.

Mrs. Ryan stated do you need it up, okay.

Board Member Pierro stated in the matter, Mr. Chairman.

Chairman Rogan stated let me just ask a question first. Are we, your last questions were based on where the abutments were going making sure that they were accurate on the plans, what was going to happen down stream and what elevation was in relation to the finished grade of the planking.

Rich Williams stated correct.

Chairman Rogan stated I just want to make sure that we are clear on all of that.

Rich Williams stated at this point, as we talked about at the work session, I did meet with the engineer out on the site and the difficulty we were having stems from the stakes not being in the right place, so they did shift over, that shifting over brings them more into line with what they are showing on the plan, which didn't agree with what.

Board Member Pierro stated we were looking at.

Rich Williams stated what we were looking at.

Chairman Rogan stated so they are more down stream.

Rich Williams stated they are.

Mrs. Ryan stated (unable to hear).

Rich Williams stated they are right at the end of what I would call the bottle neck.

Chairman Rogan stated that makes sense.

Rich Williams stated where it starts to widen out because they are holding to right at the end of the bottle neck, there really shouldn't be a problem.

Chairman Rogan stated great, I'm sorry Dave, go ahead.

Board Member Pierro stated in the matter of Hudson Valley Trust wetlands/watercourse permit I make a motion that we grant a negative determination of SEQR.

Chairman Rogan stated can I have a second.

Board Member Montesano seconded the motion.

Chairman Rogan asks for all in favor:

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

Motion carries by a vote of 4 to 0

Chairman Rogan stated set the public hearing.

Rich Williams stated the public hearing.

Board Member Pierro stated after SEQR. We can only do one at a time. In the matter of Hudson Valley Trust, I make a motion that we set a public hearing for August 2, 2007.

Chairman Rogan seconded the motion.

Chairman Rogan asks for all in favor:

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

Motion carries by a vote of 4 to 0

Chairman Rogan stated okay.

Mrs. Ryan stated thank you.

Board Member Pierro stated you're welcome Theresa.

Mrs. Ryan stated I'll stick around.

**10) FRANTELL SITE PLAN – Request for Extension**

Mrs. Theresa Ryan of Insite Engineering was present to represent the application.

Chairman Rogan stated you are here for Frantell, what is going on with Frantell, just an extension.

Board Member Pierro stated they want an extension.

Mrs. Ryan stated yes.

Chairman Rogan stated for how long.

Mrs. Ryan stated three months.

Chairman Rogan stated three months.

Board Member Pierro stated in the matter of Frantell Development Corp. New York State Route 22, I make a motion that we grant a 90 day extension.

Board Member Montesano seconded the motion.

Chairman Rogan asks for all in favor:

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

Motion carries by a vote of 4 to 0

**11) BARJAC REALTY CORP. – Continued Review**

Mrs. Theresa Ryan of Insite Engineering was present to represent the application.

Chairman Rogan stated and you are here for Barjac.

Mrs. Ryan stated thank you.

Chairman Rogan stated now that's up.

Board Member Pierro what's up with Barjac.

Chairman Rogan stated it has been a little while since we've had you in for this.

Board Member Pierro stated is this a recent resubmission of the application and the assessment form Rich.

Rich Williams stated yes it is.

Mrs. Ryan stated at the last meeting you will recall we talked about bringing plans up to date based on Rich's review memo, which we did and we are in receipt of the new memos.

Board Pierro stated the legal issues been handled.

Rich Williams stated they have.

Board Member Pierro stated as we discussed.

Mrs. Ryan stated from what I understand the court case has been set for September 23<sup>rd</sup>.

Board Member Pierro stated any significant changes to the plan since we last looked at it.

Mrs. Ryan stated no. Just in response to the memorandum, we did leave it at twenty-seven horses on the table but it is intended to be twenty-one horses based on the calculation and I spoke with the applicant tonight and Rich had mentioned in his memorandum that it is still not under one ownership. They did intend to combine the parcels so that it would all be under Barjac but for some reason that wasn't accomplished by this meeting but they still intend to do that.

Chairman Rogan stated just turn your microphone around Theresa, so that it is faced towards you, so Michelle can hear you, I'm sorry.

Mrs. Ryan stated Rich also mentioned something about a secondary access and maintaining that, we are proposing the wetland mitigation area that is a decision that we will leave to the Board because when we revise the plans, we'd like to know how feel about that so we can alter the plan appropriately.

Chairman Rogan stated sure.

Mrs. Ryan stated we would also like for Ted to confirm the wetland locations, if he hasn't don't so already.

Board Member Pierro stated this is all wetland in here, right.

Mrs. Ryan stated yup.

Chairman Rogan stated it is all wetland, (unable to hear).

Mrs. Ryan stated we are supposed to be getting a map from Brian Drum on the DEC wetlands, we can get you a copy of that, he moved one flag when he went out there to verify it, they were originally flagged by Doug Gaugler and Mike Clancy in 2001 and just recently Brian Drum re-confirmed their locations. He just moved this flag here, further into the woods and (unable to hear) and these are not DEC wetlands, they do not have jurisdiction on these, they are Army Corp. and Town of Patterson.

Board Member Pierro stated as far as the secondary access goes, I know much larger horse properties in the Town of Patterson that have much less of a driveway then this, I mean it would be nice but we are going through wetlands to do and I would hate to see additional disturbance.

Rich Williams stated and I wasn't proposing additional disturbance, there is already an existing road there.

Mrs. Ryan stated there is a driveway there.

Rich Williams stated the only thing I was suggesting is that maybe we don't want to do the wetland mitigation there so that driveway remains, put a gate in front of it. Anything should happen on the main access in, that is another easy way to just drive in and not improve it.

Board Member Pierro stated is that buffer or wetland.

Rich Williams stated it is wetland.

Mrs. Ryan stated it is surrounded by wetland.

Board Member Pierro stated okay.

Rich Williams stated but as I said, there is a road there, all I am suggesting is that we don't turn it into a wetland we just leave it as is so that it is available in the future.

Board Member Pierro stated where would you propose putting the gate.

Rich Williams stated well there is a gate there.

Mrs. Ryan stated there is a gate there now.

Rich Williams stated right where it is.

Chairman Rogan stated right where you are standing.

Board Member Pierro stated alright fine.

Rich Williams stated so I don't know if Ted wants to weigh in on this.

Mrs. Ryan stated it could be modified to a break away.

Rich Williams stated you know just.

Chairman Rogan stated they are all break away with the right size truck, aren't they.

Mrs. Ryan stated that's right.

Rich Williams stated and yeah, the fire departments carry the big.

Chairman Rogan stated chains.

Rich Williams stated breakers.

Board Member Montesano stated they carry that master key I think they have.

Ted Kozlowski stated you are not going to move the road to the existing road.

Mrs. Ryan stated to this location.

Ted Kozlowski stated yes.

Mrs. Ryan stated it doesn't make sense because the Scaperotti house is less than two feet from the property line so the road would be really close to their and Rafino uses this as parking, they have an easement to use this parking space right here, so we would be blocking that. We don't have the radii that we need to provide a DOT entrance on that location.

Ted Kozlowski stated and how do you propose to cross the wetlands.

Mrs. Ryan stated the applicant said that they would be willing to bridge it and that would eliminate any filling or trudging in that wetland.

Chairman Rogan stated it seems good.

Board Member Pierro stated its great.

Chairman Rogan stated no sweat, Gene, Rich, Ted, anything else that you would like to discuss on this tonight.

Mrs. Ryan stated could we get the SEQR process started.

Chairman Rogan stated yeah, we are doing lead agency on this, do a motion on this Charlie.

Board Member Cook stated okay, hold on.

Chairman Rogan stated don't need it.

Board Member Pierro stated negative determination of SEQR.

Chairman Rogan stated we are not doing, just lead agency in that location.

Board Member Pierro stated oh okay, lead agency I'm sorry.

Board Member Cook stated in the matter of Barjac Realty Corp, the equestrian center I make a motion that the Board declare its intent to assume lead agency in review of the action and authorize the Planning Department to circulate said notice to other agencies involved in the review and approval of this application.

Board Member Montesano seconded the notice.

Chairman Rogan asks for all in favor:

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

Motion carries by a vote of 4 to 0

Chairman Rogan stated okay, we're all set.

Mrs. Ryan stated thank you. You will let me know how many copies you need.

Chairman Rogan stated Michelle, can you make about five copies of that for us.

Board Member Montesano stated that is because Maria is not here.

Board Member Pierro stated yeah.

## 12) TRACTOR SUPPLY COMPANY – Initial Application

Mrs. Theresa Ryan of Insite Engineering and Mr. Thomas Raveson, the applicant were present.

Chairman Rogan stated is anyone here for Tractor Supply.

Board Member Pierro stated yes Mr. Raveson.

Mr. Raveson stated I'm here.

Chairman Rogan stated come on up.

Mrs. Ryan stated do you want me to go through the project or no because you had the presentation.

Chairman Rogan stated for Tractor Supply, we had the presentation.

Mrs. Ryan stated at the work session.

Chairman Rogan stated I don't think that it is necessary to go back over that. It was an interesting presentation, we obviously identified right up front some concerns based on that presentation that we want them to consider because quite honestly we are not going to approve it without those changes, those are things like not blocking the handicap spaces, not using their walk way solely for equipment storage, they showed equipment storage in their photos and it didn't leave any room for pedestrians, they showed pictures of other Tractor Supply's that had equipment blocking the handicap spaces, which I thought was a poor choice of photos for what they were showing. We need to look at the equipment storage areas that they are proposing and make sure that they are going to work because they are saying that they need x number of, so we need to get a plan in on that, did you submit that plan, are you working on this.

Mrs. Ryan stated for the architecturals.

Chairman Rogan stated for the architectural for the site plan.

Mrs. Ryan stated the site plan we are working on, right. We do show the storage areas in the front of the building on this current plan, this is it.

Chairman Rogan stated okay.

Mrs. Ryan stated the display areas are right in the front here, see it says proposed display area typical and it allows access to the building and there is another equipment display area right here. Since we last met with the Board, I would like to bring the Board up to date, the applicants wetland consultant met with Brian Drum of DEC and subsequently a culvert was identified on the property after their meeting which connected the DEC wetland on the A&P property with the on site wetland. So DEC has jurisdiction as well as Army Corp and the Town of Patterson.

Chairman Rogan stated wow.

Mrs. Ryan stated so we are going to looking at pulling the whole facility back away from those wetlands, we are not going to have any wetland intrusion. Our wetland consultant believes to get Army Corp. approval to convert that wetland, which is not in the best shape, it is full of phragmites which as you know is a phase of, Rich had a good suggestion to try and convert that to a practical storm water facility and put the right plantings in it but our consultant feels that it is going to be difficult with the Army Corp but he is still going to pursuer contact with the Army Corp to see what the possibility is and he is also going to be talking to Brian Drum to see if we can bring some of our improvements closer then 100 feet to that wetland because of the condition it is in and maybe make some additional improvements in there that will eliminate the phragmites and have a better.

Chairman Rogan stated this is going to push this project, you are seeing based on the wetlands back an additional over 100 feet it looks like.

Mrs. Ryan stated back, it depends, as Rich also mentioned in his memorandum that you can waive some of the parking spaces, they have more then adequate parking and we can eliminate a lot of those, I think that 75 spaces would be adequate for them.

Board Member Pierro stated how many spaces is this particular plan calling for.

Mrs. Ryan stated 125 and 114 is required.

Ted Kozlowski stated Theresa, on the wetland issue make sure that you coordinate everything with us too, it is co-jurisdictional.

Mrs. Ryan stated yes.

Ted Kozlowski stated and just to avoid any, if you are going to clear something with DEC, clear it with us too.

Mrs. Ryan stated sure, you did confirm the wetland flag locations okay, Brian was also out there and he delineated the rest of the on site wetlands all the way back on both sides, so he has completed that, so I don't know if you want to verify those as well, but we are going to get a validation on that too.

Chairman Rogan stated well we consider the parking spaces, I was making a note to look at some of the data that Tractor Supply provided in terms of peak number of trips per day and how that works out but I don't want to end up at a spot where we end up with not enough parking.

Mrs. Ryan stated we have fifty peak according to their information.

Chairman Rogan stated fifty and how many employees, fifteen or twenty.

Mr. Raveson stated yeah but I think that they are phased through the course of the day because their hours at I believe from nine in the morning into the night.

Board Member Pierro stated I don't think that I have ever seen more than seven or eight employees at one time during the busiest times at the Tractor Supply in Amenia, two cashiers, a stock boy outside, a guy at the mid-counter in the back other than that that is a lot.

Gene Richards stated Shawn.

Chairman Rogan stated yes.

Gene Richards stated one thing that you can always do with parking too is that if they are providing fewer than the Code requires, show future parking.

Chairman Rogan stated I was just thinking that, thanks for reminding me.

Mrs. Ryan stated if the Board wants to make a decision on that tonight then our next plan can reflect whatever you decide on the waiver.

Chairman Rogan state you said 114 are required.

Mrs. Ryan stated yes.

Chairman Rogan stated 114.

Board Member Pierro stated I am a little uncomfortable with doing that tonight without really getting out at the site Theresa, and I want to see what the wetland looks like myself.

Mrs. Ryan stated sure.

Chairman Rogan stated exactly, we have to take a look at this. What I think that you should consider is trying to plan on showing how many you can adequately put in, it goes back to what we have with the other, show us what you can do and plan for the full amount if you can get it and if you say well we can't make these 15 but we have the space, well then you know we can consider that but I think you should definitely shoot for what is required.

Mrs. Ryan stated okay, no problem.

Chairman Rogan stated you can always rent some of them to Hannaford's down in Carmel, Putnam Plaza because they definitely don't have enough parking.

Rich Williams stated over time they will.

Board Member Pierro stated I actually went in there Shawn and from the appearance in the front it looks jammed but they really a tremendous amount of parking on the side and I guess that hasn't clicked yet with all of their customers.

Chairman Rogan stated and that is a mind set of people that shop there because nobody has ever parked on the side of that place historically.

Board Member Pierro stated but they have a corner door on the right hand side of that building that people don't even know is there yet, eventually.

Chairman Rogan stated once you determine where you can put all this based on the wetland line and we get a solid plan then if we can get things staked, then we definitely want to take a look at this.

Mrs. Ryan stated do you want us to stake it the way it is.

Chairman Rogan stated I don't think so, not since it is going to move, no, I don't see any reason to do that, do you.

Mrs. Ryan stated it will only move further back, I mean it has the most impact where we are showing now.

Chairman Rogan stated right but I think that I would rather see it staked based on the projection of what you are going to do. I mean we can walk the site, it is what it is.

Board Member Pierro stated yeah, I would like to, if we can stake the driveway and the four corners of the building I would like to look at this sooner rather then later and I don't want to drag it out unnecessarily, we all know that there is a wetlands up front and we understand that it is going to get pushed back. I would like to look at it this summer.

Chairman Rogan stated what scale is this drawing.

Mrs. Ryan stated it says down in the title map.

Chairman Rogan stated sorry, it is all folded up on me.

Rich Williams stated one inch is 100 feet.

Mrs. Ryan stated 100 feet, this is 200 and this 50.

Chairman Rogan stated so you have 150 foot from your property line just to edge of the wetland, so that is going to push that back, you are going to pushed back 100 feet for your parking at least from what you are showing on this plan.

Mrs. Ryan stated unless we can talk to Brian Drum about.

Board Member Pierro stated (unable to hear).

Mrs. Ryan stated because they recently approved plans for us to come within 50 feet of the wetland.

Chairman Rogan stated come within 50 feet of the wetland but this is the wetland line that you are showing here, isn't it. I am not talking about your buffer line.

Mrs. Ryan stated right, here is the buffer.

Chairman Rogan stated I am just talking about the wetland itself.

Mrs. Ryan stated so this line would basically be where our parking begins, so it would be 120 feet.

Chairman Rogan stated okay, you can move back 120 feet but it is going to make it tight very quick.

Mrs. Ryan stated the front of the building may line up closer with the existing barn.

Chairman Rogan stated okay, so that is going to take these buildings and move them back about like this.

Board Member Pierro stated that is why I want to get back there and see what is back here, I haven't been back there in a long time.

Chairman Rogan stated okay.

Mrs. Ryan stated so stake out the building and the driveway.

Board Member Pierro stated yes.

Mrs. Ryan stated okay.

Board Member Pierro stated if that is okay with everybody else.

Mrs. Ryan stated anything else.

Board Member Pierro stated I would like to look at it.

Chairman Rogan stated just so that I am clear are you staking the building that you are showing or the building moved back 125 feet.

Mrs. Ryan stated as it is shown.

Board Member Pierro stated as it is shown.

Chairman Rogan stated just as long as everybody knows and we are clear that it is not that location, we will not only use that as the basis of saying okay it is going to be another almost the length of what you are staking out for the building, almost moved back three-quarters of the building.

Mrs. Ryan stated if you line it up with the closest part of the barn to 311 [Route] that's.

Ted Kozlowski stated why don't you stake it where you think it is going to go.

Board Member Montesano stated that would be a lot better. I will tell you what, you can stake that if you would like but I would like to see the stake approximately where the building is going to be.

Mrs. Ryan stated approximate, okay, we can do that.

Chairman Rogan stated we are not going to slow down anything Dave.

Board Member Montesano stated this way we can see where the building was and where it is going to attempt to be.

Board Member Pierro stated I know it doesn't fit in with their canned building that build but flip, turning this building around, turning it sideways, if we don't have the depth in the back that we need.

Chairman Rogan stated it looks like they do though, even if they come off septic, they may have to rotate their septic system a little bit but this is why we are at the beginning of this process and not the end.

Mrs. Ryan stated the storm water and the septic would have to be re-located, we know we can get that to work.

Chairman Rogan stated that is why we are at the beginning of the process, we are starting to look at it, tweak it a little bit.

Mr. Raveson stated my only concern is that I have no control over what Tractor Supply want.

Chairman Rogan stated yes but we do.

Mr. Raveson stated well.

Chairman Rogan stated sir I can tell you before we get into the conversation that I have see Wal-Marts and Burger Kings and McDonalds, if you want to go to any place in the United States that have modified their plans that if they want to go in the location. Go to Santa Fe New Mexico and you won't even recognize the golden arches are turquoise blue. So if Tractor Supply wants to come to Patterson, let them know that they should be serious about working with the Planning Board.

Board Member Pierro stated we are not going to try to scare them away and injure you but.

Mr. Raveson stated but if you look at the recent weather and the pipes under the road are blocked, we couldn't even find the pipes initially and apparently they are buried and have been buried for a very long time, this actually probably created the wetland in the first place.

Ted Kozlowski stated Mr. Raveson please stop right there.

Chairman Rogan stated how long have you owned the property.

Ted Kozlowski stated that wetland is feeding the major wetland across the street from the A&P, it is fredon soils, they are hydric soils, there is a tremendous watershed feeding that wetland that drains into the A&P wetland. Some sites are just too small, some sites are too big, this site has a wetland that is regulated by this Town and you have 50 acres there, push it back.

Mr. Raveson stated I understand what you are saying but on the other hand, DEC visited that wetland and looked for the pipes. Can I finish please.

Ted Kozlowski stated Mr. Raveson I found those pipes in two minutes.

Mr. Raveson stated I don't doubt that but the point is that when the DEC was out there and they didn't find the wetland, I mean the pipes, they looked for the pipes and I was there, at that point they said to me there is no connection and therefore we have no interest in this wetland and we will let you know.

Chairman Rogan stated and of course the information changed so what they told you was based on that information.

Ted Kozlowski stated Mr. Raveson (unable to hear too many speaking).

Mr. Raveson stated yeah, well the thing is the connection.

Ted Kozlowski stated Mr. Raveson and for the record, Brian Drum called me at home he was informed by someone that the pipes were not there and he made a drive by cursory inspection and he was quite embarrassed that the pipes.

Mr. Raveson stated that is not true, that is not true, I was with him when he walked the wetlands.

Chairman Rogan stated sir we are done with this for the evening, I appreciate your time but that is enough from both of you.

Board Member Pierro stated thank you Mr. Raveson, please let's not.

Mr. Raveson stated the truth is the truth.

Chairman Rogan stated okay we are just going to continue reviewing this and works towards something.

Mrs. Ryan stated thank you.

Chairman Rogan stated thank Theresa.

### **13) OTHER BUSINESS**

#### **a. Boniello Site Plan**

Mr. Joel Greenburg, Mr. Joseph Fassacesia, Misters Anthony and Michael Boniello, were present.

Chairman Rogan stated Boniello Site Plan.

Mr. Greenburg stated this is.

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

Mr. Greenburg stated Joel Greenburg, the architect and my associate Joseph Fassacesia. This represents the response to Rich's memo dated May 31 2007 and there is also a letter from us dated June 21<sup>st</sup>, I don't know if you have this letter.

Chairman Rogan stated we do.

Mr. Greenburg stated in which in order to make a little bit easier for everybody what we tried to do was respond to Rich's comments number by number and if you look through the list that we have on the letter that we sent the 21<sup>st</sup>, you will see that we have appeared to have addressed all the comments that Rich has brought in his memo regarding sequence of construction, general notes, the size of the building is noted now.

Chairman Rogan stated Joel could you just please take that microphone out because believe it or not your voice probable doesn't carry as far as you thing.

Mr. Greenburg stated and I have been told the opposite.

Chairman Rogan stated really.

Mr. Greenburg stated yes, I have been told I am too loud. I'm sorry, anyway, the memo.

Chairman Rogan stated that's better.

Mr. Greenburg stated is that better, okay I'm sorry.

Chairman Rogan stated sure.

Mr. Greenburg stated the memo dated June 21<sup>st</sup>, as we said we would go through each of the items in Rich's report and respond to them and if you go down the, basically again with regard to the sequence of construction, the site data notes, the erosion control notes, the grading has been modified on the plan, the finished floor elevations that Rich requested are on there now. One of the big items that was discussed at the last meeting that we came to, to was to have Mr. Kozlowski flag the wetlands and then have our surveyor go out there and plot them on the plan and that is shown now. There are the flags here that were put in and now shown on our plan, and this is an accurate representation from the surveyor of exactly where the edge of the wetlands is.

Chairman Rogan stated Joel, the difference in colors between the orangey-brown color and the darker brown, the two parking areas, is one just showing the existing and one showing the proposed.

Mr. Greenburg stated no.

Mr. Fassacesia stated this area here is in regards to the asphalt paved area and this is the area that will be gravel.

Chairman Rogan stated thank you I appreciate that.

Mr. Greenburg stated and of course nothing as far as the removal of the three building that was shown on our site plan, that remains the same, this just to refresh your memory, this is the existing house, this is their existing commercial building with the apartment above and this is the proposed new building.

Chairman Rogan stated and we noted in your responses that you said that the building number two basement was going to be designated storage; we just want to make sure that is noted on the plans. It is in your response, that is great just make sure that it is one the plans. As long as it says storage only, it won't be a problem.

Mr. Greenburg stated okay, we have added the signature box that was requested by Ted.

Mr. Fassacesia stated in the site plan notes under the parking area.

Mr. Greenburg stated it is noted, I'm sorry. Shawn, it is noted on our site notes.

Chairman Rogan stated thank you.

Mr. Greenburg stated we also submitted to Rich as he requested the additional copies to be circulated for lead agency, I don't know if that has been done, has that been done yet.

Rich Williams stated oh yeah, next day.

Mr. Greenburg stated oh great.

Chairman Rogan stated thank you.

Mr. Greenburg stated so our thirty days are coming close.

Rich Williams stated yes.

Mr. Greenburg stated good.

Chairman Rogan stated can you also note that there is no new signage for the project but have you shown the existing signs.

Mr. Boniello stated that is a good question (unable to hear).

Mr. Greenburg stated good, when we show the elevations, you mean the actually location of the signs, we will show them on the building elevations.

Chairman Rogan stated before approving this, this was everything that is on this will get approved and we will make sure that if there is anything on here that we need to tweak, we'll do it now and get it clean.

Mr. Greenburg stated no problem.

Mr. Boniello stated can I put it on the front of the building, like signage.

Chairman Rogan stated well we'll figure out with Rich what zoning, what you will be allowed to put up there.

Mr. Greenburg stated in other words that Code indicates how many square feet of sign you can have.

Chairman Rogan stated and we want to make sure that the existing, if you are going to keep the existing sign location and keep the signs, just so that we have it on the plans so we get it approved.

Mr. Boniello stated I think the sign is where (unable to hear).

Chairman Rogan stated then we put it on here and its over and we have to get it squared away then we can get it squared away and then we can figure out what we have to do.

Mr. Greenburg stated just leave it the way it is, we will show the location, of course.

Chairman Rogan stated specs on what signs are there and size whatever so we have it.

Board Member Pierro stated we will have another review memo at the work session for the next work session, you are doing one now.

Rich Williams stated you want me to review this.

Board Member Pierro stated no I thought you were working on one, no.

Chairman Rogan stated so that we are clear, Rich cracked the plans tonight just for cursory review but what we said was that we were going to decide at tonight's meeting whether or not, depending on whether another revision was coming in, if based on tonight's meeting they are going to have another a revision come in for next meeting, let's have him review that, why waste the time with this.

Board Member Pierro stated why do it twice.

Mr. Greenburg stated if I am not mistaken, the only question that has come up tonight is the signs.

Chairman Rogan stated yeah, so far, exactly, I've got 32 other things to talk about here.

Mr. Greenburg stated is it down to 31 yet.

Chairman Rogan stated so we've got our limits of disturbance that we set up for parking, Ted with the gravel area, how are we doing for that parking lot layout.

Ted Kozlowski stated you mean this [points to plan].

Chairman Rogan stated yes.

Ted Kozlowski stated it is pretty much existing now.

Chairman Rogan stated okay great.

Ted Kozlowski stated so it is already impacted.

Chairman Rogan stated where are we at, we are doing an oil/water separator for the building.

Mr. Greenburg stated correct.

Chairman Rogan stated based on what you just heard us say with Papitto with the gravel area.

Mr. Greenburg stated at our last meeting we discussed that in detail at the last meeting, if you look, that is already done.

Chairman Rogan stated refresh my own memory.

Mr. Greenburg stated I think that the items that were brought up from the last meeting, from my memory which is not great, was the oil/water separator, re-flagging of the wetlands were the two major issues plus the items in Rich's report which we have now addressed and what we will do is so that we don't have to reprint all of the drawings that we have sent already, what we will do is, we will do a separate little drawing showing the location of signs and have that as a separate drawing and we can submit that.

Board Member Pierro stated one of the things I recall mentioning was that if there is going to wash station outside that that be interconnected with the oil/water separator.

Mr. Greenburg stated absolutely.

Board Member Pierro stated we don't want to increase impervious surface but if you are putting it in, you might as well have a little concrete area with a pipe.

Chairman Rogan stated that makes sense.

Mr. Greenburg stated we will check that.

Ted Kozlowski stated may I ask a question.

Chairman Rogan stated sure but please use a microphone.

Ted Kozlowski stated Anthony, if you could what do you mean by material staging area, define that.

Mr. Boniello stated you know, that is a good question.

Mr. Greenburg stated that is just for during construction, this is not permanent.

Ted Kozlowski stated that's fine, there is a buffer, there is lawn here between this open, this is actually open water here, which flows here and across the street and then into a state wetland. When this is all said and done I would like to see some sort of buffer or vegetation, not mowed lawn, especially with this being a parking lot.

Mr. Greenburg stated oh absolutely.

Board Member Pierro stated we had spoken about that being an area to stack palletized equipment as opposed to a parking area and possibly a post and rail fence to.

Ted Kozlowski stated Dave, I am not talking about this, I know he is going to use this for whatever he is using it for, I am talking about this strip between the actual wetland and that parking lot, right now it is grass, it is mowed grass, I would rather it be a little more of a functional buffer.

Mr. Greenburg stated like a wetland planting area or something like that.

Ted Kozlowski stated still use the site but just lets not keep it lawn, lets make it something else.

Chairman Rogan stated Ted you'll work with Joel to make a list.

Mr. Greenburg stated no more lawn and the wetlands, oh sure.

Ted Kozlowski stated if you are going to use that it is going to spill over and more vehicles are going to come closer or.

Mr. Greenburg stated this will have barriers.

Ted Kozlowski stated you'll have garbage or whatever but let's put up a post and rail fence or something and then.

Mr. Greenburg stated to expedite that also we'll give you another drawing to add onto this which will show you the signs and the landscaping as per Ted's requirements then, that way.

Board Member Pierro stated very well.

Mr. Greenburg stated okay, we'll do it.

Chairman Rogan stated Mike, anything else.

Board Member Montesano stated no.

Chairman Rogan stated Charlie.

Board Member Cook stated good.

Board Member Pierro stated I'm good.

Chairman Rogan stated Gene. Okay lets' get a plan into Rich and Gene.

Mr. Greenburg stated so these plans can be reviewed and we will get to you in the next couple of days that separate drawing of the signs and landscaping and we'll contact you just to make sure it is okay.

Chairman Rogan stated excellent.

Board Member Pierro stated very well.

Mr. Greenburg stated and then I believe, Rich at the next meeting the thirty days will have expired, I assume they can make the lead agency determination. Okay, well thank you so much, I really appreciate you hearing us tonight.

Chairman Rogan stated we appreciate you being here.

**b. Putnam County National Bank**

Board Member Pierro stated what is Putnam County on for, an extension.

Chairman Rogan stated this letter, no, based on the, just a discussion on that.

Board Member Pierro stated okay.

Chairman Rogan stated Rich do you want to take us through Putnam County National Bank, just in terms of what we are doing with that.

Rich Williams stated I did do a memo.

Chairman Rogan stated I have it some place.

Board Member Pierro stated I got it, it was at the bottom of the pile.

Rich Williams stated essentially what is going on is that they received conditional site plan approval, they had x number of days to meet the conditions, I believe it was until last October 12<sup>th</sup>, they met all the conditions except for submitting a signed plan.

Chairman Rogan stated a site plan.

Board Member Pierro stated a sign plan.

Rich Williams stated a signed plan, a plan with the Ryder's or Putnam County National banks signature on the plans. That was the only outstanding condition.

Chairman Rogan stated I am surprised that Theresa isn't around for this, isn't this one of hers.

Rich Williams stated I am surprised too.

Chairman Rogan stated thank you.

Rich Williams stated I discussed it with Theresa a little while ago, she was not even aware that they had paid the fees.

Chairman Rogan stated okay.

Rich Williams stated so.

Chairman Rogan stated so we have to decide if we don't get a plan in here.

Rich Williams stated we've got the plan.

Chairman Rogan stated we do.

Board Member Pierro stated it is just not signed

Rich Williams stated well I haven't checked to see, no Theresa has submitted plans at the end of last week, I haven't checked to make sure that the signatures are them, I would assume that they are because that was this issue and then the question is, is the Board amendable to granting an extension from last October 12<sup>th</sup>, whenever it was until now of the time in which the applicant had to meet the condition of site plan approval and allow the Planning Board Chair and Vice Chair to sign the plans.

Board Member Montesano stated I will make the motion that we give the extension.

Chairman Rogan stated can I have a second.

Board Member Cook seconded the motion.

Chairman Rogan asks for all in favor:

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

Motion carries by a vote of 4 to 0

Anthony Molé stated Shawn, I was just, just in case they are not signed, since we haven't really looked at them, do you want to make it to the next meeting just to make sure.

Chairman Rogan stated the extension to the next meeting, sure.

Anthony Molé stated yeah, just incase something is not signed.

Board Member Montesano stated I will modify it to August 2<sup>nd</sup> meeting.

Chairman Rogan stated second on the amendment.

Board Member Pierro seconded the motion.

Chairman Rogan asks for all in favor:

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

Motion carries by a vote of 4 to 0

**c. Deerwood Subdivision**

Chairman Rogan stated Deerwood Subdivision, Rich, Deerwood Subdivision.

Rich Williams stated Deerwood Subdivision, we threw this on, the issue is this, we are doing the final inspections out there, Tom McGinn is doing his usual running, all the inspections for final for the road

dedication, dedication for the storm water basins and in doing that I have done a comprehensive review of the vegetation that was supposed to be installed in the storm water ponds. I have given the Board a list, so anyway there is considerable landscaping that has not been installed.

Chairman Rogan stated okay.

Rich Williams stated having been out in there in the field and spending a whole lot of time now in those ponds, I do think that some of it needs to be installed that has not been installed, there are in some areas landscaping that I don't think at this point is going to serve a whole lot of purpose, especially some of the varieties, the plans specify Rugosa roses, they are going to be a nightmare to try and maintain out there, they specify tartarian honey suckle, which is now considered an invasive species which is the one plant that they planted everywhere.

Board Member Pierro stated right.

Ted Kozlowski stated because it is to get.

Rich Williams stated well it was on the plans.

Ted Kozlowski stated right.

Rich Williams stated so, I was wondering what the Board's opinion was, do you want to hold their feet to the fire and they have to plant what is supposed to be out there or do to give me some discretion about what they need to plant and what they don't to make the basins function, how do you want to handle this.

Ted Kozlowski stated I think if you look at Rich's comprehensive, there is a lot of stuff missing.

Chairman Rogan stated it would make sense that if there are species that we originally we the Planning Board at the time said to plant and are now considered invasive and you would not want those plants, there should certainly be some discretion there. All the remainder of the plants, if there is something that we would be asking them to do today, my feel is that they should go, [cell phone vibrates on table] that is part of the approved plan, somebody's got a phone call.

Board Member Pierro stated that was me.

Chairman Rogan stated and they haven't come to us with any reason why we shouldn't ask them to complete to project the way it was designed, Mike, I don't know what you feel about that but I think that they should do it according to the plan, with the exception of those particular species.

Board Member Montesano stated definitely, we gave the approval on that and now we are finding out that the.

Ted Kozlowski stated I think that happens more then you think.

Chairman Rogan stated I am sure it does but this one is in front of us so.

Board Member Montesano stated this one we caught okay, so I think we ought.

Chairman Rogan stated Rich did his due diligence.

Rich Williams stated not on my watch.

Chairman Rogan stated and that is to your credit for being out there and doing the work that you did. Charlie, what do you think.

Board Member Cook stated I agree.

Chairman Rogan stated do you, Dave.

Board Member Pierro stated I agree.

Chairman Rogan stated okay, we need a motion on that.

Board Member Pierro stated we are going to allow Rich some leeway.

Chairman Rogan stated for species that would be considered not.

Board Member Pierro stated invasive.

Chairman Rogan stated yeah, not appropriate at this time that we have learned that there are species that, you know, it doesn't mean that if they are planted we are necessarily going to yank them out unless they weren't, if they were put on the plan and they are already in, then that is what it is but if they are on the plan and they haven't put them in and they are invasive, then I think we need to swap them.

Rich Williams stated well I've got them yanking things out so.

Chairman Rogan stated well, they are going to do.

Board Member Pierro stated well I understand that dwarf winged euyonmous in going on the invasive species list.

Ted Kozlowski stated yes it is.

Rich Williams stated what is.

Board Member Pierro stated dwarf winged euyonmous.

Rich Williams stated wing tip.

Ted Kozlowski stated any of the (unable to hear).

Rich Williams stated all of them.

Chairman Rogan stated um.

Board Member Pierro stated amazing.

Rich Williams stated on the other hand, I can see why, they spread like crazy and they can become a problem.

Ted Kozlowski stated the deer done eat it and enough shade it just takes over, like bayberry and all the other ones, barberry.

Board Member Pierro stated right.

**d. Site Walks; RP Development, Maplewood North Subdivision**

Chairman Rogan stated we have site walk comments for RP Development, which is the one you were talking about.

Board Member Pierro stated right.

Chairman Rogan stated does anybody have any discussion they want to have at this point in time on these. Maplewood North we already discussed tonight, if not.

**e. New England Equine – Bond Release**

Chairman Rogan stated New England Equine we have a request for a bond release, they have done apparently all the work with one exception on that project but it sounds like they are in a real good position for a recommendation to the Town Board to release the bond in the amount of \$ 405,000.

Board Member Montesano stated does anybody have a problem with it.

Board Member Pierro stated no.

Board Member Cook stated Rich.

Rich Williams stated the only two remaining items are to check the storm water basin, they are obligated to do that anyway and the stream remediation, which we have the plans in and they are looking to do it soon.

Chairman Rogan stated excellent.

Board Member Montesano stated in the matter of New England.

Board Member Cook stated excuse me Mike, Ted, how do you feel.

Ted Kozlowski stated I agree with Rich.

Board Member Cook stated okay.

Ted Kozlowski stated I just reviewed the plans that they sent in and there are a few discrepancies and stuff but easy stuff I think to resolve.

Board Member Montesano stated try it again. In the matter of New England Equine Practice I make a recommendation to the Town Board to release the \$ 405,000 performance bond that was posted.

Board Member Pierro seconded the motion.

Chairman Rogan asks for all in favor:

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

Motion carries by a vote of 4 to 0

Chairman Rogan stated does anyone else have anything for tonight.

Ted Kozlowski stated yes, if I can.

Chairman Rogan stated sure.

Ted Kozlowski stated I just wanted give you guys a heads up, Lea Rome, Steve Leardi, there is an outstanding violation, he is going to be coming in next month with a fill permit application and a wetlands application. I met with him again today, it is kind of, I am trying to stay on top of him and I just want to give you a heads up on that, that that is coming forward and that is really something that already happened alright, I am just making him go through the process like a few other applicants that have come forward and I don't know what you guys want to do but that you might want to put on your site walk review.

Chairman Rogan stated okay.

Ted Kozlowski stated because he filled in an area and it is one of these that I think that if we make him pull it out it might be a worse situation.

Board Member Pierro stated right.

Board Member Montesano stated on Forest View, have you been out there lately.

Rich Williams stated Dave Raines has.

Board Member Montesano stated I understand that well it is what it is and looks like it should be a recycling center.

Rich Williams stated Dave Raines was out there last week and gave them a punch list of a lot of things that they need to clean up and I know that he got a written response back in today about the status of all the items that they need to clean up and he is well aware of the conditions out there and has been very active in trying to get it squared away.

Board Member Montesano stated it sounds like a plan.

Chairman Rogan stated with all due respect to Dave, are we in a position where we know anything about getting a new Building Inspector.

Rich Williams stated I have no idea what the Town Board is doing with that.

Chairman Rogan stated just curious.

Rich Williams stated you know frankly, I am having a good time here because Dave and I have developed a relationship, we are working well together.

Chairman Rogan stated yeah.

Rich Williams stated and things are working.

Board Member Montesano stated we will have to stop that soon because we are not allowed to work together.

Rich Williams stated listen after Paul, I would marry him.

Chairman Rogan stated that was a final.

Board Member Pierro stated oh man.

Chairman Rogan stated motion to adjourn.

#### **14) MINUTES**

The Secretary stated hey, what about my minutes.

Board Member Pierro stated we have minutes, I don't have dates.

Chairman Rogan stated we have minutes, there are not dates on the agenda.

Board Member Montesano stated May 31<sup>st</sup> and.

The Secretary stated I have number 14 Minutes.

Chairman Rogan stated you do.

Rich Williams stated I didn't put any days down.

Board Member Pierro stated but there are no dates.

Board Member Montesano stated May 31<sup>st</sup> and June 28<sup>th</sup>, I can.

Board Member Pierro seconded the motion.

The Secretary stated it is your June meeting not your June work session.

Board Member Montesano stated I can't do the June meeting because I was not present, so I am going for the 31<sup>st</sup> which I was present and June 28<sup>th</sup> which I was present and I will accept these.

Board Member Pierro seconded the motion.

Chairman Rogan asks for all in favor:

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

Motion carries by a vote of 4 to 0.

Board Member Pierro stated which is the one that you didn't do.

Board Member Montesano stated the June 7<sup>th</sup> meeting.

Board Member Pierro stated I make a motion that we approve the minutes for June 7<sup>th</sup>.

Board Member Cook seconded the motion.

Chairman Rogan asks for all in favor:

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

Motion carries by a vote of 3 to 0.

Board Member Montesano stated I will abstain on that one.

Board Member Pierro stated so be it.

Chairman Rogan stated motion to adjourn.

Board Member Cook seconded the motion.

Chairman Rogan asks for all in favor:

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

Motion carries by a vote of 4 to 0

The meeting adjourned at 9:34 p.m.