

**TOWN OF PATTERSON**  
**PLANNING BOARD MEETING**  
**August 2, 2012**

**APPROVED**  
9.21.12 MKL

**AGENDA & MINUTES**

|  | <b>Page #</b> |  |
|--|---------------|--|
| 1) <b>NYSEG Mooney Hill Substation – Site Plan &amp; Wetlands/Watercourse Public Hearing</b> | 1 – 14        | Public hearing opened and closed.<br>Site Plan and Wetlands Permit approval granted.<br>Negative Determination of SEQRA granted. |
| 2) <b>NYSEG/Dressler Lot Line Adjustment</b>   | 1 – 14        | Lot Line Adjustment approval granted.  |
| 3) <b>American Legion #1542 – Sign Application</b>   | 14 – 19       | Negative Determination of SEQRA granted.<br>Sign Permit approval granted with conditions.  |
| 4) <b>Patterson Library – Site Plan &amp; Wetlands/Watercourse Permit</b>                    | 19 – 22       | Negative Determination of SEQRA granted.<br>Site Plan Waiver granted. Waiver of wetlands permit and public hearing.              |
| 5) <b>PJB Development Corp. – Wetlands/Watercourse Permit Application</b>                    | 22 – 30       | Discussion of application, wetlands, wetlands flagging, and updated plans.   |
| 6) <b>Ice Pond Estates Subdivision – 62 Days from Public Hearing to Expire</b>               | 30 – 31       | Waiver received.   |
| 7) <b>Suzanne E. Bruce – Driveway Waiver</b>   | 31 – 36       | Driveway Waiver granted.<br>Applicant to make application to ZBA for fence.  |
| 8) <b>Other Business</b>   | 38 – 39       | Discussion of Commerce Drive and SEQRA Revisions   |
| 9) <b>Minutes</b>  | 39 – 40       | June 28 <sup>th</sup> & July 5 <sup>th</sup> Approved  |

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TOWN OF PATTERSON  
PLANNING & ZONING OFFICE

ZONING BOARD OF APPEALS  
Lars Olenius, Chairman  
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PLANNING BOARD  
Shawn Rogan, Chairman  
Thomas E. McNulty, Vice Chairman  
Michael Montesano  
Ron Taylor  
Edward J. Brady, Jr.

Planning Board  
August 2, 2012 Meeting Minutes  
Held at the Patterson Town Hall  
1142 Route 311  
Patterson, NY 12563

APPROVED  
9.27.12 MLL

Present were: Chairman Rogan, Board Member McNulty, Board Member Taylor Board Member Brady, Rich Williams, Town Planner, Ted Kozlowski, Town of Patterson Environmental Conservation Inspection, and Mr. Michael Liguori, of the Town Attorney's office Hogan & Rossi.

Chairman Rogan called the meeting to order.

There were approximately 8 members of the audience

Chairman Rogan led the Salute to the Flag.

The meeting was called to order at 7:01 p.m.

Michelle Lailer was the Secretary and transcribed the following minutes.

**1&2) NYSEG MOONEY HILL SUBSTATION – Public Hearing & Lot Line Adjustment**

Mr. Lewis Fitzgerald and Ms. Debbie Drake were present.

Chairman Rogan stated thank you, okay Michelle can you please read the public hearing for item number one.

The Secretary read the following legal notice into the record:

**NOTICE IS HEREBY GIVEN** by the Town of Patterson Planning Board of a public hearing to be held on Thursday, August 2, 2012 at 7:00 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 **New York State Electric & Gas Site Plan and Wetlands/Watercourse Permit Applications to allow for the expansion of the existing electrical substation, addition of a control house, and intrusion into the 100 foot wetlands buffer.** The property is located at 520 Mooney Hill Road, Patterson, New York. All interested parties and citizens will be given an opportunity to be heard in respect to such application.

Mr. Fitzgerald stated good evening folks, so we're here for our public hearing tonight.

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

Mr. Fitzgerald stated my name is Lewis Fitzgerald, I am the real estate representative in the Brewster office, I have my supervisor Debbie Drake, supervisor of real estate also, with me and we are here in regards to the, our Mooney Hill West Patterson substation site. We are interested in putting in a control house on the rear of the site with monitoring equipment, we are going to be doing some landscaping behind the control and also we're proposing to purchase a 35 by 100 foot strip of land from Sandra Dressler behind us in order to fit the control house onto the site.

Chairman Rogan stated okay, thank you, any questions or comments from anyone is the audience in regard to this application, come on up please, ma'am, you just need to use the microphone, state your name for the record please.

**Simone Ehmman** stated I'm Simone Ehmman at 514 Mooney Hill Road and my question is basically...

The Secretary stated please use the microphone.

**Simone Ehmman** stated sorry, sorry, does that effect 514 Mooney Hill Road at all.

Chairman Rogan stated can you point where you are in relation to this site.

Mr. Fitzgerald stated okay so here is the substation site, so this is [Route] 292 and Mooney Hill [Road].

**Simone Ehmman** stated so it's just north of that side where the substation is.

Mr. Fitzgerald stated okay, I'm sorry, you're on [Route] 292.

**Simone Ehmman** stated no, we are 514 Mooney Hill Road, neighboring...

Mr. Fitzgerald stated okay, so you're up, just, you're...

Rich Williams stated it's actually west.

Board Member Taylor stated yes.

Mr. Fitzgerald stated okay, thank you.

Board Member McNulty stated uphill.

Mr. Fitzgerald stated okay.

Rich Williams stated the other side of the berm.

Chairman Rogan stated ma'am, you realize that the work they're doing is behind the existing facility and they'll be doing screening.

Mr. Fitzgerald stated and also, I'll answer as well, yes we're doing the screening behind and around the control house and then also, to the west of the substation site, is pretty thick and wooded and we're not touching that, that screening at all, so...

Chairman Rogan stated okay, gotcha, a natural buffer.

Mr. Fitzgerald stated and you cannot see the adjacent, exactly.

Chairman Rogan stated ma'am did that answer your questions.

**Simone Ehmman** stated yes.

Chairman Rogan stated okay.

Rich Williams stated Mr. Chairman...

Chairman Rogan stated yes.

Rich Williams stated there was one more issue I think that was raised previously and that's the condition of the fence.

Mr. Fitzgerald stated yes and we will be replacing that fence in kind, the same type of fencing but it will be brand new.

Chairman Rogan stated okay.

Ted Kozlowski stated there are some people coming up.

Chairman Rogan stated we might as well wait just a second a then.

Ted Kozlowski stated yeah, there's a family coming.

Rich Williams stated kids.

Ted Kozlowski stated yeah, three of them.

Rich Williams stated Bruce.

Board Member Taylor stated that's not part of this.

Chairman Rogan stated oh you mean it's not; they're not for this application is what you're saying, this is Bruce.

Board Member Brady stated yeah.

Chairman Rogan stated can you just confirm, it's the Bruce Family.

Rich Williams stated yes, yes it is.

Chairman Rogan stated all right, I apologize for the delay, we were thinking they were for this application.

Ms. Drake stated no, that's fine, that's fine.

Chairman Rogan stated any other questions or comments from the audience on this application, no.

Board Member Montesano stated motion to close the public hearing.

Board Member McNulty seconded the motion.

Chairman Rogan asks for all in favor:

|                        |   |     |
|------------------------|---|-----|
| Board Member Brady     | - | aye |
| Board Member Montesano | - | aye |
| Board Member Taylor    | - | aye |
| Board Member McNulty   | - | aye |
| Chairman Rogan         | - | aye |

The motion carries by a vote of 5 to 0.

Chairman Rogan stated okay, so...

Rich Williams stated I haven't seen anything on the change of the landscaping.

Ted Kozlowski stated Shawn...

Chairman Rogan stated yes sir.

Ted Kozlowski stated did you, at the last meeting I asked for a change to deal with some landscape issue, did you do that.

Mr. Fitzgerald stated and our landscape architects have looked at all the landscaping and they've come to the conclusion that they are happy with, their happy with the variety that's been chosen.

Ted Kozlowski stated I'm not.

Mr. Fitzgerald stated understood.

Chairman Rogan stated not going to make it.

Ted Kozlowski stated my recommendation is not to accept that.

Chairman Rogan stated the landscaping that's been provided.

Ted Kozlowski stated right.

Chairman Rogan stated all right, do you want to recommend something in its place that would...

Ted Kozlowski stated I did at the last meeting.

Chairman Rogan stated yeah, I don't recall off hand.

Ted Kozlowski stated their species striped maple, inappropriate.

Chairman Rogan stated okay.

Ted Kozlowski stated okay, for this area.

Ms. Drake stated we didn't see it in the minutes of the Zoning Board, we only saw the fence issue so that's why we didn't think anything of it.

Chairman Rogan stated well it's a site plan issue, it's not...

Ted Kozlowski stated it's a site plan issue...

Ms. Drake stated oh it's a site plan, okay, yeah so that's fine.

Chairman Rogan stated okay, all right.

Ted Kozlowski stated the planting species were inappropriate for this area.

Chairman Rogan stated do you want to make a contingency within the resolution, we can add a condition that says they need to discuss plantings with you and ensure that they're appropriate.

Ted Kozlowski stated sure that's, I don't want to hold us for that but...

Chairman Rogan stated yeah.

Rich Williams stated I don't have a problem with that but what I've heard is they're saying they've looked at it, they're okay with it and Ted saying he looked at it, he's not okay with it and...

Chairman Rogan stated yeah.

Mr. Fitzgerald stated and what I'll say to the Board is, in the interest of moving the project, we'll take your recommendations and we'll...

Chairman Rogan stated I wouldn't imagine...

Mr. Fitzgerald stated I don't see where that should be a hold up.

Chairman Rogan stated and I would not imagine that what Mr. Kozlowski would recommend would be more cost prohibitive than striped maples or anything like that, it's not a cost issue.

Mr. Fitzgerald stated I agree.

Ted Kozlowski stated it's certainly not cost prohibitive and you're not going to find striped maple in a nursery around here, you're just not.

Chairman Rogan stated okay, all right, any other questions or comments about this application from the Board.

Board Member Taylor stated did you talk with the neighbors across the street.

Mr. Fitzgerald stated we have not but we are willing to discuss possibly doing some screen in their front yards for them just because we don't have the frontage...

Ms. Drake stated mainly because for directly across the street.

**Simone Ehmman** stated my other question would be regarding that water flow, there is a little branch coming down from 514 Moony Hill, how that will be effected...

Chairman Rogan stated it won't be effected, that's why Mr. Kozlowski's here, the Wetlands Inspector, yeah.

**Simone Ehmman** stated okay.

Ted Kozlowski stated no.

Chairman Rogan stated yeah, okay, yes sir.

The Secretary stated please come on up and use the microphone.

Chairman Rogan stated up here.

**Thomas Herman** stated this is in reference to the power...

The Secretary stated yeah.

Chairman Rogan stated yes, sir, yeah.

**Thomas Herman** stated I just got here late, I'm sorry.

Chairman Rogan stated no, that's fine.

**Thomas Herman** stated I live at 511 Mooney Hill Road, I am basically almost across the street from that.

Board Member Taylor stated your name.

**Thomas Herman** stated my name is Thomas Herman, okay, and I'm not opposed to this, as of yet but I would like to make a couple of requests if you will, okay, I guess from what I'm understanding, you're going to be putting a building or something in here, okay, I would request that they put a building in that conforms the immediate area, the buildings, the houses and what not, not something that looks like a commercial Home Depot or some god awful, ugly thing to look at, I mean not that those power lines are anything impressive and I don't imagine anybody in this room who wants to see them, myself include but you know I'm sure that you know, we all need it and you want it and I guess we need the electric as well, so I would request that A. that this building would be something that conforms to the houses in the neighborhood, preferable something vintage, I like, like full colonial stuff, I would request also that this area would be upgrade every ten years, not like Baldwin Place, years ago, I don't know if anybody remembers Baldwin Place, it was an up and running shopping center and then it just laid dormant and then it went to hell and everybody drove by and said look at this god awful, ugly looking thing, so I would

request that they maintain the building, maybe upgrade it every ten years, it would be in contract, it would be done and I also request that the, that they would put shrubbery around, I know that they need like, they were, they can't put tall trees but you know maybe dwarf plants or something to make it look like a park like setting, to make it pleasing to the eye, when you drive by, you don't say oh my god, you say oh wow, I wish that that thing was in my backyard, not something you had to see and I don't think it's, I don't think that's farfetched, you know, I mean with the guys that you guys make, it's just from our house alone...

Chairman Rogan stated just from your house alone did you say.

**Thomas Herman** stated yes, you could put in shrubbery and you know, make it look pleasing to the eye, it's not, you know I'm not going way out on a limb with it you know I think it's a fair request and then further more I would request that if this thing lay dormant, you know, it's obsolete, it's not used anymore that they bulldoze the thing down and bring it back to its, you know, original setting, like woods and trees and back to a happy little neighborhood again, that's all.

Chairman Rogan stated it all seems like very reasonable requests...

**Thomas Herman** stated thank you.

Chairman Rogan stated and things that some of which we've already addressed, you may not have heard it because of...

**Thomas Herman** stated no, I just walked in the door.

Chairman Rogan stated and that's fine but there are planting schemes that have been shown and that we've discussed and is this gentleman that lives across the street that we were referring to earlier...

Rich Williams stated the next house up.

**Kim Herman** stated we're right, the next house up.

Chairman Rogan stated the next up, okay, so there are some planting, landscaping plants that have been proposed, that will help with screening, this building of course as you can see is behind the existing building.

**Thomas Herman** stated yeah.

Chairman Rogan stated and there are some, they're going to replace some of the fencing there that had been prior, had kind of fallen apart, fallen into disrepair so there is some work that is going to be done in that regard, you know this is going to be further back from the road than what's existing.

Rich Williams stated Shawn...

**Thomas Herman** stated again, I'm sorry...

Rich Williams stated I don't have my plans here but I know plans were submitted showing the building, I don't know if you have them with you...

Chairman Rogan stated (*Inaudible*).

Board Member Taylor stated I don't see it.

Mr. Fitzgerald stated I don't think I put them on the display...

Board Member Taylor stated here is the elevation.

Board Member Brady stated I have it.

Ms. Drake stated it's a 12 by 18 building.

Board Member Taylor stated oh here it is.

Mr. Fitzgerald stated it's a shed.

Chairman Rogan stated here it is.

**Thomas Herman** stated not for nothing, a shed is a shed and a building is a building...

Board Member Montesano stated here.

Board Member McNulty stated Shawn...

Thomas Herman stated if it has to be, make it look nice.

Board Member Montesano stated that's...

Board Member Taylor stated it's a shed more than a building.

Board Member Montesano stated it's of a shed.

Thomas Herman stated well that's okay but like, where are we, right up the street, here is it the telephone building, you know, man that thing is ugly, you know and it's really ugly and this here is nothing to brag about, you guys come one, you can really tweak this up a lot, you know, I'm not an architecture but if you want, I'll draw you something pretty and you can do it for mere peanuts, you know.

Board Member McNulty stated maybe you can explain some more of what your building is all about.

Mr. Fitzgerald stated sure, so and I've said this as previous meetings, this is a control house project that's across 11 substations in the Brewster division, some of them are already in the process of being built in other towns, it's prefabricated, it's custom fit for the equipment that goes into it, which is monitoring equipment, it monitors transmissions lines and it is, it indeed is going before the equipment that is currently here, we propose to screen around it, you're not, it's not going to be as visible from the road because it's behind equipment that's much taller than it and we propose to re-do all the fencing completely around it, 360 degrees.

**Thomas Herman** stated can I ask you something...

Mr. Fitzgerald stated sure.

Thomas Herman stated in all honesty, would you want to look at this in your backyard, honestly.

Mr. Fitzgerald stated what I will say, I am going to give you an honest answer, this is what the company has designed for the substation, it is in the character of the rest of the substation except newer.

Thomas Herman stated okay but that is ugly, okay and it's character, there is no character, so I mean again with the money you guys make it doesn't take anything to dress that thing up, you know.

Ms. Drake stated okay, I can actually talk about the actual building, Debbie Drake, the building itself its going, it's not going to be beautiful I've got to let you know that, it's going to be...

Chairman Rogan stated it's not going to be what.

Ms. Drake stated it's not going to be beautiful, it's because...

Chairman Rogan stated can you move a little closer to the microphone.

Ms. Drake stated it's going to beige and white and the reason it has to be those neutral colors is because when the linemen go in, or we have our foreign crews or other crews going in, everything is going to be grey or white, it is standard so when they walk in, they're not looking at something that's dark because the power's out, they are pushing lights around, so it will be the normal substation colors and it's really for the safety of the, it's conformity, safety for the guys that are walking into the sub and it's uniform across at all of our substations.

Thomas Herman stated ma'am with all due respect...

Ms. Drake stated I know, yeah.

Thomas Herman stated I'm all for safety...

Ms. Drake stated yeah.

Thomas Herman stated especially with electricity but you know, come on, you have to bend a little bit.

Ms. Drake stated we can't, not, we really cannot, we cannot color the control house.

Thomas Herman stated I'm not asking for a color but decorate the thing, with different moldings and what not, different shape.

Ms. Drake stated no, there can't be any moldings, can't change the roof of it either as far as, I think it's a white roof, all this natural is going to stay, all this natural is going to stay, we are enhancing the back here with more screening, we're enhancing the back here with more screening, this is too close the road, there can be no screening right here and what we have and what we will do and I think we said it last time, we will meet with the people, where are you...

Thomas Herman stated right about here, 511 Mooney Hill Road.

Ms. Drake stated right, we will, you know, if we need to you know, give some plantings here just to help screen that, we'll entertain that, okay and think there is a customer at this corner, right, that was there, that we decided to talk to, too.

Chairman Rogan stated okay.

Ted Kozlowski stated Shawn...

Chairman Rogan stated yes sir.

Ted Kozlowski stated and I just, I asked for the plan and I want to really be clear about this, okay...

Ms. Drake stated yup.

Ted Kozlowski stated on the landscape plan, with all due respect to your landscape architects, okay, grey birch does not survive in this area for long, okay, it's extremely susceptible to bronze birch borer, all right...

Mr. Fitzgerald stated okay and...

Ted Kozlowski stated and they will not survive and this gentleman and the people that live around this are not going to want to look at trees sitting there for one day...

Mr. Fitzgerald stated and I think we agreed with the Board that we will, that we were...

Ted Kozlowski stated so I would like you to agree to, if you want birch and there is no difference in cost, just go to river birch, can you please say that for the record so we can move forward on this.

Mr. Fitzgerald stated okay, I'm taking it down river birch...

Ted Kozlowski stated and then take the striped maple out and then just keep going with the service berry.

Mr. Fitzgerald stated okay, done.

Thomas Herman stated I said all I had to say, so thank you very much for the time...

Chairman Rogan stated no, I appreciate your comments, thank you, very well thought out.

Thomas Herman stated 5111 Mooney Hill Road, so if anybody any talks to me, the doors always open.

Ted Kozlowski stated (*Inaudible*).

Board Member Montesano stated get the little mouse going all the time.

Chairman Rogan stated I know that we had previously closed the public hearing but obviously there were people because of timing that didn't make it in, are there any other questions or comments from the audience before we close the public hearing for a second time, okay, motion.

Board Member Montesano stated all right, motion to close the public hearing, second time.

Board Member Taylor seconded the motion.

Chairman Rogan asks for all in favor:

|                        |   |     |
|------------------------|---|-----|
| Board Member Brady     | - | aye |
| Board Member Montesano | - | aye |
| Board Member Taylor    | - | aye |
| Board Member McNulty   | - | aye |
| Chairman Rogan         | - | aye |

The motion carries by a vote of 5 to 0.

Chairman Rogan stated okay, let's shift gears for a minute to the lot line adjustment because that obviously has to be done prior to this, we have the NYSEG/Dressler Lot Line Adjustment, which in essence is the strip of land that...

Mr. Fitzgerald stated yes.

Chairman Rogan stated is being adjusted from the neighbor to this lot, anything from any of your gentlemen on the lot line adjustment that has been covered, no, anything from the Board, a resolution for the lot line adjustment...

Rich Williams stated the lot line adjustment...

Chairman Rogan stated sir, I see there's a little confusion they are getting some property from the neighbor behind them...

Kim Herman stated behind the substation.

Chairman Rogan stated which is basically allowing them to keep setbacks and we're allowing us to do some protective measures for the wetlands et cetera, so there is a lot line adjustment that's going on in that regard. Thomas...

Board Member McNulty stated ready for the resolution.

Chairman Rogan stated sure.

Board Member McNulty stated introduce this resolution for the lot line adjustment whereas the New York State Electric and Gas owns lot at 520 Mooney Hill Road, identified as tax map 3.-1-28 whereas Sandra Dressler owns lot at 177 Route 292 identified as tax map 3.-1-29, whereas the Planning Board has been presented with a lot line adjustment plat, prepared by Terry Bergendorff Collins, dated March 9, 2012 and last revised June 12, 2012 which plat adjusts or alters the lot lines between New York State Electric and Gas and Sandra Dressler and with this, with the general conditions introduced, as outlined in this resolution one through six, be it further resolved that the Planning Board authorizes that the Chairman and Vice Chairman of the Planning Board to sign the lot line adjustment plat upon applicant's compliance with general conditions one, two, three and four and any special conditions stated above.

Chairman Rogan stated can I have a second.

Board Member Montesano seconded the motion.

Chairman Rogan asks for all in favor:

|                    |   |     |
|--------------------|---|-----|
| Board Member Brady | - | aye |
|--------------------|---|-----|

|                        |   |     |
|------------------------|---|-----|
| Board Member Montesano | - | aye |
| Board Member Taylor    | - | aye |
| Board Member McNulty   | - | aye |
| Chairman Rogan         | - | aye |

The motion carries by a vote of 5 to 0.

Chairman Rogan stated any opposed? Okay, so now back to the substation application, I appreciate a lot of the work that has gone back and forth between your office and the neighbors and listening to the comments tonight I think that that's appropriate and I appreciate the way the comments were brought forward, I think that was very appropriate. The screening, I think, obviously we always hope that people are good neighbors and we always hope that people would meet with their neighbors to see if there is anything that can be worked out in the best interest of everyone and I think that that's you know, looking forward, the fence did get a little bit kind of in disrepair...

Ms. Drake stated right.

Chairman Rogan stated and we've looked at and sir just so you know, there are inspections that do occur at these facilities and that's kind of on everybody's radar making sure that things don't fall into disrepair, we've had this, Rich has addressed it with some other sites that have cell towers and such, just to make sure that these sites don't fall to the point where people are all of a sudden realizing, nobody sees it, some of these are stuffed way up in the middle of the woods but we don't want them to become attractive nuisances and we don't want them to become an eyesore and so I think that your comments are very appropriate and I trust that we're going to have a good cooperation with this applicant and the neighbors. We were talking about a revision to the resolution in reference to the planting and I missed a little about what you guys were talking about with the striped maple but did you clarify that and what language do we need for...

Ted Kozlowski stated substitute the striped maple for the service berry...

Chairman Rogan stated okay.

Ted Kozlowski stated and substitute the grey birch...

Chairman Rogan stated you mean instead of striped maple just use service berry.

Ted Kozlowski stated right.

Chairman Rogan stated okay.

Ted Kozlowski stated instead of grey birch go to river birch.

Chairman Rogan stated river birch instead of grey...

Ms. Drake stated yeah, we'll submit another landscaping plan to you, indicating that change.

Chairman Rogan stated okay.

Ted Kozlowski stated when is this all going to occur.

Mr. Fitzgerald stated well we're almost through the approval process here, probably go ahead Debbie...

Ms. Drake stated late fall, maybe early spring, you know what it is...

Chairman Rogan stated right.

Ted Kozlowski stated so the plantings will be the last thing you do, right.

Ms. Drake stated oh yeah, absolutely.

Chairman Rogan stated yeah, okay, I'm sorry...

Board Member McNulty stated does this have to be done too.

Chairman Rogan stated the wetland/watercourse is part of the resolution...

Board Member McNulty stated okay.

Chairman Rogan stated yeah, it's all rolled into one, correct...

Rich Williams stated correct.

Chairman Rogan stated okay.

Board Member Taylor stated I would also add as a special condition that they work with the neighbors on screening across Mooney Hill Road.

Chairman Rogan stated right.

Board Member McNulty stated I think that's in there.

Chairman Rogan stated that's actually part of the resolution I believe.

Board Member Taylor stated oh okay, I didn't see it.

Rich Williams stated that I don't think is in there, I think the fence is in there.

Chairman Rogan stated oh it's not, oh okay, I apologize.

Board Member Taylor stated it should be under special conditions, right.

Chairman Rogan stated okay, all right, in the matter of NYSEG/Dress, oh I'm sorry NYSEG Mooney Hill Substation, I'll make a motion that the Planning Board grant final site plan approval for the installation of the new equipment shed and also with the conditions that one, the planting schematics be changed to delete striped maple and replace service berry as one planting, where indicated and also to replace grey birch with river birch where indicated as well and secondly that NYSEG meet with the adjoining property owners to discuss and implement screening as mentioned tonight in the meeting and on the record, so moved. Can I have a second?

Board Member McNulty seconded the motion.

Chairman Rogan asks for all in favor:

|                        |   |     |
|------------------------|---|-----|
| Board Member Brady     | - | aye |
| Board Member Montesano | - | aye |
| Board Member Taylor    | - | aye |
| Board Member McNulty   | - | aye |
| Chairman Rogan         | - | aye |

The motion carries by a vote of 5 to 0.

Chairman Rogan stated okay, so you're going to get modified plans back so that we show that and I think that, you know I think that we've gone a long way into doing what we've spoken about over the last couple months.

Mr. Fitzgerald stated thank you.

Chairman Rogan stated all right, thank you sir. Who, let me ask this real quick, I see a gentleman I know is here from the American Legion, correct, we have people from Patterson Library, right.

Board Member Taylor stated yes.

Chairman Rogan stated okay, I'm just trying to get a sense and do we have anyone here from PJB Development, no, okay, all right, so sir, American Legion...

### **3) AMERICAN LEGION #1542 – Sign Application**

Mr. Todd Haviland of American Legion Post #1542, was present.

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

Mr. Haviland stated Todd Haviland.

Chairman Rogan stated Todd, okay, so this is for a sign application...

Mr. Haviland stated yes sir.

Chairman Rogan stated we've reviewed this at the work session and I have to get my paperwork out here...

Board Member McNulty stated I'm going to state for the record that I am a member of the American Legion but I'm not affiliated with this branch, so I feel I can act on the Board.

Chairman Rogan stated okay, thank you. Okay, the one concern, not really a concern just something to talk about is the size that you're proposing is a little bit bigger than what would be normally allowed for this area and is there any way you think you can tweak this down to 20 square foot.

Mr. Haviland stated well I guess when I read your paper, I looked at it and I thought it was 24 square foot, that's why we went by with the 4 by 6 design...

Chairman Rogan stated understood.

Mr. Haviland stated but what I get from the Legion National Headquarters our emblems and all, it's 18 inch diameter, so on top, I'm already giving up a foot and a half and then we're going to put the Sargent Ronald Grey and then American Legion Post 1542 next to the Legion sign and then we're going to have three rows of four inch lettering and on the bottom have my own hand with the hall rentals and a point of contact phone number. You know I went with the green for the framing because I know it's aesthetically proper for the Hamlet and you know the signs white, it's a typical sign board, it's aluminum coated, we're going to have clear plastic, just like out in front of the library over here...

Chairman Rogan stated it looks like a real nice design...

Mr. Haviland stated and we're going to go ahead and omit the lighting for now.

Chairman Rogan stated okay, well I think if I remember correctly, you were proposing solar...

Mr. Haviland stated solar.

Board Member Montesano stated solar.

Chairman Rogan stated lighting anyway which, you know our concern with lighting is that it's not creating a hazard when people drive by but solar lighting is such a low luminary that...

Rich Williams stated usually.

Chairman Rogan stated you know, I don't think, it doesn't bring up the same screening issues and I think what we were going to say that if you propose lighting in the future, just stop by and talk to Rich and make sure that it's appropriately screened if needed, so that it doesn't shine off you know, into [Route] 311.

Mr. Haviland stated no problem.

Chairman Rogan stated there are, as you mentioned, the green color, there are some colors that we have samples of that you can work with Rich's office on that are because you're in the Hamlet...

Rich Williams stated yup.

Chairman Rogan stated there are some kind of approved colors for, you know there's a green, there's a blue, there's a red that I'm sure you'll be able to work into your sign, just fine.

Rich Williams stated did you bring the colors, Michelle has the colors here if you want them.

The Secretary stated it's the bottoms ones on each swatch.

Chairman Rogan stated okay, so this is something really that, Todd that you can work through the Planning office to ensure, there you go.

Board Member Taylor stated let's make the decision.

Chairman Rogan stated well if he's going to a blue, it's going to be the blue on there, it's the bottom colors on each you said...

Board Member Taylor stated yes.

Chairman Rogan stated they are kind of a colonial take on each of the colors and I think the way your sign is...

Mr. Haviland stated yeah, we can work with that, that's fine.

Chairman Rogan stated it's going to be fine.

Rich Williams stated those are our only samples, so...

Mr. Haviland stated no problem.

Rich Williams stated yeah.

Chairman Rogan stated they were your only samples, maybe you can write down the color code for the paint, okay, so...

Board Member McNulty stated what color roof were you going to put on it.

Mr. Haviland stated we were going to go with the green shingle, to kind of go with the frame itself, so it all matches.

Chairman Rogan stated all right, does anybody have any comments, concerns.

Board Member Taylor stated so did you agree to bring it down in size, is that what you said.

Mr. Haviland stated we can, I can tweak it down...

Chairman Rogan stated just tweak it down, it's only.

Mr. Haviland stated it needs to be 20 square foot.

Chairman Rogan stated yes sir.

Mr. Haviland stated I'll make it 20 square foot, we'll work it out.

Board Member Taylor stated no problem.

Chairman Rogan stated perfect.

Mr. Haviland stated 4 by 5 and that should be fine, we'll cut off a foot off in length.

Chairman Rogan stated in the two center sections that I'm assuming you want to use to advertise, if you're having an event or a clam bake or something like that.

Mr. Haviland stated right.

Chairman Rogan stated respectfully please, I think everybody wants to make sure that the lettering that goes in, since it's not defined is of course tasteful, that there is nothing that anybody will be...

Mr. Haviland stated oh there won't be any neon, it will be black or red, nothing...

Chairman Rogan stated no, no, I mean the words.

Mr. Haviland stated oh, no, no, no...

Chairman Rogan stated the words you pick, not the...

**Kim Herman** stated the verbage.

Mr. Haviland stated no, I'll save those comments for elsewhere.

Chairman Rogan stated thank you, where they're appropriate, they'll be.

Mr. Haviland stated right, no problem.

Chairman Rogan stated fantastic.

Board Member McNulty stated the other thing would be just placement, that it doesn't impair any view in and out of the driveway.

Mr. Haviland stated it's going where the existing sign is and we're going to move it back closer towards where the flag pole is, and we're putting a new flag pole in too with a couple extra flags on it, so we'll have four branches represented.

Chairman Rogan stated it's nice to see some life back into that building.

Mr. Haviland stated well it's going to look a lot better within the next year...

Chairman Rogan stated great.

Mr. Haviland stated I mean it was almost closed, the Office for the Aging really left us in a bad way, so I just got the roof, all the leaks fixed up there, so I want to put a brick façade on the front to make it look more appealing when people drive by...

Chairman Rogan stated awesome.

Mr. Haviland stated and then we're going to put siding up on the other three sides.

Board Member McNulty stated with that issues, is there anything else this gentleman would have to come in front of us four, to do those changes or just go through the building department.

Rich Williams stated the only thing I requested, if he could submit some sort of schematic with color chips before the sign goes up...

Mr. Haviland stated okay.

Rich Williams stated so the office can confirm that everything is copastetic and...

Mr. Haviland stated I just need to make one copy this time and bring it to you.

Rich Williams stated yeah, just one.

Mr. Haviland stated okay.

Chairman Rogan stated okay, so we have a sign application, SEQRA on this, correct.

Rich Williams stated yes.

Chairman Rogan stated yeah, we need a SEQRA determination for this sign and then the sign application, anybody.

Board Member McNulty stated I'll make a motion on SEQRA.

Chairman Rogan stated thank you.

Board Member McNulty stated I move that in the application of the Sargent Ronald Grey American Legion hall that the Planning Board of the Town of Patterson finds the proposed action to be an unlisted action that will not have a significant impact and hereby issues a negative declaration.

Chairman Rogan stated can I a second.

Board Member Taylor seconded the motion.

Chairman Rogan asks for all in favor:

|                        |   |     |
|------------------------|---|-----|
| Board Member Brady     | - | aye |
| Board Member Montesano | - | aye |
| Board Member Taylor    | - | aye |
| Board Member McNulty   | - | aye |
| Chairman Rogan         | - | aye |

The motion carries by a vote of 5 to 0.

Chairman Rogan stated any opposed, okay and on the sign application, the 20 square foot sign as depicted.

Board Member McNulty stated I'll make a motion to approve the sign application for the Sargent Ronald Grey American Legion hall to be reduced down to the 20 square feet maximum and to use the colors as designated by, for the Hamlet by the Town, second.

Chairman Rogan stated can I have a second on that.

Board Member Montesano seconded the motion.

Chairman Rogan asks for all in favor:

|                        |   |     |
|------------------------|---|-----|
| Board Member Brady     | - | aye |
| Board Member Montesano | - | aye |
| Board Member Taylor    | - | aye |

Board Member McNulty - aye  
Chairman Rogan - aye

The motion carries by a vote of 5 to 0.

Chairman Rogan stated any opposed, okay we thank you.

Rich Williams stated I usually get in here around 7:30...

Chairman Rogan stated and sir, most importantly, thank you for the service to our country.

Mr. Haviland stated it's my honor, thank you.

Chairman Rogan stated thank you.

Board Member McNulty stated good luck.

Chairman Rogan stated good luck to you sir.

#### **4) PATTERSON LIBRARY – Site Plan & Wetlands/Watercourse Permit Application**

Mr. Don Ferraro, President of the Library Board was present.

Chairman Rogan stated Patterson Library.

Mr. Ferraro stated yes. Good evening my name is Don Ferraro, I'm President of the Patterson Board of Trustees.

Chairman Rogan stated how are you Don.

Mr. Ferraro stated good how are you.

Rich Williams stated excuse me.

Mr. Haviland stated I'm not taking them, I'm just writing down the colors.

Rich Williams stated all right.

The Secretary stated he just talked to me.

Chairman Rogan stated okay, we saw the Patterson Library not too long ago.

Mr. Ferraro stated yes.

Chairman Rogan stated on a...

Board Member Montesano stated you give me all these papers, get a book.

Chairman Rogan stated on a gazebo, right.

Mr. Ferraro stated yes.

Chairman Rogan stated okay, so now we're doing a shed.

Mr. Ferraro stated yes.

Chairman Rogan stated I think the question someone had was what the purpose, what 's the storage use for the shed.

The Secretary stated they're coming back.

Mr. Ferraro stated we have lot of tables, chairs, we're going to have a lending, a tool lending program for the kids and for families when they want to borrow tools and garden at home, we need a place to store those, so we have that kind of a need, it's going to be just supplies and we don't have the room in the new library, we still don't have enough space but we want to provide with this 160 square foot shed.

Board Member Taylor stated any chemicals or gasoline.

Mr. Ferraro stated no, no, no, no.

Board Member Taylor stated that was our concern.

Mr. Ferraro stated absolutely not.

Ted Kozlowski stated can I just ask you a friendly question.

Board Member Montesano stated uh-oh.

Ted Kozlowski stated when we went through the wetlands permit the last time and it's not a big issue and I understand why, I did ask you, you know, to make sure you cover it all in one, are you sure you're done now or are we going to see you again.

Mr. Ferraro stated I have no idea. We keep dreaming up new things, I may be back, I don't know.

Chairman Rogan stated good, you know what, it's a fair answer and I would expect nothing less than the truth, it's, you know the change, it needs change from time to time, so you know the main concern was just to indicate the size of the shed, you said 160 square feet...

Mr. Ferraro stated yes, it's 16 by 10.

Chairman Rogan stated and the use because we were concerned that maybe it was going to have some chemical storage and not that that wouldn't be appropriate but it should be not a volume that would create such a hazard, of course.

Mr. Ferraro stated no, we wouldn't, we don't want to do that.

Chairman Rogan stated okay, so in this matter, we are proposing a waiver, site plan waiver to allow the 160 square foot shed as submitted for the use mentioned in the matter of Patterson Library, can I have a second.

Board Member McNulty seconded the motion.

Chairman Rogan asks for all in favor:

|                        |   |     |
|------------------------|---|-----|
| Board Member Brady     | - | aye |
| Board Member Montesano | - | aye |
| Board Member Taylor    | - | aye |
| Board Member McNulty   | - | aye |
| Chairman Rogan         | - | aye |

The motion carries by a vote of 5 to 0.

Chairman Rogan stated any opposed, okay, thank you sir.

Mr. Ferraro stated thank you.

Rich Williams stated we're not done are we, did you do the wetlands.

Chairman Rogan stated you know what, we did the site plan waiver...

Ted Kozlowski stated you're going to do a wetlands for it.

Chairman Rogan stated we'll do a wetlands permit also, I apologize.

Board Member Montesano stated we've gotta do...

Board Member McNulty stated this one's not rolled in.

Chairman Rogan stated no because it's not a resolution.

Rich Williams stated and I'm not even paying attention.

Chairman Rogan stated that's quite all right.

The Secretary stated and don't forget to waive the public hearing, if you're waiving the public hearing.

Chairman Rogan stated yeah, this is so, Ted would you recommend waiving the public hearing on this, wouldn't you...

Ted Kozlowski stated sure.

Chairman Rogan stated on a shed in a disturbed area.

Ted Kozlowski stated I don't think they have any neighbors anyway.

The Secretary stated you'd be surprised.

Chairman Rogan stated okay, Patterson Library, I'll make a motion that the Planning Board due to the fact that the wetlands inspector has said there is no impact on the wetlands, waive the public hearing and issue

the wetlands/watercourse permit application to allow placement of the shed and also issue a neg., well we don't need a negative dec. because we waived the public hearing, right...

Rich Williams stated no, you need a neg. dec. if you're going to issue the permit.

Chairman Rogan stated okay and include in that a negative determination of significance of SEQRA, so moved.

Board Member McNulty seconded the motion.

Chairman Rogan asks for all in favor:

|                        |   |     |
|------------------------|---|-----|
| Board Member Brady     | - | aye |
| Board Member Montesano | - | aye |
| Board Member Taylor    | - | aye |
| Board Member McNulty   | - | aye |
| Chairman Rogan         | - | aye |

The motion carries by a vote of 5 to 0.

Chairman Rogan stated okay, thank you.

Board Member Montesano stated until next time.

Mr. Ferraro stated good night.

Ted Kozlowski stated see you next month.

Chairman Rogan stated yeah, we were saying that you know, the...

Board Member Montesano stated you think it will be that long, huh?

Chairman Rogan stated there was a time on our agenda when things like sheds seemed like they were so unimportant compared to all the big projects we had but unfortunately we don't have a lot of big projects these days so we talk about sheds.

Mr. Ferraro stated thank you, appreciate it.

Chairman Rogan stated thank you sir.

#### **5) PJB DEVELOPMENT CORP. – Wetlands/Watercourse Permit Application**

Mr. Peder Scott was present.

Board Member Taylor is recused from this application.

Chairman Rogan stated is anyone here from PJB Development. Yes sir.

Board Member Taylor stated I have to recuse myself.

Chairman Rogan stated okay, is the Bruce Family waiting outside or something.

The Secretary stated no, they said they were coming back.

Chairman Rogan stated okay, that's why I asked earlier about who was here because I could have bumped them to the front of the line just because they had the young children with them, I would have but, you know.

Mr. Liguori stated are you going to grant the waiver, you could just do it, and when they come back...

Chairman Rogan stated I think there is some discussion about the fence that we need to.

Mr. Liguori stated I wasn't sure so.

Chairman Rogan stated yeah.

The Secretary stated they're going for a variance.

Chairman Rogan stated for the...

The Secretary stated for the height of the fence.

Chairman Rogan stated okay, fair enough.

Rich Williams stated you don't even know where they went.

The Secretary stated she said they were coming back.

Chairman Rogan stated that's okay, we've got other things to talk about.

Rich William stated Charles...

Chairman Rogan stated I did not recognize you.

Mr. Scott stated yes.

Chairman Rogan stated how are you Peder.

Mr. Scott stated very good thank you.

Chairman Rogan stated good, please.

Mr. Scott stated we've renounced that, this project has been around for a while and it's had a lot of different review agents look at it, it's owned by PJB, which is a group of individuals and over the years, the project has had approvals and then contract vendees have come forward to purchase the land for development, builders and it's gone through various cycles for various builders and because the economy's been up and down and it's not really been on the forefront of lots, it really hasn't take off but Chris Lyons has come along and he's interested in putting a building or a house on the property and so maybe I can walk you first through the litany of where it's been...

Chairman Rogan stated okay.

Mr. Scott stated and maybe try and figure out where we want to go with it at this point time. Years ago, it had approvals for a septic system and it at first had a septic system approved with the orientation of the house and a septic in this manner and then we went to the DEP and the DEP said to us well you know what, we want you to look at other alternatives and the minute you can come up with something which would be away from the work horses because what happens is on the site is encumbered two ailments, the one of which is a, an old spring which is discharging water through a watercourse at the top of the property right here and there are remnants of an old building here and also there is a overflow pipe which is discharging toward the property without easements of course from an old subdivision and that water goes into a swale and discharges this direction toward the, I guess the Ham property, there is another seep below that which is right here, it also discharges off to the west, actually east and there is another watercourse coming from, it's a watercourse, it's deemed a watercourse by DEP which is from an old spring house, so again we have Board of Health Approval in this area, we did a plan, we got approvals from Board of Health, we went to the DEP, the DEP says well show me something else and we gave, we came up with this option which was again approved by the DEP and that basically showed the house at the bottom of the hill, again with the same approved septic areas by the Health Department and we've got approvals for both of these systems, both options and when we finished that exercise, we went to DOT and DOT said well, we can't approve the project from this direction because you haven't, your frontage, which was established with the lot, is off of McManus [Road North], so go back to the DEP and get a denial from the DEP and the DOT will then give us a permit for access to the lower part of the property, so we run off to the DEP and we submitted drawings, at the top of the hillside with the DEP, just like you see here today and they ended up approving a individual residential stormwater prevention plan with the property at the top of the house, so now we have two sets of plans, we have a DEP approval at the top of the hillside and then we said well what do we do now and a little bit of time went by because there was a lot of head scratching about which way we should go with this thing and we decided that we would go before your Board for a wetlands permit through you, this plan which was approved by the New York City DEP and see if you would approve this plan which was designed and approved with their input and then if we weren't approved with this option here we would go back to the other project we had which needs a denial from someone which would have a house at the bottom of the hill and to be candid with you, each one had advantages and disadvantages, at the top of the hill, you have a nice private entry, you're on, you're on McManus Road [North], it was a frontage to which this lot was approved and it would have a driveway, house site and you would have to meander down through an unfinished roadway in compliance with Board of Health requirements to maintain the primary system and the lower system would have an access way for the reserve, it would never be built unless it was required and we have a letter from the DOT saying they'd allow this access way to reserve. At the lower portion of the site, again, now we are doing nothing with frontage along McManus [Road North] and the seeps and all the items are all maintained with a hundred foot offset but we would creating a development of the lot from the lower portion of the property which is really not contemplated when it was subdivided but the advantages of that would be no impacts with the wetland at the top of the hillside but you would be coming off an intersection which has been reviewed and verbally approved by DOT but they need a piece of paper from someone saying that is not viable, to utilize the Town road to provide access and this would be a busy sort of intersection, you know you'd be at [Route] 164, you're at the intersection, there is a building across the street, there is a stream corridor which is off the east but in this manner, you could, you know, we could develop it and this is fully approved by Board of Health as well...

Ted Kozlowski stated Shawn...

Mr. Scott stated what we would do with the DEP then at that point in time, is we would just withdraw their individual plan of approval and focus on this project. The only down side of it is, it's difficult to put in stormwater management techniques for the house because of the proximity of the septic and the difficulty of pushing ourselves up a hillside, to create a house site based on the grades at the bottom of the hill, that's the other problem with this project is, the only thing you could do is, we would have to put, we'd have to get a waiver from the DEP for drywells less than a hundred foot from a septic but that would be the only way we'd be able to create some sort of stormwater management, even a rain garden would be difficult to fit, you could handle the house possibly but you'd have a difficulty again with the driveway and the septic.

Chairman Rogan stated Rich, what's the history on the lot though, how, when was this lot created.

Rich Williams stated I have no idea when the lot was created...

Chairman Rogan stated you know Peder.

Rich Williams stated I'd have to try to go back...

Mr. Scott stated yeah, it's in the '70's I think.

Chairman Rogan stated because it's just amazing, it's so narrow, it's just such an unfortunate...

Mr. Scott stated yes, right.

Chairman Rogan stated Ted, you wanted to...

Ted Kozlowski stated Peder, you asked about getting...

The Secretary stated turn it on.

Ted Kozlowski stated you asked about receiving a piece of paper and you are about to receive one from me, denying, not denying but declaring that this wetlands permit application is incomplete and I would like to go over a little history with you. Two years ago, I was contacted by a partner in this lot to go take a look at the wetland conditions, I relayed my observations to both and that person...

Mr. Scott stated right.

Ted Kozlowski stated explaining that there were wetlands on the top and the bottom of this lot and that there are wetlands to the east of this lot, I never heard back from anybody, you have submitted a wetlands application that is very incomplete, one of the major problems with this application is that none of the wetlands have been delineated, I have not been asked to verify any of the delineations, I feel bad that you have gone through all this process of contacting agencies when you really should have started with the wetlands and watercourse code here first because I feel that what I saw in that field is going to greatly influence and change that whole design and you need to step back and get somebody in there to identify all those wetlands, have them field delineated so I can go out there and verify it, you have a house right on top of a stream, if you look at our wetland code, streams, seeps, are regulated, they are, you have all your development right in the middle of it, that's one thing, there is not identification of soils, there is no identification of nearby wells and septic's within 250 feet of this project...

Mr. Scott stated right.

Ted Kozlowski stated there is no discussion at all on the functions of the, and the impacts to the wetlands with this project, it is unclear who the property owner, I don't know who JTP is or whoever, it's your name and you're identifying three initials...

Chairman Rogan stated wasn't there a disclosure in the applications.

Board Member Brady stated yeah, I think there was, I thought I saw...

Ted Kozlowski stated and then there is...

Rich Williams stated that is one of the issues I identified in the memo that I wrote.

Board Member McNulty stated yeah.

Ted Kozlowski stated and then the start and end dates on the application are passed, so I am recommending to this Board that we can't give you guidance here and we can't give you direction because we don't know what the wetlands conditions are on there, we don't have an adequate wetlands application...

Mr. Scott stated yeah.

Ted Kozlowski stated so I can't give this Board guidance and I don't know who this Board can give you guidance with that plan, based on information that is lacking.

Mr. Scott stated yeah I think if I may interject, just quickly where we're at, so we didn't know which way to proceed because we've got two different sets of approvals, we do, we have soil maps say packing and ridge...

Ted Kozlowski stated Peder, you know, I take exception that...

Mr. Scott stated okay.

Ted Kozlowski stated I gave guidance two years ago, to you in an e-mail...

Mr. Scott stated yes.

Ted Kozlowski stated and to the other person...

Mr. Scott stated yes.

Ted Kozlowski stated saying get these wetlands identified, field verified, so I can give you the input, so now you're here two years later with all these so-called approvals and all this design, what happened to that guidance I gave you.

Mr. Scott stated I think what we were doing is, we were going to go this route directly with the Town but we were always at the point of trying to figure out, is it feasible to move this thing along because we're almost, we're still at the work stage of the project after all this time. We have Evans on Board to look at wetlands but we were deciding before we pull the trigger with a lot of the major wetlands things and you're correct, the wetlands are not identified, we're having problems just stepping back a bit and trying to figure out where we're at because globally we're having problems with identifying where we go with it and if we need the flagging, we can do that for the next meeting but I wanted to get before you, I didn't want to

confuse everybody by submitting two different plans, I just wanted to get here before you and say here's the problems we're having and again we're not looking for an answer tonight, I'm just trying to identify where it's been, why it's been off in the ether for such a long time, we were hoping that the DEP would deny us here and then we'd have a clear direction and then we could start, you know really finalizing what's going on down there but instead of denying us, they approved us, which kind of made it kind of, we were on, we didn't know which way to proceed and that's kind of why, I'm purely here for a work session, if need be, we can, I can come back at the next meeting and respond to the memo, but I'll be candid with you, we're not sure if we should pursue this but I'll get the wetlands flagged and delineated if necessary.

Ted Kozlowski stated no, you have to...

Mr. Scott stated yes.

Ted Kozlowski stated if you're going to go through a wetlands permit, that's required, Town Law.

Mr. Scott stated right.

Chairman Rogan stated let me ask this though, if you have two different options, before we jump to the wetlands delineation, would it be prudent to say option A, is less impactful...

Ted Kozlowski stated Shawn, if I may...

Chairman Rogan stated yes.

Ted Kozlowski stated there, I believe there are wetlands where the septic is on the bottom...

Chairman Rogan stated oh.

Ted Kozlowski stated and there are wetlands on the top.

Chairman Rogan stated so then considering that regardless, A or B is going to have a wetlands permit, let's get the wetlands delineated...

Mr. Scott stated that's fine, that's perfect.

Chairman Rogan stated for the lot and within certain distance of the lot.

Ted Kozlowski stated I...

Chairman Rogan stated okay...

Ted Kozlowski stated I'm very surprised at DEP but we've been through this before.

Board Member Montesano stated yes.

Ted Kozlowski stated and we know there are wetlands to the east of them, it's to me, somebody spent a lot of money on this and I don't know if they are wasting their time.

Board Member Montesano stated well if this was approved back in the '70's, a lot of changes have occurred.

Chairman Rogan stated yeah.

Mr. Scott stated yeah, we wouldn't have been here if we'd been denied, we would have a complete application if we had not been approved by DEP but that just kind of spun. So, I agree, let's get the wetlands, we'll flag the wetlands for you, we'll attend the next meeting and then...

Chairman Rogan stated we want to get them verified, let's not worry so much about attending the next meeting but moving forward to a point where Ted feels confident that we are all in agreement on where those lines area, what type of wetlands and et cetera...

Mr. Scott stated yes.

Chairman Rogan stated typically because we haven't seen much of you in the last few years but typically with these types of applications, there is an acknowledgment by the Board that these are old cruddy lots that were approved way before a lot of our current laws and we'll work cooperatively to do the best that we all can, having said that, your option that's in front of us has obvious problems for a future homeowner that can't do anything, they have no backyard, they are right on their limits, you guys think you have issues with coming in later with your application. This lot would be really difficult for the owner to do anything, one with the existing application you're showing, my question would be, do you have any opportunity to do lot line adjustment with the adjoining property owner, is that something that's possible to gain a little bit of property somewhere.

Mr. Scott stated we were in communications at one time with these neighbors for potentially, basically have them take over the lot...

Chairman Rogan stated right.

Mr. Scott stated but that didn't go anywhere...

Chairman Rogan stated okay.

Mr. Scott stated so basically, that's about the extent of our neighbor contact was.

Chairman Rogan stated but maybe it would be appropriate after we get the delineation to look at this as a plan A or a plan B, so we can really balance and look at the pros and cons.

Board Member McNulty stated this whole plan is new to me, I've never seen it before...

Chairman Rogan stated none of us have.

Board Member McNulty stated oh, you weren't around either.

Chairman Rogan stated in the '70's, I was born.

Board Member McNulty stated no, I thought this was in front of the Board before.

Chairman Rogan stated no, no, never.

Mr. Scott stated no, this is super old.

Chairman Rogan stated we're all on page one.

Board Member McNulty stated okay, I'd like to see the site because it's complicated and confused, is it all staked out.

Chairman Rogan stated no.

Mr. Scott stated no, purely all work session was my intent tonight was to show the...

Board Member Montesano stated it's been done on paper.

Chairman Rogan stated I think if we can get the wetlands delineated first, then confirmed.

Mr. Scott stated yes.

Chairman Rogan stated we get maybe both options staked out, we get out there, I mean we need to, I think this site is so small, it's lineal but it's so narrow but if we can get some property line stakes...

Mr. Scott stated yes, sure.

Chairman Rogan stated I think would be important and we'll get out there...

Mr. Scott stated yeah Evans has been out there in the past, we'll get her there again and start putting stuff in...

Chairman Rogan stated yeah, I mean.

Board Member McNulty stated it will be a better understanding if we could see the site.

Chairman Rogan stated clearly we are all in agreement here today that this lot is incredibly challenged that's why we're working through the different options and...

Mr. Scott stated right.

Chairman Rogan stated there are clear concerns.

Ted Kozlowski stated it is challenged and...

Chairman Rogan stated yeah.

Ted Kozlowski stated and it's challenged by the wetlands, it's challenged by the steep slopes...

Chairman Rogan stated the slopes, yeah.

Ted Kozlowski stated it's all rock and boulder.

Chairman Rogan stated yeah.

Ted Kozlowski stated this is...

Chairman Rogan stated about one of the toughest ones.

Ted Kozlowski stated this is a very challenged lot for anybody who's going to have a residential home here, it really is.

Chairman Rogan stated yeah and I think...

Ted Kozlowski stated there's a lot of limitations.

Chairman Rogan stated you've obviously done a lot of leg work with the different other septic agencies and stormwater...

Mr. Scott stated right.

Chairman Rogan stated we're got to just to proceed in a way that says at the end of the day everybody can feel comfortable with the decisions that are made.

Mr. Scott stated I agree, that's a good approach.

Chairman Rogan stated I think that's appropriate, you know.

Mr. Scott stated I appreciate that time.

Chairman Rogan stated absolutely.

Mr. Scott stated we'll schedule everything and we'll take the next step and go from there.

Chairman Rogan stated and it might be the kind of thing that as we progress, work sessions are a great time to really spread the plans out on the table and talk, you know.

Mr. Scott stated correct, all right, okay, thank you very much.

Chairman Rogan stated okay, so let's, thank you.

Mr. Scott stated we'll get that going right away.

Chairman Rogan stated it's nice to see you again, it's been some time but...

Mr. Scott stated thank you.

Board Member McNulty stated see he was up front.

Chairman Rogan stated yes, not for this, no, no, other applications.

**6) ICE POND ESTATES SUBDIVISION – 62 Days from Public Hearing to Expire**

The Applicant did not appear.

Chairman Rogan stated okay, we have nothing new on Ice Pond Estates, correct Rich.

The Secretary stated we did receive the waiver from them.

Chairman Rogan stated the waiver but nothing material wise, we can go back to. You have anything you want to talk about on Ice Pond other than receiving the waiver.

Rich Williams stated we did receive the waiver, so at this point the times have been waived and the Board can take a step back and take a look at the plans when they do get resubmitted.

Chairman Rogan stated okay.

**7) SUZANNE E. BRUCE – Driveway Waiver**

Mrs. Suzanne Bruce and her family were present.

Chairman Rogan stated so we have anyone here for Bruce. The Bruce Clan. Where's mommy going.

Board Member Montesano stated bring the back-up.

Chairman Rogan stated good evening.

Mrs. Bruce stated how are you.

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

Mrs. Bruce stated Suzanne Bruce.

Chairman Rogan stated are they going to state your name for the record.

Mrs. Bruce stated what's your name.

Austin Bruce stated Austin.

Mrs. Bruce stated Austin Bruce.

Chairman Rogan stated Austin, okay.

Caleb Bruce stated Caleb Bruce.

Chairman Rogan stated Caleb Bruce, okay, duly noted. Okay, obviously we were all out to your home, we know about the project that you want to do, we've discussed a number of issues, I know the fence it sounds like you're going to probably go to Zoning Board to request a variance.

Mrs. Bruce stated Michelle had talked to me about, we're going to request that we can still, sorry...

Chairman Rogan stated oh you know, I apologize...

Board Member McNulty stated oh we have to bring Ron back.

Chairman Rogan stated I'm sorry, can somebody tell Ron, we're done.

Mrs. Bruce stated okay.

Chairman Rogan stated he recused himself from the last application.

The Secretary stated we forgot about Ron.

Rich Williams stated it's the little things.

Chairman Rogan stated we want to make sure we have all five here but we have a chair that we can probably you know...

Board Member Brady stated yeah, it looks like...

Chairman Rogan stated fill for a while.

Mrs. Bruce stated Violet you want to be on the Planning Board.

Chairman Rogan stated that would be funny.

Board Member Brady stated Shawn, it looked like you were going to have the kids come sit there.

Chairman Rogan stated I was thinking about it.

Board Member McNulty stated oh where's Ron.

Board Member Montesano stated tell him we got a replacement already.

Chairman Rogan stated next generation, next generation, right.

Mrs. Bruce stated elephant wants to say something, what's he want to say, his name is Elephant Bruce.

The Secretary stated he's right behind me.

Board Member Taylor stated you were just going to leave me in there, huh?

Chairman Rogan stated no, no, we, you know, we know something was amiss.

Board Member McNulty stated you were almost replaced.

Board Member Montesano stated we have replacements.

Mrs. Bruce stated yes, Violet's ready.

Board Member Montesano stated look, she's coming right up the steps.

Board Member Montesano stated oh okay.

Chairman Rogan stated let the record show that Ron is back. Okay, so in this case we're at the point we have a driveway waiver to allow an extension of a driveway which will as Rich noted, will bring the property more into compliance with the parking that is required, there were some issues that were mentioned about the PVC drain and the fence, we can certainly approve up to the six foot, so you have that approval and then just in case, you know...

Mrs. Bruce stated okay, great.

Chairman Rogan stated we can approve with in our Code...

Rich Williams stated we can approve...

Chairman Rogan stated if they want to go.

Rich Williams stated the Code allows them to build a 6 foot fence.

Chairman Rogan stated oh just, exactly...

Mrs. Bruce stated well because what Nick was saying that once we leveled it, we still had to technically go from the original grade but that would only leave us a 2 foot fence, which wouldn't make any sense because we want to basically block the kids from getting out of the backyard, so...

Chairman Rogan stated yeah, you want to keep them, huh?

Mrs. Bruce stated yes.

Chairman Rogan stated what we were actually going to recommend tonight was that eyeball the same level of the neighbors fence, so that they're not looking up at a, you know, their fence is here and yours is up here...

Mrs. Bruce stated okay, that makes sense that would give us about four feet, yeah.

Chairman Rogan stated that would give you about four feet from the top.

Mr. Bruce stated but again we want to make the fence level...

Chairman Rogan stated yeah, no, totally agree.

Mr. Bruce stated what happens is the ground goes up...

Chairman Rogan stated yeah.

Mr. Bruce stated so their fence again is at the beginning of our extension there...

Chairman Rogan stated yes.

Mr. Bruce stated that maybe only comes up about two feet, as a par in the corner, it comes up four, so we may, it may go a little higher at a certain point, but again we just want to make it level.

Chairman Rogan stated I can't, that seems like a very reasonable, can you imagine a grade that went like this, it would be silly to have someone put a fence in like that, you're shooting a level area but I think that everyone here was looking for you to be consistent with the height, the ultimate height of what the neighbor has, which would probably be about where you're shooting for anyway.

Mr. Bruce stated yeah.

Chairman Rogan stated so, gentlemen, anything from anyone before the kids take over the meeting.

Mrs. Bruce stated they already have.

Chairman Rogan stated no, they're fine.

Mrs. Bruce stated next time you have to e-mail me the agenda beforehand.

The Secretary stated okay, yes, I will do that next time, sorry.

Mrs. Bruce stated I'll just show when it's time.

Chairman Rogan stated okay, can I have a motion from someone on the waiver.

Mr. Liguori stated we'll call you from the parking lot.

Mrs. Bruce stated yeah.

Chairman Rogan stated anyone feel comfortable with that.

Board Member Brady stated I'll make a motion to approve the driveway waiver, I don't know the rest of the process that we...

Rich Williams stated just give the dimensions, throw the dimensions in.

Board Member Brady stated excuse me.

Rich Williams stated throw the dimensions in.

Board Member Brady stated the dimensions.

Board Member McNulty stated of the fence.

Board Member Brady stated oh, the fence is to be equal...

Rich Williams stated no, no, no, not the fence, the separation from the property line to where the parking is going to be.

Chairman Rogan stated the separation is a three foot.

Board Member McNulty stated three foot.

Board Member Montesano stated three foot separation.

Board Member Brady stated three foot, okay.

Chairman Rogan stated yup, so the driveway waiver is including the three foot separation.

Board Member Brady stated separation, correct.

Chairman Rogan stated and at this point for us, fence to comply with Town regs.

Board Member Brady stated Town Code, right.

Chairman Rogan stated okay.

Board Member Montesano seconded the motion.

Chairman Rogan asks for all in favor:

|                        |   |     |
|------------------------|---|-----|
| Board Member Brady     | - | aye |
| Board Member Montesano | - | aye |
| Board Member Taylor    | - | aye |
| Board Member McNulty   | - | aye |
| Chairman Rogan         | - | aye |

The motion carries by a vote of 5 to 0.

Mrs. Bruce stated so do we need to appear on the fence.

Mr. Bruce stated so we don't need to come back, we can just put basically like a four foot fence along there.

Chairman Rogan stated yeah, is that, did he...

Rich Williams stated no.

Mrs. Bruce stated I have to amend the application.

The Secretary stated because with your retaining wall, if you're going to place your fence on top of the retaining and it's going to be higher than six, you have to go for a variance, whatever is past the six feet.

Mr. Bruce stated we knew that, I just thought that you guys just approved, that basically.

Rich Williams stated you have to go, also to another Board, I understand to the ZBA and when you go to the ZBA they're going to take up the issue with the fence.

Mr. Bruce stated okay.

Rich Williams stated if it's going to be higher at 6 feet at any point.

Mr. Bruce stated okay.

Mrs. Bruce stated okay.

Chairman Rogan stated how high though, off that corner where you had that pipe it seemed like you were only like...

Mr. Bruce stated it's about, we're about three feet up there...

Chairman Rogan stated three foot.

Mr. Bruce stated and at the beginning end we're literally 6 inches up, you know...

Mrs. Bruce stated yeah, because it's on a slant.

Chairman Rogan stated yeah, I mean the fact of the matter is it seems like a very reasonable request because it's not over the whole length, it's a section, you're probably talking about a ten foot length of fence that might be over that, it's not the entire thing, so it seems like a very reasonable request.

Mrs. Bruce stated it's just for the safety of the kids, you can see how, what lunatics they are so, we don't want them running up to the road or...

Board Member Montesano stated I like that.

Chairman Rogan stated all right folks, thank you guys very much.

Mrs. Bruce stated okay, thank you.

Mr. Bruce stated all right, thank you.

Mrs. Bruce stated I'll come see you tomorrow, thank you.

The Secretary stated yes.

Mrs. Bruce stated have a good night.

Chairman Rogan stated good night guys.

Board Member Montesano stated good night.

Board Member McNulty stated good night.

Mr. Bruce stated everybody say bye.

Children stated bye.

Board Member McNulty stated bye bye.

Chairman Rogan stated bye, have a good night. These are the times when having cameras would be fun because let's face it, that's cute, you know. Anything under other business that, anything under other business that you gentlemen want to bring forward.

Rich Williams stated not for me.

Chairman Rogan stated you have a great evening.

Mrs. Herman stated thank you.

Mr. Herman stated thank you.

Chairman Rogan stated and I do appreciate the way in which you made your comments, they were very reasonable and I thought they were well thought out and we need more people like you to come to the meetings.

Ted Kozlowski stated it was funny.

Mrs. Herman stated it was funny.

Mr. Herman stated funny.

Mrs. Herman stated he's a funny man.

Chairman Rogan stated oh god awful and ugly.

Mrs. Herman stated good night everyone, thank you.

Board Member Taylor stated I would say if you don't hear from them...

Chairman Rogan stated sir.

Board Member Taylor stated sir, if you don't hear from NYSEG about screening, come back in.

Mr. Herman stated and how much time, what window should I allow them.

Chairman Rogan stated a couple of months.

Board Member Taylor stated they're talking about this fall or next spring.

Rich Williams stated well I assumed we were going to check with NYSEG to confirm with the neighbors before we sign the plat.

Board Member Taylor stated okay, so 62 days from now.

Mrs. Herman stated so we should hear something from them.

Chairman Rogan stated so in the next month or so.

Mr. Herman stated if we don't, whom should I speak to.

Chairman Rogan stated put him on the hot seat.

Board Member McNulty stated Planning, the Town Planner.

Mrs. Herman stated the man in black.

Board Member Montesano stated he knows.

Mr. Herman stated thank you very much.

Chairman Rogan stated thank you sir and ma'am.

## 8) OTHER BUSINESS

Board Member Taylor stated I have one additional question on the Commerce Drive subject, I know you guys are getting tired of this.

Board Member McNulty stated no, I like it.

Chairman Rogan stated go for it Ron.

Board Member Taylor stated I was thinking about the buffers, I have mentioned this at the work session that if they create new wetlands, it creates, for the Town, not for the Army Corps but for the Town, more buffers that would then extend into some of the existing lots that have been developed or parking lots and stormwater practices and the road and so on, is there a provision where it's pre-existing, the parking lot is pre-existing and the road is pre-existing so...

Rich Williams stated yeah.

Board Member Taylor stated they don't have to think about...

Ted Kozlowski stated Ron you have that right now, think about it...

Board Member Taylor stated yeah I know.

Ted Kozlowski stated your house is pre-existing to the stream that's there, you know.

Board Member Taylor stated yes, right but for Commerce Drive I just want to be sure because we're talking about extended, I mean some of the wetlands could come right up to the road which would them put the buffers way...

Ted Kozlowski stated it's, that's not an issue.

Board Member Taylor stated okay, that's all, I'm reading it right this stuff and it looks like we're all set.

Chairman Rogan stated good question though Ron.

Board Member Taylor stated hopefully we get something out of them. I'm just ignorant of all this stuff.

Chairman Rogan stated you're not ignorant at all and I appreciate you bringing it and asking.

Board Member Montesano stated now you're making the rest of us have to wonder.

Chairman Rogan stated that's the only way we all learn.

Board Member McNulty stated a comment on SEQRA, I sent out some e-mails with the proposed changes...

Board Member Taylor stated yes, yup.

Board Member McNulty stated it looks like they're trying to streamline SEQRA a little bit from what I've looked at.

Board Member Montesano stated to make it easier for them.

Board Member McNulty stated I don't know if anybody has an comment or if we want to prepare anything or...

Board Member Montesano stated it's known as passing the buck.

Board Member McNulty stated Rich might want to prepare something by August 10<sup>th</sup>, you're the expert on it.

Rich Williams stated they're streamlining the process, we're talking about a state agency, my comments would be, you silly man.

Board Member McNulty stated I don't know, did you take a look at the proposed changes.

Rich Williams stated I've looked at them, I haven't looked at what you gave, what you sent out yet but I've looked at them in the past, yes.

Board Member McNulty stated subdivision, they're easing parking and trying to change the...

Board Member Montesano stated can I have some of that stuff you're using.

Chairman Rogan stated shhh.

Board Member McNulty stated I just wanted to toss that out there.

Board Member Montesano stated I need another one.

Chairman Rogan stated thank you.

Board Member McNulty stated you're welcome.

Chairman Rogan stated I appreciate your diligence.

## 9) MINUTES

Board Member Montesano stated all right, can we accept the minutes of June 28<sup>th</sup> and July 5<sup>th</sup>.

Chairman Rogan stated if you say so.

Board Member Montesano stated so moved.

Chairman Rogan stated I have a second.

Board Member McNulty seconded the motion.

Chairman Rogan asks for all in favor:

|                        |   |     |
|------------------------|---|-----|
| Board Member Brady     | - | aye |
| Board Member Montesano | - | aye |
| Board Member Taylor    | - | aye |
| Board Member McNulty   | - | aye |
| Chairman Rogan         | - | aye |

The motion carries by a vote of 5 to 0.

Chairman Rogan stated anything from any our audience members or esteemed colleagues.

Board Member Taylor stated oh.

Chairman Rogan stated wow.

Board Member Taylor stated (*Inaudible – too many speaking*).

The Secretary stated yes.

Board Member Montesano stated there's spring in that step.

Councilman Cook stated just that I bring you greetings from the Town Board and wanted you to know that we appreciate the mediocre job that you're doing and I continue to do the good work.

Chairman Rogan stated we'll try to continue...

Board Member McNulty stated glad you're easy to work for.

Board Member Montesano stated here, take this one with you.

Councilman Cook stated is there anything you guys want to me bring back to my esteemed colleagues.

Chairman Rogan stated just to continue the mediocre job that they're doing.

Councilman Cook stated very well, I will be sure to express that.

Chairman Rogan stated since in this room none of us are running for anything. Motion to adjourn.

Rich Williams stated not yet.

Board Member McNulty seconded the motion.

Chairman Rogan asks for all in favor:

|                        |   |     |
|------------------------|---|-----|
| Board Member Brady     | - | aye |
| Board Member Montesano | - | aye |
| Board Member Taylor    | - | aye |
| Board Member McNulty   | - | aye |
| Chairman Rogan         | - | aye |

The motion carries by a vote of 5 to 0.

The meeting adjourned at 8:07 p.m.