

TOWN OF PATTERSON
PLANNING BOARD MEETING
August 6, 2009

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Charles Cook

**Planning Board
August 6, 2009 Meeting Minutes**

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

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

The meeting began at 7:30 p.m.

There were approximately 25 members of the audience.

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

Chairman Rogan led the Salute to the Flag.

Chairman Rogan stated thank you ladies and gentlemen.

Board Member Montesano stated must have been the speed version.

1) BREWSTER PLASTICS – Public Hearing

Mr. Philip Doyle of LADA Land Planners, Mr. Jim Velleman of BVH Integrated Services, Mr. Harold Lepler and Mr. Brett Wallace, Vice President were present.

Chairman Rogan stated okay, first up on the agenda we have Brewster Plastics' public hearing, Michelle can you please read the public notice.

The Secretary read the following legal notice into the record:

NOTICE IS HEREBY GIVEN by the Town of Patterson Planning Board of a public hearing to be held on Thursday, August 6, 2009 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 **Brewster Plastics Amended Site Plan Application to allow the construction of 24,835 square foot addition to the existing light manufacturing, warehouse and office use.** The property is located at 60 Jon Barrett 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 okay, who do we have here from Brewster Plastics this evening.

Mr. Doyle stated we have a number of us here.

Chairman Rogan stated who would you like to have come up.

Mr. Doyle stated Philip Doyle, Land Planner and with me, we have a few members of the team, we have Brett Wallace who is Vice President of Operations. Brett, I'm not sure I have all your title but Brett is here to answer any questions that have to do with the operation of the existing facility and/or the proposed expansion. We have Harold Lepler, whose been working with us as development consultant through the process and I think Harold is very familiar with the technical aspects of how this might be constructed and I have Jim Velleman from BVH Engineering, who is our civil engineer, structural engineer and mechanical engineer for the project and. . .

Chairman Rogan stated Mr. Doyle, if you would, since the Board has been out on site, we've gotten a complete review of not only the plans but how the facility operates. If you would gear your summary towards the audience so that we can give a summary statement that talks a little bit about what you're proposing, how you're going do it, some of the impacts that may be associated with this plan and then we will ask if there is any input or any questions on this.

Mr. Doyle stated that I will do, I thought we might want to go in that direction.

Chairman Rogan stated thank you sir, fantastic.

Mr. Doyle stated this application has been made to expand the existing Brewster Plastics facility that is built in Robin Hill Corporate Park, on the south end of Robin Hill Corporate Park off Jon Barrett Road and adjacent to Route 22. I have an old plan that goes back into the 90's, this site is currently approved for about fifty-one or fifty-two thousand square feet of light industrial and manufacturing space. The Brewster Plastics has built a good portion of the existing building, the existing building shows Route 22 at the bottom. Robin Hill Corporate Park is to the west and to the south of this particular site and there is an approval for a fifty-two thousand square foot building that is sitting in the middle of the site with a circumferential driveway, a stormwater basin and various utilities servicing the site.

Chairman Rogan stated hey Phil, could you please use the cork board, it's a little bit low for the audience to see, if you don't mind, we have the clips up top.

Mr. Doyle stated sure, okay.

Chairman Rogan stated I know you're still going to flip up.

Mr. Doyle stated yeah I'm going to be flipping up.

Chairman Rogan stated okay, those drawings are probably a little bit hard for the audience to see anyway, they're not.

Mr. Doyle stated Jim, could you come here and just hold this.

Chairman Rogan stated thank you.

Mr. Doyle stated just so the people get an orientation, Brewster Plastics when it was . . .

Chairman Rogan stated you [to The Secretary] don't have to write.

Mr. Doyle stated built, they built primarily phase one which is the corporate portion of the building with the office section out front and they left the second phase for expansion and that second phase is $\pm 24,000$ square feet and that is what we are seeking to build now. The reason we are here now is to modify this approved plan to add about three or four thousand square feet to the approved building mass and to deduct, to eliminate a good portion of the paving that was approved for the existing building. Brewster Plastics employs about thirty-five people, the people are distributed over three different shifts and the majority of those people are employed during the day and there are forty-five parking spaces on the site. All of those parking spaces come in through Jon Barrett Drive, those parking spaces generally tend to be to the north end of the property and there is no need to add the additional parking spaces. If we followed the Zoning Code, we would need seventy-seven parking spaces for the property but at most there are twenty-three to twenty-five employees on the site, we have forty-five spaces so we have asked the Planning Board for a deferral of the construction of the balance of the parking, if they were ever needed, they can be constructed but we doubt they would ever be required. The addition would be in the area shown in the dark, it matches the location of the approved addition but for this section here, which is about 4,000 square feet of additional space and we would have the service come in the same area that it is currently located. There are two docks now, we added a third dock and we provided room for a fire truck to turn around on the property rather than having to take the driveway around the site by reducing the amount of pavement, we are able to reduce the total impervious surface on the site by about two tenths of an acre. This site is large enough, we are disturbing a little bit more than an acre of land so we have to submit a stormwater pollution plan to the New York State DEC, which we are in the process of doing. The existing storm basin on the site will be retrofitted to meet all of the current DEC standards and I think that is just a general outline. We have an existing septic system, we are not adding any additional employees so we have a confirmation letter from the Health Department that indicates that we do not need to expand or change the septic system, the wells would remain the same. We have a fire protection pond on the site, the building is protected with its own fire protection system and that system would stay in place. We would probably add some capacity to that by taking and increasing, its like a pool, we are probably going to add a couple of feet to the height of the pool to hold additional storm, fire protection water, that is the only change that would happen in that area. Rich Williams has made, the Town Planner, has made comments, as well as the Town Engineer has made comments, we've tried to respond to those comments as we've gone through the process, we had a series of responses that we submitted to the Town, I think the responses were in a book that looked like this [holds up a three-ring binder] and they were submitted on July 21st. The Town staff, the Town Engineer and the Town Planner were good enough to get us their comments earlier today on the review of plans and we have prepared a written response to the comments that we got today. The comments were all, from our point of view, extremely reasonable and appropriate, the comments that will help us dot the i's and cross the t's and we really don't have any issues with the responses. The, what am I missing, traffic won't change, no impact on traffic, no new employees are proposed at this point, at some point in the future, there may be eight additional employees in the building. That is well within the capacity of the septic system and what was originally approved, doesn't even bring us up to the original levels of employment. Brewster Plastics

is a very thriving business, an injection molding business that has gotten some wonderful contracts that will allow it to expand and remain in the community as one of probably the only clean light manufacturing facilities still operating the area. This is a wonderful opportunity for them to remain, as we were talking over dinner there, as we were saying that as this building was originally taken for approval in the 90's, there were seven, I think, injection molders within this area, there are now only two. That is generally what is happening to our light industrial base, so our belief is very important to maintain this diversity in the area. I would mention that Rich had a comment at one point and had asked us, there was a note that he has asked us to put on the plans about roof top units and I would just like to address that. The building does have rooftop units, it was designed and approved for rooftop units, the units have been set so they are not overlooking Route 22, they are set back into the building, so they are not visible and with the systems already in place and with not that much additional mechanical equipment necessary for this section of the building. The intention is to build this section the same as we built the original section, it will have rooftop units and we indicated in the response letter, the owner will strive to make sure they are set back from the edge of the building, they won't be visible from Route 22, no one will see them and the site is surrounded by thick vegetation, so they will remain invisible. We need the rooftop mechanical equipment because that is the way the building has been designed since the 90's that was the way it was intended to be designed, so we are going to stay with that practice.

Chairman Rogan stated but as you had stated, the main concern for the Board and planning for the Town, is that those units are not visible and I certainly understand from Route 22, the elevation of this building is such that you wouldn't be able to see them.

Mr. Doyle stated you can't see it.

Chairman Rogan stated but we do want to make sure when you site those you use every precaution so we are not going to create a (inaudible – spoken over).

Mr. Doyle stated correct and those plans can be reviewed with the Town staff when we are doing that.

Chairman Rogan stated Rich.

Mr. Doyle stated I think Rich wanted to. . .

Chairman Rogan stated sure, go ahead.

Rich Williams stated just so the Board's aware, the original approvals recognize that they are going to be building mounted units but there also had a note on the plan that said they were going to be screened.

Chairman Rogan stated okay.

Rich Williams stated so I don't know if you want to go back to that or you're comfortable with you know the fact that this building is so much higher then Route 22, they are really not going to be visible.

Chairman Rogan stated well what's your opinion on, do you agree that if they are placed appropriately they will not be seen, certainly not from [Route] 22.

Rich Williams stated if placed appropriately, sure.

Chairman Rogan stated okay.

Rich Williams stated if they are not put right on the edge of the building.

Chairman Rogan stated okay and what mechanism is in place so that the Town is insured prior to placement that either yourself or the Building Inspector has reviewed the placement to ensure it meets with the intent of what the Board is approving.

Rich Williams stated we can put a note in the resolution, the Building Department gets the resolution, there is constantly improving coordination between the Building Department and Planning Department. . .

Chairman Rogan stated sure.

Rich Williams stated about site plans, so hopefully by the time they submit full plans, that we'll be able to look at it. I assume you're going to build soon, so this is all fresh in our minds anyway.

Chairman Rogan stated okay.

Mr. Doyle stated that's true, we are intending to move forward very quickly to meet the obligations of the contracts. . .

Chairman Rogan stated right.

Mr. Doyle stated and BVH and Mr. Lepler have been working very hard to develop the construction drawings, so those will be going to the Town staff very quickly, so I think the coordination will be there.

Mr. Lepler stated I appreciate the opportunity.

Chairman Rogan stated sir, just state your name for the record please, sir.

Mr. Lepler stated Harold Lepler, since it is a public hearing, there is no change in the use of the facility contemplated and Mr. Wallace can comment on that if it's any different than I am saying. It is the same as you have seen in your own site walk and no contemplated changes, there is no environmental discharge whatsoever into groundwater, it is a fully enclosed dry system. To my knowledge there has never been any issues since they have constructed the original facility. The height of the building is identical to the existing building, the materials are identical to the original building, we are adding additional landscape to it, which I know is being reviewed by your Board and your Town Planner. They are, with the amended site plan, we have reduced the amount of parking and the amount of disturbance but also for, from a standpoint of viewshed of neighbors, we've eliminated a full circulation around the building for vehicles, trucks as well as cars. I think we collectively feel that is an improvement and we still address the issues of safety and emergency access, thank you.

Chairman Rogan stated and I just want to say before we open this up to any questions or comments to the audience, when the Board and the professional staff conducted their site walk a few weeks ago, we were very impressed with not only the way this business was run, the cleanliness of the business but also from the outside of this business, there is no noise impact to the neighboring lots, very quiet operation, very clean operation. We felt it's a very soft use of the site so, we were all in favor of this expansion of this facility and trying to keep a business like this in Patterson. So if anyone from the audience has any questions or comments on this application, we'll just ask that you come up and use the microphone. Oh, the Fire Inspector, you can always make comments, you don't have to wait for a public hearing.

Dave Raines stated Dave Raines, Fire Inspector, Town of Patterson. Just a couple of things for the Board, I've been working with Jim Velleman, one of the engineers on the job and they've worked to meet the, I don't want to say requirements, but the requests of both the Patterson Fire Department and myself and fire protection design for the building. The building will be fully sprinklered and what not, as they mentioned, they are going to increase the size of the pond, my only concern and I know you haven't gotten to that point yet and as far as the final design on the pond, we want to be careful we don't create a confined space by raising those walls. What I'm concerned with is somebody going over and not be able to get out, the pond currently is nearly at, I call it a pond, the tank, open top tank is nearly at grade where if god forbid somebody went in, they could get out. You raise those walls and we lose grade, somebody goes in, it would be a confined space and I just worry about that, so when we look at increasing the capacity, that is one thing we want to take into consideration.

Mr. Velleman stated I can address that.

Dave Raines stated sure.

Mr. Velleman stated Jim Velleman from BVH, the plan is when we raise the walls is on the backside, is to be backfilled so there will be grade at that point, it will basically be what you see right now, just a little bit higher.

Dave Raines stated okay, I just wondered.

Mr. Velleman stated yup.

Dave Raines stated I did do a site walk up there and I was just concerned. I also did a fire inspection within the last six months of the existing facility and there were no issues, violations. The housekeeping is tremendous, any improvements they are doing to the site plan will allow fire protection throughout the entire building.

Chairman Rogan stated great, thank you Dave.

Dave Raines stated okay.

Chairman Rogan stated questions, comments from the audience, anyone. Going once, going twice, on the motion.

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

Board Member DiSalvo seconded the motion.

Chairman Rogan asks for all in favor:

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

Motion carries by a vote of 5 to 0.

Chairman Rogan stated Rich. . .

Rich Williams stated sir.

Chairman Rogan stated Andrew, anything from you gentlemen that you want to bring up at this point.

Andrew Fetherston stated no.

Chairman Rogan stated no.

Rich Williams stated the only thing I would like to bring is the issue that came up before that you should add to the resolution.

Chairman Rogan stated yeah, I actually wrote some notes here.

Rich Williams stated okay.

Chairman Rogan stated for the placement of the roof mounted mechanicals. Charlie, do you have wording on that, you have it worked out.

Board Member Cook stated Final Site Plan Approval Resolution for Brewster Plastics. Whereas the Planning has considered the application Highland Group LLS for site plan approval pursuant to Chapter 154 of the Town Code and a final plan, entitled Brewster Plastics Amended Site Plan prepared by LADA P.C. Land Planners and BVH Integrated Services Inc, dated June 18, 2009, last revised June 29, 2009, Where as the Planning Board opened a duly noticed public hearing on the subject application and final site plan at its meeting on August 6, 2009 and closed the public hearing on the same night after receiving comments from the public; Whereas, the Planning Board has considered the comments of the public and other involved or interested agencies and has reviewed the application and site plan as modified and subject to compliance with such conditions as may be required herein, for conformance with the terms and conditions of the site plan approval, and the requirements of Section 154 of the Town Code and Article 16 of the Town Law; Now therefore be it resolved in the application of the Highland Group LLC for final site plan approval pursuant to Chapter 154 of the Town Code, the Planning Board finds that the subject application and final site plan, as modified in accordance with any applicable conditions set for in this resolution complies with all requirements of the Town Law and Chapter 154 of the Town Code and hereby grants final site plan approval subject to the applicant's compliances with five general and four specific conditions within 62 days of this resolution.

Board Member Montesano seconded the motion.

Chairman Rogan stated hold on a second, you want to add in the.

Board Member Montesano stated and the rooftop.

Board Member DiSalvo stated make that a special condition.

Chairman Rogan stated do you have wording on that Charles.

Board Member Cook stated I do not.

Chairman Rogan stated okay, let me add into your motion that prior to approval placement of the roof mounted mechanicals shall be approved by the Planner and/or the Building Inspector to be consistent with the intent of the Planning Board's intent of screening these structures. . .

Board Member Montesano stated second.

Chairman Rogan stated from view from [Route] 22 and surrounding areas.

Board Member DiSalvo stated these don't (inaudible – not using microphone).

Chairman Rogan stated that make sense.

Board Member Pierro stated that makes sense.

Chairman Rogan stated okay, that was on your motion.

Board Member Cook stated yes.

Chairman Rogan stated you seconded.

Board Member Montesano stated I'll second it.

Chairman Rogan stated all in favor.

Board Member Cook stated wait, I didn't finish the.

Chairman Rogan stated oh, I apologize.

Board Member Cook stated is that considered a general condition.

Board Member DiSalvo stated under special.

Chairman Rogan stated that would be a special.

Board Member Cook stated special, okay.

Chairman Rogan stated we'll make that special condition number five, right for the mechanicals.

Board Member Montesano stated five.

Chairman Rogan stated Mike had a second.

Chairman Rogan asks for all in favor:

Board Member Cook	-	aye
Board Member DiSalvo	-	aye
Board Member Montesano	-	aye

Board Member Pierro - aye
Chairman Rogan - aye

Motion carries by a vote of 5 to 0.

Chairman Rogan stated any opposed, motion carries. Also, gentlemen, thank you for the way in which you responded to the comments, very professionally done and obviously it helped this whole ball roll as quickly as it did.

Mr. Doyle stated thank you very much.

Chairman Rogan stated thank you very much.

Mr. Doyle stated we appreciate that effort.

Chairman Rogan stated thank you.

Mr. Lepler stated thank you and also thank you consultants.

Chairman Rogan stated also, I know we met on this about a year, year and a half ago, when we first viewed the site. There were all the storage containers that we were hoping you would get rid of by adding on square footage, so this was a win for both, so I appreciate it.

Mr. Wallace stated thanks.

Board Member Montesano stated that will not be in the resolution.

Mr. Doyle stated that would be good.

Chairman Rogan stated Ted, can you come up and Mr. Boniello.

Board Member DiSalvo stated (inaudible).

Chairman Rogan stated yeah.

2) **ANTHONY BONIELLO – Wetlands/Watercourse Permit**

Mr. Anthony Boniello was present.

Chairman Rogan stated Mr. Boniello it's a good thing you're tall, you can see from the back.

Mr. Boniello stated how are you.

Chairman Rogan stated good evening, how are you.

Mr. Boniello stated good.

Chairman Rogan stated good. So, Ted, you want to just grab a microphone and bring us quickly through this wetlands permit application.

Board Member Montesano stated are you (inaudible).

Ted Kozlowski stated its more of a work in progress.

Chairman Rogan stated work in progress application.

Ted Kozlowski stated I've been out to the site several times with Anthony, he's, as you know he owns the house next to the business, he has a young family now, most of his residence area is within the buffer of the stream and that associated pond. He's got a terrific drainage problem coming down from the hill; he would like to put in a pipe to take care of some of that drainage daylight it out towards Route 22. He wants to do some, what I would consider minor landscaping, a fence, a garden, other associated landscape things common with a residential home. What he showed me, I don't really have any environmental concerns considering the area is pretty much disturbed in lawn area anyway and he is just trying to improve the site, so that is where we are. Anthony has to formalize a wetlands permit to make it a legal document for this Board to approve and I talked to him earlier and he said that is what he will do for the next meeting.

Chairman Rogan stated okay, so you're working towards getting the permit where it needs to be.

Mr. Boniello stated yes.

Chairman Rogan stated we can set a public hearing for the next meeting and we can wrap it up.

Ted Kozlowski stated yeah as soon as he gets it in, now I'm going to be away for the next weeks, let Rich, he's the deputy ECI . . .

Chairman Rogan stated sure.

Ted Kozlowski stated let him if you don't mind Rich, just make sure that Anthony gets it, I don't know if you'll have enough time to set this.

Chairman Rogan stated that's fine.

Ted Kozlowski stated I'll be back in time for (inaudible).

Mr. Boniello stated as far as, Ted as far as the gardens, everything's okay where we have that on the plan.

Ted Kozlowski stated yeah.

Chairman Rogan stated procedurally, can we set a public hearing, we have, we have an application.

Ted Kozlowski stated we don't have a complete application, that's the problem.

Rich Williams stated subject to getting a complete application.

Chairman Rogan stated okay.

Rich Williams stated then he has to get it to us, so everybody has enough time to notice.

Chairman Rogan stated right, what do you think your time frame on that is.

Mr. Boniello stated I can get it done in a couple weeks, you know.

Chairman Rogan stated okay, why don't, we can set a public hearing contingent upon getting the completed application, in enough time to notice and send out the copies to the surrounding neighbors. If it doesn't come in, then worse case scenario it gets bumps to the following month.

Mr. Boniello stated okay.

Chairman Rogan stated you do your due diligence and we will certainly wrap this up.

Mr. Boniello stated okay.

Chairman Rogan stated on that I'll make that motion, that time frame, can you just insert the time frame that would be appropriate.

Rich Williams stated fourteen days prior to September 3rd.

Chairman Rogan stated okay, fourteen days prior to September 3rd, so moved.

Board Member Montesano seconded the motion.

Chairman Rogan asks for all in favor:

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

Motion carries by a vote of 5 to 0.

Chairman Rogan stated okay.

Board Member Montesano stated and some pictures.

Chairman Rogan stated get that done and we appreciate you taking care of this, thanks Anthony.

3) JOHN T. MAYFIELD – Wetlands/Watercourse Permit

Mr. John T. Mayfield was present.

Chairman Rogan stated Mr. Mayfield.

Mr. Mayfield stated yes.

Chairman Rogan stated how are you sir.

Mr. Mayfield stated good.

Board Member DiSalvo stated state your name.

Chairman Rogan stated can you come up please, pile of stuff, here it is. Good evening.

Mr. Mayfield stated how you doing.

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

Mr. Mayfield stated John T. Mayfield, Farm to Market Road, 305.

Chairman Rogan stated thank you, so Mr. Mayfield you're in also for a wetlands/watercourse permit application, the Board was out at your site, we talked about some of the changes you were looking to do, I think it was just a matter really of, again completing the application. We had already discussed basically, some of the things that we were going to be fine with, there were some items that we were talking about in terms of rip rapping one of the drainage swales and I had written down one other thing.

Board Member DiSalvo stated the garage.

Board Member Pierro stated pulling the gravel out of the wetland.

Chairman Rogan stated pulling the gravel out of the wetland, the pipe just discharged to the stream, remember how we talked about just lining that with some stone.

Board Member DiSalvo stated mmhmm.

Chairman Rogan stated Ted, where do we need to in order to get Mr. Mayfield's application satisfactory.

Ted Kozlowski stated Winston Byfield, his engineer just has to tidy up the final plans a bit. Mr. Mayfield has been cooperative, he's been pulling out the stuff from the wetland and as you know and this Board knows, his whole house again similar to Anthony Boniello, everything is within the wetland buffer and putting in that parking area is a reasonable request. So, I don't know if the neighbors have been properly notified, that is the only outstanding thing that I see.

Chairman Rogan stated okay, so it sounds like Mr. Mayfield that what we would need is for the final modifications, revisions to your application to just reflect what we've discussed, we get, as you just heard with the last application. If we can get that work submitted, we'll fast track this and get you through this process but we would need that paperwork to get into the office, fourteen days prior to the September . . .

Board Member Pierro stated September 3rd.

Chairman Rogan stated 3rd meeting.

Mr. Mayfield stated what paperwork are you speaking of.

Ted Kozlowski stated on your site plan, just to have it noted what we talked about because the site plan that was provided doesn't have that outlined. When we went out to the site, the rip rap in the stream.

Mr. Mayfield stated he had that shown on the plans, the rip rap in the stream, did you look at the plan.

Chairman Rogan stated I did look at the plan.

Mr. Mayfield stated oh.

Board Member Pierro stated but we also wanted lines, distance from the corner of the garage for the size of your parking lot, as well, we wanted that on the plan.

Chairman Rogan stated Tyrone, just look at the plan that I have, there is nothing, there is no mention of the area with the stream, you see, that's what we currently have, you can keep that copy if you want sir.

Rich Williams stated if I might interject, it might make the process a little bit easier, if Ted wrote up a memo outlining all the additional requirements that he feels need to be met (inaudible – spoken over).

Ted Kozlowski stated I'll make it even easier, I'll just go with Winston and put it on with him and just get it done.

Chairman Rogan stated is that acceptable to you Mr. Mayfield.

Mr. Mayfield stated that's good and as far as the neighbors concerned, you should have received certified receipts, you didn't receive certified receipt.

Rich Williams stated we received certified receipts, I think from three properties.

Chairman Rogan stated three.

Rich Williams stated I would have to take a look.

Chairman Rogan stated okay, how many did you send out.

Mr. Mayfield stated that was the purpose, send out the certified receipts to let you know that we contacted the people, I mean.

Chairman Rogan stated how many did you send out sir.

Mr. Mayfield stated we sent out three.

Chairman Rogan stated I don't know that three is . . .

Rich Williams stated I don't know that, I haven't checked yes, I don't know that that is everybody that needed to be notified, I haven't checked.

Chairman Rogan stated okay, all right, so why don't we work out who needs to be notified on this.

Mr. Mayfield stated excuse me.

Chairman Rogan stated why don't we work out and make sure you, we have the correct number, bottom line is we can't approve this unless we know that all your neighbors that are, its within five hundred feet of the property . . .

Mr. Mayfield stated five hundred feet.

Chairman Rogan stated so you take your property line and you go five hundred feet out.

Mr. Mayfield stated I went over that with the wetlands inspector there, Mr. Kozlowski, he said Mr. Beveridge, Mr. Amendola and Mr. Reinhardt.

Chairman Rogan stated okay.

Mr. Mayfield stated those are the three people that we notified and you have certified receipts in the package.

Chairman Rogan stated okay, if that is in fact all the neighbors, then you have done all you need to do there.

Ted Kozlowski stated why don't we just do this, I'm going to get you that for the next meeting, get it all done.

Chairman Rogan stated all right.

Ted Kozlowski stated Mr. Mayfield has been very cooperative as I've said, I think the key is to restore the wetland, that's been going on, let's let him continue to do that. The stuff on the permit is just formality, its just to make it a final document . . .

Chairman Rogan stated okay.

Ted Kozlowski stated I'll make sure that gets done.

Chairman Rogan stated okay.

Ted Kozlowski stated okay.

Chairman Rogan stated so we want, we'll set a public hearing for next time.

Ted Kozlowski stated and then we'll just get it done.

Chairman Rogan stated I make a motion to set a public hearing for the September meeting for Mr. Mayfield's wetland/watercourse permit application.

Board Member Montesano seconded the motion.

Chairman Rogan asks for all in favor:

Board Member Cook - aye

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

Motion carries by a vote of 5 to 0.

Chairman Rogan stated okay Mr. Mayfield . . .

Ted Kozlowski stated now can he, is it all right with the Board that he, because its fine with me to finish restoring the site and let him . . .

Chairman Rogan stated he doesn't need to come in.

Ted Kozlowski stated right, he doesn't . . .

Chairman Rogan stated you certainly can come in next meeting, it's a public hearing for your property, if it were me, I would come. If you can't get here for some reason, understood, as long as there is nothing that comes out of the public hearing that would change the Board's mind, we will act to approve what you're working on, okay.

Mr. Mayfield stated absolutely.

Chairman Rogan stated thank you sir, have a good evening.

4) GUIDING EYES FOR THE BLIND SITE PLAN

Mrs. Theresa Ryan of Insite Engineering, Mr. Andrew Leonard of AT Leonard Associates, Mr. Richard O'Rourke of Keane & Beane and Ms. Jane Russenberger, of Guiding Eyes for the Blind, were all present.

Chairman Rogan stated okay Guiding Eyes for the Blind Site Plan, Theresa, how are you.

Mrs. Ryan stated good, how are you.

Chairman Rogan stated good, it looks like you've been busy sir.

Board Member Montesano stated (inaudible).

Mrs. Ryan stated I don't think, do you need to see the plans.

Chairman Rogan stated I don't think so, no.

Mrs. Ryan stated since we met with you last. . .

Chairman Rogan stated unless you want to open yourself up to more criticism.

Mrs. Ryan stated no thank you.

Chairman Rogan stated no, you've done so much good work on this, I would . . .

Board Member Pierro stated the only think I wanted to see Shawn was the guide rail at the top of the.

Chairman Rogan stated the pond area.

Board Member Pierro stated closest to the pond area, failed to look at.

Chairman Rogan stated we have that on our plan.

Mrs. Ryan stated you didn't look at that.

Board Member Pierro stated I must have filed it in the wrong place, I searched my office for it, I can't find it.

Board Member DiSalvo stated why not.

Board Member Montesano stated wow, is everybody going to open up these things.

Board Member Pierro stated we can get away with one.

Mrs. Ryan stated at your request, if you recall, we, you asked us to put some guide rail there to protect the area because its so close to the pond, so we just added guide rail there. On the western side, we just connected that guide rail to the existing fence.

Board Member Pierro stated this is fine.

Chairman Rogan stated okay.

Board Member Pierro stated that's fine Theresa, I think that would adequately keep cars from driving into the pond from the upper portion of the parking lot.

Mrs. Ryan stated okay.

Chairman Rogan stated we've had a lot of great comments and great support from, when you get so much support from your neighbors, you must be doing something right. You are obviously running an operation that considers your neighbors and also serves the purpose you're intending. We commend you with the amount of work, I think, is Ron still here, Ron you were the one that commented Bravo when they showed their plans for this facility. Anything from you gentlemen, no.

Mr. Leonard stated I do have one, Shawn . . .

Chairman Rogan stated sure.

Mr. Leonard stated request, as we talk about this, currently Guiding Eyes is doing, I think way back in the beginning this facility and how Guiding Eyes program doesn't exist in the world, there are parts and pieces that different organizations are doing but they haven't put it all together. Part of what we are doing right now, are a series of what we are calling experiments, where we are doing tests to see how the dogs behave so when we outfit the interior of the building we do it appropriately. Part of that process is actually, those

outdoor areas in the hill to get the dogs exercised and quiet and calm. One request or helpful thing for Guiding Eyes would be if we were able to put that fencing in sooner than later so that we can actually use that as part of our experiment process to make sure that when we detail the interior of the building we actually have real data on how these dogs are actually responding to the space. So when we do the interior design, it actually applies.

Chairman Rogan stated okay.

Mr. Leonard stated the fencing is all outside the area of disturbance up in the woods, is the one we are talking about.

Chairman Rogan stated Rich, procedurally, do we have to do a modification to the resolution to allow that go in before, how would we do that.

Rich Williams stated it. . .

Mr. O'Rourke stated if I may.

Rich Williams stated sure.

Mr. O'Rourke stated my thought is this, obviously . . .

Board Member Montesano stated can you say your name for the record, so we can . . .

Mr. O'Rourke stated yes, Richard O'Rourke from Keane & Beane, the attorneys for the applicant. My thought is this, obviously there is a resolution before you that has all the conditions and sets forth all the requirements in terms of bonding and everything else. Obviously we must comply with all of those, all of those conditions and consequently part of the site plan is the fencing. Clearly, if in fact we and we have to comply with all of those conditions, if we don't, obviously we will take the fence down.

Rich Williams stated I don't have a problem with that.

Chairman Rogan stated okay.

Rich Williams stated I would just add a note into the conditions of the approval, recognizing that you're allowing them to put up the fence before all of the conditions have been met.

Chairman Rogan stated so Charles, special note number five will be allowing the fence that is up in the wooded area to go in prior to site being (inaudible).

Board Member DiSalvo stated the dog run, in the woods (inaudible).

Chairman Rogan stated so that would be like your first phase . . .

Mr. Leonard stated yes.

Chairman Rogan stated you're going to go in, you're going to put up the fence get that area working, grab that data from that, that will support your inside activities.

Mr. Leonard stated right which is going to run parallel to various fund raising activities.

Chairman Rogan stated okay counsel, great.

Board Member Montesano stated is that a special or a general.

Board Member DiSalvo stated special.

Chairman Rogan stated Charles, how is your voice doing tonight.

Board Member Cook stated good.

Chairman Rogan stated great.

Board Member Cook stated if Theresa would listen up. Final Site Plan Approval Resolution for Guiding Eyes. Whereas the Planning Board has considered the application for Guiding Eyes for the Blind for site plan approval pursuant Chapter 154 of the Town Code and a final plan, entitled Guiding Eyes for the Blind Amended Site Plan prepared by Insite Engineering Survey and Landscape Architecture P.C. and AT Leonard and Associates, dated February 17, 2009, last revised July 21, 2009, Where as the Planning Board opened a duly noticed public hearing on the subject application and final site plan at its meeting on June 4 2009 and closed the public hearing on the same night after receiving comments from the public; Whereas, the Planning Board has considered the comments of the public and other involved or interested agencies and has reviewed the application and site plan as modified and subject to compliance with such conditions as may be required herein, for conformance with the terms and conditions of the site plan approval, and the requirements of Section 154 of the Town Code and Article 16 of the Town Law; Now therefore be it resolved in the application of the Guiding Eyes for the Blind for final site plan approval pursuant to Chapter 154 of the Town Code, the Planning Board finds that the subject application and final site plan, as modified in accordance with any applicable conditions set for in this resolution complies with all requirements of the Town Law and Chapter 154 of the Town Code and hereby grants final site plan approval subject to the applicant's compliances with five general and five specific conditions within 62 days of the date of this resolution.

Board Member Montesano seconded the motion.

Chairman Rogan stated I'm sorry, did you add in the special condition number five.

Board Member DiSalvo stated yeah, he said five.

Board Member Cook stated yes I did.

Chairman Rogan stated you did, okay.

Board Member Pierro stated he didn't spell it out but it's added in.

Chairman Rogan stated okay, you second it.

Board Member Montesano stated yes, I'll second it.

Chairman Rogan asks for all in favor:

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

Motion carries by a vote of 5 to 0.

Chairman Rogan stated any opposed.

Mr. Leonard stated thank you very much.

Mrs. Ryan stated I'm sorry, we also submitted a bond estimate, I was wondering if we could get a referral on that.

Andrew Fetherston stated I looked at it.

Chairman Rogan stated you did.

Andrew Fetherston stated it was in my memo.

Mrs. Ryan stated Andrew suggested some increases in costs, which we have no objection to.

Rich Williams stated that is where the confusion comes in, I think Andrew suggested that they modify their schedule.

Chairman Rogan stated right.

Rich Williams stated I don't remember seeing (inaudible – papers shuffling).

Chairman Rogan stated so can we take their schedule . . .

Mrs. Ryan stated we just got the comments today about the revisions but I do have one here in red that I can leave with you for the amounts.

Chairman Rogan stated so we can take the original bond estimate from Insite, modify it based on your memo and add in those increase.

Rich Williams stated she said she's done that.

Mrs. Ryan stated here (inaudible) this would (inaudible).

Chairman Rogan stated Rich, you can just give us the number.

Rich Williams stated all right but I want Andrew to look.

Andrew Fetherston stated I got it.

Chairman Rogan stated I hope that you guys get some good media coverage, I know early on when it was proposed you had some nice articles that ran, I hope that continues as the progress continues.

Ms. Russenberger stated I can't thank you guys enough.

Chairman Rogan stated you made it very easy, you did everything right. Now, can you tell how to get my dog to jump off the dock, he would swim but not off the dock, he didn't like jumping in the water.

Board Member Montesano stated the waters hard.

Chairman Rogan stated that's true.

Board Member DiSalvo stated if you had a lab.

Chairman Rogan stated and deep too.

Board Member Montesano stated look the bird that jumped off the dock.

Chairman Rogan stated let her just double check, I read that on the e-mail.

Board Member Pierro stated yeah.

Chairman Rogan stated Andrew, we could start with the next application and come back to this, if that makes your more comfortable.

Andrew Fetherston stated that's fine, that's fine.

Chairman Rogan stated okay why don't we do that, you're here for, do you have anything else tonight.

Mrs. Ryan stated no but I'll wait.

Chairman Rogan stated but you'll hang around for a few minutes, okay, we'll wrap it right up.

5) PATTERSON CROSSING RETAIL CENTER

Mr. David Steinmetz of Zarin & Steinmetz, Mr. Jeff Contelmo of Insite Engineering, Mr. Saul Silverman & Ms. Julie Khumot of DCAK-MSA Architecture and Mr. Fred Koelsh were all present.

Chairman Rogan stated we have Patterson Crossing Retail Center, I'm just waiting for. . . Andrew I don't mean to put you on the spot.

Andrew Fetherston stated no problem, no problem.

Chairman Rogan stated okay.

Mr. Steinmetz stated good evening Mr. Chairman, members of the Board, David Steinmetz from the law firm Zarin & Steinmetz, representing Patterson Crossing Realty and the Patterson Crossing Shopping

Center. If you'll give us a moment to just get set, we have a number of things we want to put in front of you . . .

Chairman Rogan stated sure.

Mr. Steinmetz stated with me this evening are Fred Koelsh from Camarda Realty Investments, Jeff Contelmo from Insite Engineering, representatives from the architecture firm DCK-MSA Architecture, as well as Chris Robins from Tim Miller Associates.

Andrew Fetherston stated you want.

Chairman Rogan stated yes.

Andrew Fetherston stated we're all good.

Chairman Rogan stated you're okay.

Andrew Fetherston stated yes.

Chairman Rogan stated all right, since they are getting set up, you want to give us the numbers, you got it.

Rich Williams stated that is the bond, this is the inspection fees (inaudible).

Board Member DiSalvo stated it good that you noticed though, that's good sign.

Mr. Steinmetz stated you guys are good.

Chairman Rogan stated you know what we are going to do, if you'll just give us one second.

Mr. Steinmetz stated no problem.

Chairman Rogan stated we are going to wrap up the bond from the last one and then you will have our undivided attention.

Mr. Steinmetz stated go ahead.

Chairman Rogan stated what we'll do is.

The Secretary stated you want me to move.

Chairman Rogan stated I'm sorry.

The Secretary stated you want me to move, am I in the way.

Chairman Rogan stated no, you're fine.

Board Member DiSalvo stated maybe slide your chair back.

Chairman Rogan stated Michelle, if you would just note on the record that we are going to go back to Guiding Eyes just to do the bond recommendation.

The Secretary stated okay.

Chairman Rogan stated Charles, you want me to do it.

Board Member Cook stated nope, the Planning Board provides a positive recommendation to the Town Board to establish a performance bond \$387,799 and inspection fee amount of \$19,400 and a restoration bond estimate of \$9220 with reference to the Guiding Eyes for the Blind site plan application.

Chairman Rogan stated well said.

Board Member Pierro seconded the motion.

Chairman Rogan asks for all in favor:

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

Motion carries by a vote of 5 to 0.

Chairman Rogan stated okay, thank you, thanks Andrew for doing that on spur of the moment. Okay, back to Patterson Crossing, thank you so much for giving us that opportunity.

Mr. Steinmetz stated no problem, once again my name is David Steinmetz and as one of the Board Members noted I am new to the project, at least new in front of the Board. I've actually been, my firm and I have been involved in various capacities over a period of time but most significantly recently, we've assisted Patterson Crossing in connection with the Zoning Board of Appeals application and that's one of the reasons I'm here tonight, a lot of what we want to speak about in terms of the architecture relates back to what has recently taken place in front of the Zoning Board. As I think all of you are aware, after the Zoning Board issued a special permit, litigation was commenced, we have been involved in assisting Camarda Realty and the project in connection with that litigation and also working closely with Mr. Williams and your counsel with regard to that. In addition, we recently appeared before your Zoning Board in connection with the proposed design and the variances that were necessitated by the original proposed design. One of the reasons we are back here tonight with a revised design are concerns that were raised by issues that we learned from the Town of Kent and threats that appear to have been presented by the Kent Planning Board as related to us by the special counsel for the Town of Kent Board. The reason that we are here tonight with a revised design is that the issues presented in the variances were raised by the Kent Board as issues that may not have been adequately and thoroughly reviewed by your Board as the lead agency under the SEQRA process, mainly the height of the structure in various place. Now, there are number of responses that we've got with regard to that but after everything that Camarda [Realty] has been put through on this project, all of the time, money and effort that not only the developer has placed in the SEQRA process over an extended period of time, the last thing that we want to see is anything that this Board does creating an exposure for you and the approvals and the SEQRA findings that you've already adopted. So that basically leaves my client with one real alternative and that is to present a design that is

fully compliant with your Zoning Ordinance with regard to height, so a significant amount of effort was exercised by the architects and they have now formulated a design which is entirely compliant with your Zoning Ordinance with regard to height and we can discuss the height provision if that is necessary. We've spent a fair amount of time with Mr. Williams looking at the design, Rich and I have talked at great length at the definition of height of building. I'm very well aware of his interpretation and how best to assure that we in fact comply with the ordinance and we believe that we've done an exceedingly good job retaining the architectural character that is embodied in the original design, the architectural character that you endorsed in the SEQRA process and in the findings statement and have come up now with a design that doesn't require any variances. If it doesn't require any variances then we don't have to return to the Zoning Board for those variances and we don't put anything that you've already done at risk and that is really our goal now, where the way we view it is we are essentially now at the goal line, we are quite confident that the Zoning Board's decision on issuing the special permit will be upheld by the court, that is now fully submitted and we are awaiting a determination. So we are at a point now, where we would like to see all the work you've done finally come to fruition, that will require ultimately the adoption of a final resolution of site plan approval, we would hope that after tonight's presentation, your Board would ask for the preparation of a resolution and we would entertain the opportunity to come back at the next meeting and go over that resolution with you and work with Mr. Williams on anything that is precipitated by that. What we are hoping to do tonight, really are two primary things, one present the revised architectural design and explain what's changed and why, two, to go over some of the engineering and more technical issues that were raised both in Rich's memo as well as in an engineering consultants memo that we received. We don't think that is going to take an extremely long period of time but we wanted to walk you through that and hopefully at the culmination of the presentation you all will be comfortable endorsing, moving forward with the preparation of a resolution. You've completed the SEQRA process, you've completed your public hearings, you've seen all of this, we're really down now to final revised and details and we think we can carry it across the at that point. So with that as the preamble I'm going to turn over to Saul or Julia, whose.

Mr. Silverman stated I'll do it.

Chairman Rogan stated hey Dave, do you want to come up forward just so you can get the visual on some of this explanation, just in case there is anything that you see that you want to comment on, thank you.

Mr. Silverman stated are we ready . . .

Chairman Rogan stated yes, please.

Mr. Silverman stated okay, to reintroduce myself, I'm Saul Silverman, I'm a principal in the architectural firm of DCAK-MSA Architecture, we are based in Nyack, New York, we have appeared before this Board, we had the wonderful movie session for awhile there and showed it four or five times if I remember correctly and travelled through the shopping center. Julia Khumot is with me and Julia is basically leading the project, okay I'm here just for show and good looks, that's about all. What we've done in trying to stay within the keeping of what the law is, we've created this village, it's the same village that we had created before, the details are the same, the only things that are different within the confines of that, there are no changes of materials, all right, are the heights of certain towers, tower structures. That is all that has really changed on this and that was a reduction in the height of the towers graphically and in corporation of the detailing of the towers at the level that they now met the buildings, those are the revisions that you're looking at. Okay, we think, we've still achieved this wonderful village imagery all right, which is the lifestyle type centers that are so common now in breaking down the long strip mall shopping centers that occur. So what you are really looking at is, one half of a main street in the town, the parking lots of course are in front of it, the view as a matter of fact to the public and driving area is primarily the fronts of the

buildings, no rears or sides of this building except for some glimpses and some trees along the 84 corridor other than that and all of the facades of all the buildings have been designed. We don't have any fronts versus rears, we've used the same type of materials through out, we've put detailing on the sides and the fronts and the rears and incorporated all the graphics that are necessary within this. We feel that there will be some slight modifications of this façade eventually, when certain tenancies are developed by the developer, so that where you see four stores, there might be five, there might be three, so the canopy dimension that's 22 feet, might be 36 feet all right but the essence of exactly what we're doing here, is what we put forward to the Board. We are very proud of it, the developer is very proud of it, we've tried to do something that we feel is beyond quite a bit beyond any regional centers that are in this general area. The developer is not penny pinching, this is not an inexpensive project, okay and I commend the developer as I did the last time, for his interest in proceeding with a project of this type. I'll be happy, Julia will be happy to answer any questions that the Board might have, we have gone through every elevation on every height and ever roof determination and this project does conform completely with the zoning code.

Chairman Rogan stated Julia, you have anything that you would like bring up or add.

Ms. Khumot stated well I mean . . .

Chairman Rogan stated just use the microphone.

Ms. Khumot stated just in the spirit of the project, we tried to keep it rural equestrian, as it always was, using also very sturdy and low maintenance materials, okay on the same hand very compliant with the rural architecture or the local architecture of this region, I mean that would be the...the store, the siding, different materials for the roofs, its, shingles, in combination with the metal roofs, so we tried to create a variety and create a very nice village as Saul pointed out, that's all.

Chairman Rogan stated any questions of comments from the Board.

Board Member Cook stated would you just repeat what you said about I guess meeting the Zoning Board's concerns about lowering the heights. That it complies with everything that the Patterson Zoning Board requested.

Mr. Steinmetz stated I'll take that, its less meeting the Zoning Board's concerns than kind of the collective concern of insuring that the project can proceed and proceed without any further challenge. We did present to the Zoning Board, the original design that you all had seen, that was part of that wonderful video presentation, we did the same video presentation for the Zoning Board and it was overall quite well received by the Board. That design which our client was prepared to proceed with and committed to, was the subject of discussion by another involved agencies, namely the Town of Kent Planning Board, the fact that we received comments at that juncture from that Board and its counsel, led us to kind of re-group and rather than placing the project in a situation where we would be subject to yet another round of litigation where somebody would be arguable challenging what your Board did. Somebody would be arguing that you did not study all of the potential designs, you did not study adequately the design that you all had seen at the video presentation and though I wasn't here at that presentation, my understanding is that you viewed the video several times. I think it went over favorable with your Board as well and I do know since I began processing the variance application that I went to the Zoning Board with your resolution endorsing the variances, am I correct . . .

Board Member Montesano stated yes.

Board Member Pierro stated yes.

Mr. Steinmetz stated you all endorsed that we would be successful with those variances, we were delighted with that unfortunately we went to the Zoning Board and at this point my client has made the decision that it would be imprudent to go forward with that application if there is another opportunity to still have, what we consider a first rate design for a regional shopping center. Unlike anything else in the area, this is not a strip mall of the vernacular that we often hear criticized for lower Westchester, this is something that is clearly unique to the area and I know Saul and Julia are incredibly proud of what they've accomplished throughout this whole design. So, we made a tactical decision after discussing it with the Zoning Board, after discussing it with your professional staff and ourselves to come back to you with what really is, essentially a minor modification of an aesthetic, the center is the same, the footprint is the same, the use is the same, the number of parking spaces, nothing like that has changed, all we've done is, we've trimmed the height and there have been some minor modifications on some walls. Again, as to height, to eliminate simply a height variance, this is essentially a no brainer but it was something that warranted re-presentation to you, you needed to see it because we were going to ask you to ultimately adopt a resolution of site plan approval without seeing the revised design. I hope that answers your question.

Chairman Rogan stated and our main concern from the beginning of this process has been to make this anything but a big box strip mall and the elements that you've used throughout the different, we have three sets of plan now. We have the original set that we endorsed, we had a modified version which sought to reduce those variances to some degree, which was never formally discussed.

Mr. Steinmetz stated correct.

Chairman Rogan stated and now we have tonight's presentation which meets all of the height requirements. The design elements have remained to break up those box type structures and I applaud you for that and I think they look fantastic, the colors, I'm glad and the materials I'm glad have stayed the same and I'm looking for some acknowledgment that initially Mr. Camarda brought in, what was the firm that was just specific to the signage and the elements that would be utilized there.

Mr. Steinmetz stated Streetworks.

Chairman Rogan stated we are still working with that same firm and that same concept. . .

Mr. Silverman stated same concept.

Chairman Rogan stated correct.

Mr. Steinmetz stated yes.

Chairman Rogan stated so I still applaud the work that has gone into this, I think that it is far better than anything I have seen locally and we've spoke on the record about some of our local complexes that have been a approved not too long ago, that do not meet this . . .

Mr. Steinmetz stated don't meet this standard.

Board Member DiSalvo stated visual.

Chairman Rogan stated this visual, this design. I still love the first plan, I will say that, I think that it really was a fantastic design but having said that I'm not in the position of the Zoning Board and I don't have that burden to weigh those. . .

Mr. Steinmetz stated right.

Chairman Rogan stated and balance those height restrictions.

Mr. Steinmetz stated we appreciate the fact that you say that, we thank you for applauding the original design, the good news is we were able to keep to the same concept...

Chairman Rogan stated understood.

Mr. Steinmetz stated and fully comply with your Code.

Chairman Rogan stated just a quick break.

Board Member DiSalvo stated (inaudible).

Chairman Rogan stated what's that.

Board Member DiSalvo stated is he okay.

Chairman Rogan stated yeah, he just needs to get some water. Is there anything Andrew, Rich that you want to bring up at this time.

Andrew Fetherston stated I can say that we had a meeting with the engineers yesterday in the Planning Office, went through ...

Chairman Rogan stated thank you.

Andrew Fetherston stated sorry, went through a couple of the, we went through both memos, I don't think there are any additional issues, the engineer said they would review those memos and revise the plans as necessary.

Chairman Rogan stated okay and Rich procedurally because we are not making a recommendation to another Board on this, this is just rolled into eventually our resolution. We are not actually making a decision on this or a motion on this, at this time, is that correct.

Rich Williams stated that is correct.

Chairman Rogan stated but I'm sure that your client is looking for some affirmation from this Board as to how we feel about it.

Mr. Steinmetz stated right.

Chairman Rogan stated it does meet all the requirements of the Code, it still keeps the design elements that were inherent in the initial design, does anybody on the Board have an opposing view or want to say anything in that regard.

Board Member Cook stated I just have a question for Rich. Rich, your memo relates to these drawings.

Rich Williams stated yes.

Board Member Cook stated which we both received tonight.

Rich Williams stated yes.

Chairman Rogan stated Michael, anything to add.

Board Member Montesano stated no, I comply with the fact and I understand to avoid further litigation that the height would be our decision and not the Zoning Board and I have no problem with that and as you said the first one was beautiful and unfortunately have to settle for sensibility at time.

Chairman Rogan stated Maria.

Board Member DiSalvo stated it actually looks better than I thought.

Chairman Rogan stated it does.

Board Member DiSalvo stated it looks a lot better seeing it in color and seeing where the limits of the height are and it actually did come out better than I thought it would.

Chairman Rogan stated Dave.

Board Member Pierro stated I agree with you Shawn I think the previous plan with the larger copulas allows some identifying marks and will...

(Side 1 Ended 8:27 p.m.)

Board Member Pierro stated and will, and would if they were built, help identify the shopping public where they want to go through out this complex.

Chairman Rogan stated I believe that you have a strong affirmation that the Board approves with the design.

Mr. Steinmetz stated right.

Chairman Rogan stated we appreciate the fact that you don't have to go to another Board for variances on this and we will look forward to working with our Town Planner and our technical staff to work towards a document, a resolution.

Mr. Steinmetz stated may we request that you turn to your staff and ask them to begin working on a draft resolution for circulation, review and comment at the next meeting.

Chairman Rogan stated sure, Rich, you heard.

Rich Williams stated done.

Chairman Rogan stated done.

Mr. Steinmetz stated good.

Chairman Rogan stated okay, thank you for your time, I appreciate you bringing everyone.

Rich Williams stated Shawn.

Chairman Rogan stated Dave, I didn't ask you if you had any comment, I apologize.

Dave Raines stated oh no, my only comment on it and I'll forward it to Rich is just again I made a comment months ago, the southeast corner of building A, the fire access road, we really pinched it tight, I just want to make sure as you move forward, that you don't pinch it anymore because we won't be able to get a fire truck around the corner.

Chairman Rogan stated okay.

Board Member Pierro stated okay.

Dave Raines stated which is good, that's all.

Chairman Rogan stated great, Rich, you had something you wanted to say.

Mr. Steinmetz stated Jeff just wanted to add a couple, I mentioned that we just wanted to hit a couple of technical...

Chairman Rogan stated sure.

Mr. Steinmetz stated issue while we could.

Chairman Rogan stated Jeff, I didn't mean to cut you short, I apologize, we always forget about the engineers.

Mr. Contelmo stated no problem, no problem at all, I'll be brief. We have not been back before this Board for several months and I just want to let you know that in the interim we have been working with the outside agencies on a lot of the technical and underground issues, off site issues, we've advanced those comfortably, the layout that is before you this evening, is the same layout you've been looking at for quite some time. We wanted to discuss the architectural issue, we did have the opportunity to get some final comments from Rich and Andrew and we did have an opportunity to discuss them. There are several of them that we thought we should discuss briefly with the Board to make sure that we are all on the same page so with that, I would like to point out just three really things in Rich's comments. One of them is his, under comment B 1, he notes that our note which he been placed on the plan deviates from the standard note of the Town with regard to mechanical equipment being roof mounted. The standard note that you request does not permit roof mounted mechanical equipment, this was an issue, I believe that did come up on Tractor Supply also, particularly with the large stores, it's a necessity to have mechanical equipment on the roof. What we did in the modification of the note, what we are suggesting, is that once these building designs and mechanical equipment is in fact detailed that they come back to the Board to review it and show you what they are going to do to either screen it or place it in a way that would be acceptable to the

Board. So as opposed to a prohibition have the ability to come back before the Board and we would request the Board's okay then.

Chairman Rogan stated I think about some of the conversations we've had recently, what's more important is the Board's intent that these don't become visual eyesores...

Board Member DiSalvo stated right.

Chairman Rogan stated that its not so much the placement its that whether or not anyone can see them, its consistent with what we've been doing.

Mr. Contelmo stated okay and again we have no problem coming back, okay.

Chairman Rogan stated yeah.

Mr. Contelmo stated another, just above that in that same section, B 1, Rich correctly pointed out that some time during the revisions we've done in the last year plus, the loading space arrangement has changed slightly. We are going to review that but we may be looking for a waiver of several spaces on the big stores, again the requirement is six and seven parking spaces, we've got loading docks that accommodate four large trucks. We believe that that is a requirement that goes beyond what is practically necessary, so we would ask for a waiver of several of those we are going to try...

Chairman Rogan stated and what we would ask is for supporting documentation on that, if you could do an analysis of similar type stores that would you expect to go in with what they currently use and Andrew I would want you to take a look at that as well just to make sure that what you are requesting is consistent and would be the requirement of what would be needed.

Mr. Contelmo stated right, its going to, I think that is going to be quite easy...

Chairman Rogan stated right.

Mr. Contelmo stated the two big boxes are the ones, they are very specific users who have very defined programs, very defined loading. We'll get you that back up on that.

Chairman Rogan stated okay, thank you, great.

Mr. Contelmo stated and then the last thing has to do with the retaining walls, Rich later on in his memo talks about the location, the actually design of the retaining walls, that is number thirteen on page five of eight. When we talked with Rich and the engineer several months ago, including in the site plans a type of wall and a material type for the wall. It's a very large wall system, what we plan on doing is actually allowing the contractor to go through some value engineering and select what will be the most cost effective way to achieve that and what we would like to do is do that detail design later with the building permit application. That will involve an engineered design similar to the building structures and we would like to make the actual detail design at the building permit stage and at this point what we would like to do is just give you the type of wall that we are considering, the type of material and the look of that wall and have you okay that as part of the site plan process and then again the calculations and detail wall design at the building permit stage.

Chairman Rogan stated so you could state a particular wall design, we would be approving the intent of what you're trying to achieve in terms of visual and then stated that either this wall or an equivalent...

Mr. Contelmo stated approved equal.

Chairman Rogan stated fully engineered wall, would be and prior to placement it would have to be approved by the Building Department and Planning, right.

Mr. Contelmo stated and engineer.

Rich Williams stated well I'm not suggesting that the Planning Department approve engineering designs but my only concern with what Jeff was proposing is some of these retaining walls have to go in way before I would assume you're going to pull a building permit...

Chairman Rogan stated building permit.

Rich Williams stated while you're doing the building pads.

Mr. Contelmo stated we'll actually have building designs at that point and probably have applications and discussions with your Building Department, we'll have a contractor...

Rich Williams stated I can understand the retaining wall design being done after site plan approval but...

Chairman Rogan stated right.

Rich Williams stated you know before the buildings are erected but.

Mr. Contelmo stated prior to site work even we talked about, that is actually what we did say. Rich correctly points out that some of the early phases include partial construction of some of the walls, so I would say that it would be appropriate to have that design reviewed and approved prior to start site walk, I wasn't suggesting that we wait until buildings are going up right.

Chairman Rogan stated as long as we are clear on that, that sounds reasonable.

Board Member Cook stated maybe you could be involved in that also, Andrew.

Andrew Fetherston stated I think the Board should just understand the colors, the variation, the type of running bond that you are approving...

Chairman Rogan stated okay.

Andrew Fetherston stated the look, the aesthetics.

Chairman Rogan stated great, as long as it's consistent with that as long as we don't have a contractor that decides that he wants to put in a dry stone, field stone wall.

Board Member DiSalvo stated railroad tie.

Chairman Rogan stated right.

Board Member Pierro stated yeah, right.

Chairman Rogan stated as long as its consistent with what we are.

Rich Williams stated Charlie, just so we are clear, Andrew is the one who would have to approve them for the Town.

Board Member Cook stated say that again.

Rich Williams stated Andrew is the one that would have approve them for the Town. Whether it comes in to the Building Department or the Planning, wherever it comes in it (inaudible).

Board Member Cook stated okay.

Chairman Rogan stated thank you.

Mr. Contelmo stated thank you.

Board Member Pierro stated all right.

Chairman Rogan stated it was nice to meet you. Let's give them a minute to...

Board Member Pierro stated to clear out.

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

Board Member Pierro stated nice job sir. He's representing Winding Glades.

Chairman Rogan stated oh.

Board Member Pierro stated I remember him.

Board Member Cook stated get your questions all lined up.

Board Member Pierro stated yeah, I got my ideas and I'm in motorsports.

Chairman Rogan stated let's just give a minute for everyone to clear out.

Board Member Montesano stated Mr. Chairman.

Chairman Rogan stated yes.

Board Member Montesano stated I would like to request that we should have nice massaging chairs.

Board Member DiSalvo stated massage.

Chairman Rogan stated (inaudible – too much background noise).

Board Member Montesano stated that only comes from certain movies about police academy.

Chairman Rogan stated okay, if we can bring everybody back to attention real quick, we have Winding Glades.

6) WINDING GLADES SITE PLAN

Mr. Michael Zarin and Mr. David Cooper of Zarin & Steinmetz, Ms Sandra Johnson of Woodward & Curran and Mrs. Beth Evans of Evans Associates were present.

Mr. Zarin stated you like it.

Board Member DiSalvo stated I keep saying blades, I don't know why.

Chairman Rogan stated site plan, very nice.

Mr. Zarin stated need I say more.

Chairman Rogan stated ladies and gentlemen please, so we can continue, we don't mind you talking but if you just please take it out in the hallway or, okay, thank you.

Mr. Zarin stated good evening.

Chairman Rogan stated good evening.

Mr. Zarin stated my name is Michael Zarin, I am the other half of the Zarin & Steinmetz team.

Board Member Pierro stated Steinmetz.

Mr. Zarin stated its nice to be before for the first time, I guess this is our firm outing, we couldn't afford a summer outing so we decided to come to your Board.

Board Member Montesano stated desperation.

Mr. Zarin stated we represent an applicant, named Winding Glades, with respect to the possible construction of a private racing club on an area known as the former Patterson Corporate Park, across from Jon Barrett Road. This is our pre-application concept meeting, obviously we are very interested in getting whatever feedback we can tonight, as to your concerns we have Rich's letter that we've seen also. With me tonight is Sandra Johnson, from Woodward and Curran, the engineers on the application, Beth Evans, wetland consultant, hi Beth.

Chairman Rogan stated hi Beth.

Mr. Zarin stated and my colleague, David Cooper, also from Zarin & Steinmetz, as you can see we only wear dark blue suits at Zarin & Steinmetz on Thursday. The site is approximately, many of you probably already know it, its approximately 173 acres, the current owner is Winding Glades and the subsidiary or the non-profit club that would operate it would be the club known as VZ Racing. VZ Racing is a, owned by a well established family with holdings throughout the United States and Canada, they would rather remain

anonymous at this time, the individuals but I can say this family is known nationally as a philanthropic environmentally sensitive, very involved in many of the large environmental organizations around the country. A special non-profit corporation would be formed to operate the proposed use on the site, this would, this is the site, Route 22 for orientation, the Great Swamp in this area, 173 acres, it would approximately be anywhere between twenty-three to thirty acres of disturbance on the site and that was calculated by (inaudible) twenty-five width of disturbance on each of the areas. This would be a dirt track, this would be an impervious pad and twenty-five thousand square foot work area. This would be for, what's known as rally cars, maybe you can just show them the picture David, this VZ Racing, they do race these rally cars around the country. However, I'll be honest with you, this was all new to me and some of you may be more familiar with rally cars than I am but these cars are not the supposed NASCAR on this track, they probably will, top speed maybe fifty, sixty miles per hour, most of the speeds will be about thirty, thirty-five miles per hour and what they would use this site for is really fine tuning and learning the intricacies of their cars. This is a fairly high technology group, they for example, they have robots that come out and place cones compared to the computers, the cars are engineered to be very, very quiet, their maximum decibels are eighty-five dBA at standing right there and maybe of them are ever quieter than that. They are not known for the, what at least I know as a high speed loud, you know, high horsepower, NASCAR, it's a much more, its known, the rally cars for its intricacies. There are usually two drivers and the one driver is almost like a computer guide, he'll say twenty feet we have a thirty percent curve, ten feet we are going up a ten percent grade, it's a very intricate type of detail, different type of racing and really a lot of the cars are driven on the road and are what they call street design. The work area, again will be a very, very high technology mostly, its not a high grease and automotive type operation, its more sort of the technology and the fine tuning, this skid pad, which is the main impervious surface on the site again is used, they'll put cones and just for intricate turning to sort of learn the car and understand how the car travels and the racing is done by the millisecond, that is the sort of racing not these one hundred-fifty, two hundred mile an hour, cutting off curves, banks and the like. There will be no racing on this site, no events, no tournaments of any kind, there will be a small lounge, an office, no restaurant, no bar, nothing of that kind. So it really is a very specialized, its really going to be a kin to you know a hunting club, a private golf club, under the Town zoning. Currently, if I could show maybe the history of the site, the subdivision, this was, some of you might recall way back when, this was an approved corporate park and here is Route 22 and this was the approved plan for the site, the road coming into the park, corporate pads and alike. It was still required to get final approval, it would have to go through site plan but it went through a fairly extensive subdivision review and the like.

Chairman Rogan stated approximately what year was that sir.

Mr. Cooper stated '82.

Mr. Zarin stated 1982.

Chairman Rogan stated '82.

Mr. Zarin stated obviously, a lot of the approvals, stormwater and those would need to be upgraded even if we were going to advance under that. With respect to our proposal, we'll be, there's really, the site is really divided into what they call two sections, there is section one which was the corporate park and then section two where the New York Gas and Electric easement coming through here and this was the buffer on the Great Swamp, which is thirty-nine acres, this lot is sixty acres and then the park. The project will be or the proposed would be on, would be located on these lots, on these lots there would be no intrusion onto this lot although it would be part of the subdivision. We have subdivided it from the frontage lots that we would still reserve possibly for future development and the like. We understand, appreciate the approvals

that we need are probably site plan, Planning Board, special permit for the club, non-profit club under section 154-95, non-profit club which would be a special permit for the ZBA. We probably need a variance for the coverage, I think there is a two percent coverage for non-profit club, as proposed would be a five percent coverage and there may be potential variances for the frontage. We certainly have the frontage but it depends on how many of the frontal lots we want to or are required to dedicate to the project, I mean our hope was to retain the front lots and you know develop them as either retail's or possibly even public recreational that may be related to the track in the future. We would anticipate a full EAF or possibly an EIS, we are prepared to do the necessary environmental reviews, we appreciate we are in a CEA area because of the Great Swamp. The first track would be compacted and could be, will be engineered with grading and stormwater to try to make a way that we eliminate or minimize substantially any infiltration, we would want to capture the stormwater even though its on dirt compact and treat it and we would build out the necessary stormwater for that. Noise, we are cognizant of the Town's noise ordinance, as I said before, it has a 85 dBA standing right next to, many of the cars are quieter than that, we know that there is a 65 dBA limit at the property line and 45 [dBA] after eight p.m.. Obviously we would not able to do this if we couldn't comply with that, we walked the property the other day with some of our consultants and I can tell you three hundred feet in from the property, you can't hear Route 22. I think we will probably be able to, the noise levels will probably be buffered all around this area and this will be the area that obviously we'll have to have to address and be sure that we can mitigate and not impact, yes sir.

Board Member Cook stated what would be the hours of operation.

Mr. Zarin stated don't know at this juncture but obviously we would be open to restricting them per the direction of the Planning Board. Obviously if we have dBA's that are great than 45 at the property line or for that manner or create a nuisance or are audible from the property line then we will be open to reasonable restrictions. We are also aware of visual lighting both the spillage off the site and the concern of many municipalities for night sky glow. We will implement all the procedures and measures to minimize that and try to minimize the nighttime activity to the greatest extent and really be aware and sensitive to those light issues, yes sir.

Board Member Pierro stated how much of the forest canopy would you be removing in order to facilitate this construction.

Mr. Zarin stated only, I mean we would, all the areas that you see pretty much around here would all be retained so its, of this, the site is a hundred, the parcels that I identified that would be subdivided, make up about hundred thirty-nine of the hundred seventy-three acres and of that we would probably, as I said before disturb between twenty-five to thirty acres. We would be amendable to probably some type of easement on the rest of the property to preserve the canopy.

Board Member Pierro stated is this a seasonal occurrence.

Mr. Zarin stated yes, you can not run these, as far as I'm concerned, during snow, you probably could, you might be able to during winter if the ground is uncovered but I would need to get ...

Board Member Pierro stated would this become a snow mobile track in the winter time, is what I'm asking.

Mr. Zarin stated not that I'm aware of.

Board Member Pierro stated okay.

Mr. Zarin stated at least in the meetings we've had, there has been no mention of snow mobiles and certainly...

Board Member Pierro stated but what is this hobby falls out of favor, are we going to see you guys coming back here for a dirt bike track or something really noisy like modified cars or modified dirt runners.

Mr. Zarin stated well, no, I assume that you're going to put some very you know, you're going to have some very detailed noise restrictions and you know I will be very forth right with my client that if these are the approvals, these are the conditions. You're taking a tremendous risk if you think you maybe able to come back in a year and get some other activity that's currently not allowed, so that's not contemplated.

Mr. Cooper stated the other issue, if I may, as a non-profit corporation their certificates are going to have to put in what their uses are going to be, in other words the non-profit club itself, is going to articulate what uses they are going to use the site for and how the club is going to use the site. So obviously we can put that very clear what type vehicles they are going to be using, I can certainly say in meeting with the clients and talking about the types of cars, they are very particular about the types of cars that they are using, they have a clear sight about these rally cars, you don't want to use anything else, one of them said if it had a handle bar, I don't want to look at it.

Board Member Pierro stated does P.C. Management have another track like this somewhere else in the Country or in this area.

Mr. Zarin stated no, not that I'm aware, they race nationally but they pretty much do this out of their garages. The family owns tremendous forest and holdings in Canada and Maine and so forth and I'm sure they go up and...

Board Member Pierro stated they're in the cattle industry, aren't they.

Mr. Zarin stated no.

Board Member Pierro stated no.

Mr. Zarin stated they may but no VZ Racing. They are in a number of industries some of which I don't know, so you may know more than I do.

Board Member Pierro stated okay.

Mr. Zarin stated with respect to taxes on the property, currently I think the property generates thirty thousand in taxes for the Town, this proposal we had appraised and was estimated between a hundred seventy-five to two hundred thirty thousand in taxes. Again minimal, I know this is an oxymoron, minimal traffic, there is not going to be a lot of people coming in and out, this will truly be a private club.

Chairman Rogan stated you had mentioned that these cars are street legal.

Mr. Zarin stated that is my understanding, in fact we went to the site the other day and one of the cars that he would be using he drove to the site with, I was very surprised, I thought they would be a higher.

Board Member Montesano stated excuse me.

Mr. Zarin stated yes.

Board Member Montesano stated they are going to use Mitsubishis and Subarus, all wheel drive rally cars, which can be boosted to a, let's put it this way, in Europe they do it all the time and they are screamers.

Board Member Pierro stated those nitrous cars are fast.

Board Member DiSalvo stated (inaudible).

Chairman Rogan stated well sir the reason I brought up whether or not they are street legal is I was assuming most people having the investment they are going to have in these vehicles would trailer them in a box, an enclosed trailer or something. I would be looking for certainly the ability for those trailers to be parked, make sure we have turn around space and where you are putting those.

Mr. Zarin stated good point, good point, okay.

Chairman Rogan stated I couldn't imagine based on, it sounds like the value of what you're talking about that they would just run them up and down Route 22. We have plenty of roads in Putnam County that would achieve most of what they are looking to do, without having a club or a track.

Mr. Zarin stated if we, if you would give us permission to race on [Route] 22 and give us a permit no less.

Chairman Rogan stated just don't get caught.

Board Member Montesano stated you can do whatever you want, you don't need a permit, you want to jump in.

Board Member Cook stated sorry Ted.

Ted Kozlowski stated I'm just following up on Dave's question, we have a big problem in this Town with ATV's and other things, what kind of security are you going to have on this site to keep those kids and those people because they find access. This is a big piece of property, are you proposing to fence this whole property in. How are you going to secure that race track because that is going to become an attractive nuisance.

Mr. Zarin stated fair enough, our client asked us the other day, could he fence it in now and we suggested to him that he wait until we make an application, so they are prepared to, they want to retain frankly, their privacy. They really want to be a discrete, quiet, not known in the community, so they will be prepared to take whatever measures are necessary to secure and spend the necessary dollars to do it, that is as important to them as it is to the public.

Board Member Pierro stated it is already a proving ground for every ATV out there.

Mr. Zarin stated yes it is, they know that.

Ted Kozlowski stated if they have the secret, let them share it because we can't keep them out of most our sites.

Mr. Zarin stated right, point well taken, its now being used, if you go and you look at the existing trails, they are well travelled.

Chairman Rogan stated you've been on there.

Board Member Pierro stated are you kidding me.

Board Member Cook stated could you, if you will define this club, I mean how many members are you talking about, how do you become a member. I mean, does Dave here send a check in for whatever and he's a member of the club.

Mr. Zarin stated how do you have Dave.

Board Member Pierro stated how much you need.

Mr. Zarin stated it's a small group of friends who have been doing this together, so it really is a kin to a very private, you know small club.

Board Member DiSalvo stated sorry, you're out.

Board Member Pierro stated how does it...

Mr. Zarin stated yes.

Board Member Cook stated no public admission.

Mr. Zarin stated no.

Board Member Cook stated no tickets at the door.

Mr. Zarin stated no.

Board Member Cook stated no bring your family and friends.

Board Member DiSalvo stated no hot dog truck, no nothing.

Edie Keasbey stated beer.

Mr. Zarin stated no, they purposely and expressly have made it clear to us that they don't want to be known, they don't want publicity. They want to go essentially do their thing, they go around the country, they want to have fun working on these cars, trying these new computer technologies. At this juncture its five long time friends who have been doing this as a hobby for a number of years.

Chairman Rogan stated wow.

Mr. Zarin stated and want to now, take it to the next level.

Chairman Rogan stated I guess the question that begs asking.

Mr. Zarin stated sure.

Chairman Rogan stated is if you have five people who obviously have the resources, these people have, you would think that they would be looking at property that maybe has less challenges in terms of topography or zoning issues. Maybe more rural areas with simpler zoning requirements because obviously just looking at the topography there is going to be a number of challenges on this site, even just the pad that you called the work area...

Mr. Zarin stated right.

Chairman Rogan stated has got significant, I think we saw seventy foot of elevation.

Andrew Fetherston stated seventy feet.

Chairman Rogan stated change over the course of a pad that I'm assuming you're going to make level.

Mr. Zarin stated there will be certainly some grading but in fact the topo lends itself to the type of intricate driving, its not a straight line speed flat track. They want the topo the turns, that's part of the challenge that is sort of the nuance and spirit of it.

Chairman Rogan stated and that part of it, I can certainly understand, I'm thinking more in terms of the infrastructure and the level areas we are looking to create. I have never been on the site so I'm looking forward to getting out there.

Mr. Zarin stated I can't answer what else they've looked at, I know that they were very excited about this spot.

Chairman Rogan stated great.

Board Member Montesano stated convenience and location.

Mr. Zarin stated convenience and location.

Board Member Pierro stated there is no impervious surface on this track, I'm sorry Ted, I cut you off.

Mr. Zarin stated the pad would be.

Board Member Pierro stated other than the pad, I'm talking about the track.

Mr. Zarin stated and the garage, no the track would be all compacted dirt.

Chairman Rogan stated although he made the point that even though its compacted dirt, it will be impervious.

Mr. Zarin stated probably impervious is too strong, I wouldn't want to say for example, its going to be matted or but they are going to compact it enough that it will minimize any infiltration. They want to pick up the water but they, the racing, the rally car racing they do on dirt, so that's what they'd rather have.

Chairman Rogan stated well it seems like it would be a maintenance nightmare if it were a pervious surface because as soon as you get a rain you're going to have problems with erosion.

Mr. Zarin stated yeah.

Chairman Rogan stated it sounds like Ted is dying.

Mr. Zarin stated they have to maintain it, yes sir.

Ted Kozlowski stated I see my friend my Beth there. Beth are the flags still up because the Town has not verified any of these wetlands and I'm not going to get to it for another two weeks, just being up front.

Mrs. Evans stated the flags are up, Beth Evans, we did the delineation on the remainder of the property, we had done the Patterson Corporate Park a year or two ago, we have done the delineation this year, they are up and the main reason I'm here is A. to confuse you all because you think I'm here for Pondview but B. to ask that get permission for Ted to come out and review the flags so we have DEC's sign off. We are going to make a submission to Army Corp for their jurisdictional determination, we would like a Kozlowski jurisdictional determination and then we'll know exactly what we're dealing with.

Board Member Pierro stated that's the tough one.

Mr. Zarin stated saved him for last.

Ted Kozlowski stated just have to wait two weeks Beth, I'm out of here tomorrow.

Mrs. Evans stated I think he wants me to wait two weeks, I'm not clear on that though.

Board Member Montesano stated I got that feeling.

Mrs. Evans stated we are happy to wait two weeks.

Board Member Montesano stated so are we.

Ted Kozlowski stated then the only other question this impervious, this dirt track, I imagine there is going to be significant maintenance on this, especially if they are. We've had a terrific summer of rain and this is up and down hills, there's got to be some sort of erosion controls and constant maintenance I would think.

Mr. Zarin stated it will be, I can assure you, the plans that they've discussed with us, is the absolutely highest quality, whatever it takes. They are committed to building something here that's going to permit them to do what they want and maintain it and they also, they fully understand the sensitivity of the land, the location. If they have the erosion and I think part of it was made and its exactly right, they can't afford to have erosion on the track breaking up or the sides, it just won't work for them. So, we will present full stormwater engineering that I would hope you'll be very happy with.

Board Member Cook stated could the members, like just one member show up and drive his car around or would all half a dozen show up at the same time.

Mr. Zarin stated they must have a minimum, I'm not sure I assume, I don't know, I assume that they won't all five be there at the same time, different ones will be there working on different cars, different, I'll get you the answers to all those questions.

Board Member Cook stated they aren't going to racing against one another.

Mr. Zarin stated no, not at all, this is not going to be a quote, unquote, we asked that specifically, this is not going to be a practice race track. This is going to be for the fine tuning, working on the cars, seeing how the car turns for testing and that type of thing, its not going to be a race track.

Chairman Rogan stated could you also get us some information on the type, on the racing events that go on nationwide.

Mr. Zarin stated sure.

Chairman Rogan stated because I've never seen anything about these cars, so it just then we can do our own research and key into this a little bit.

Mr. Zarin stated absolutely.

Chairman Rogan stated and get a sense of what the end result would is, that would be helpful.

Mr. Zarin stated okay.

Chairman Rogan stated and some comparative reviews of the decibel levels, like we've done with other projects, I mean 85 decibels, I think my chainsaw is louder than that, certainly chainsaws you [Rich Williams] have are louder than that, you're neighbors have told me.

Mr. Zarin stated Rich wanted to drive in with his chainsaw.

Chairman Rogan stated no that would help.

Mr. Zarin stated we'll get you, the question I'll have, I guess the question is, you know, is, first of all, I have a question as to who would be the lead agency, I know there is sort of the. We have one foot in the ZBA and we have one foot before you and I know there is a little bit, we would be interested in that and second I guess the issue would be to what extent you want us to make a full EAF with noise studies and the like or to what extent we may be going into an EIS and if that is the case we will provide those types of noise studies then, so. That is some of the...

Chairman Rogan stated Carl or Rich, Carl.

Rich Williams stated typically the Planning Board with the Town takes lead agency.

Mr. Zarin stated okay.

Rich Williams stated the ZBA prefers to defer it to the Planning Board, as does the Town Board, certainly this is the Type I action, therefore you are going to have to do a full EAF, I recommend that you do an expand full EAF, to address some of the other concerns such as noise. You've heard the Chairman,

identify some of the concerns he has with noise so its obviously an important issue and view shed is also an important issue.

Mr. Zarin stated absolutely, okay.

Chairman Rogan stated and I imagine everybody is itching to get out and do a site walk at some point this.

Rich Williams stated you can go but I'm not going to pay you.

Chairman Rogan stated we don't have an application yet.

Rich Williams stated correct.

Chairman Rogan stated right, well let's get an application on it but we want to at least think about being out on the site.

Mr. Zarin stated can I just give you some money now.

Chairman Rogan stated I'll go regardless, I want to go and see the site.

Board Member Montesano stated only if we can test the cars while we're there.

Board Member DiSalvo stated I just want to say that...

Mr. Zarin stated yes.

Board Member DiSalvo stated I live next door to the airplane club in Patterson on Route 311 and the airplane club has been there for like fifteen or twenty years now, more than that. They have restrictions, they are a private club, similar to this, they are mostly retired attorneys and air force officers. They keep it very nice, they restrict it to the hours and the days that they operate. They also are restricted on the decibel level and as a matter of fact they are using, they are flying a lot of electric planes now, so I can hardly hear them. So, it works out well, the days that they fly, sometimes when we have events at our farm, for a courtesy they won't fly their planes that day and to tell you the truth, I don't even hear them anymore.

Mr. Zarin stated okay.

Board Member Pierro stated you'll know when the military starts loosening up with some of those drones.

Rich Williams stated a couple of just quick curiosity questions actually, I noticed there are still for sale signs on the property, is the property still being marketed or...

Mr. Zarin stated no, not that we are aware, we drove through it yesterday we thought it might have been a different property but no, as far as I understand it is fully purchased, closed, no options.

Board Member Pierro that particular real estate agency loves keeping their signs out two or three years, free advertising.

Chairman Rogan stated advertising.

Bruce Major stated it should really come down.

Board Member Pierro stated I agree.

Bruce Major stated the property is not for sale.

Chairman Rogan stated I think that is the reason that Rich brought it up...

Rich Williams stated correct.

Chairman Rogan stated in fairness.

Rich Williams stated among other reasons...

Chairman Rogan stated among other reasons.

Board Member Pierro stated they are in violation of our proposed new sign code.

Rich Williams stated yes they are.

Board Member Pierro stated they will be.

Rich Williams stated second question, you know, this is on the western side of the valley, have you taken a look at all at this point what the impacts may be on the other side of the valley along East Branch, has any evaluation been done on that.

Mr. Zarin stated no, not that I'm aware of.

Rich Williams stated okay, that is also an area that you want to focus on, early on.

Bruce Major stated there are residences there.

Mr. Zarin stated yes okay, definitely. I mean you can see also, we tried to shoe horn it in to avoid all the wetlands, as much, as many as we could, we certainly are impacting one of the Town's wetlands but for the most part we tried... So, the next step is to submit a formal application, we'll go from there.

Chairman Rogan stated I think that some of the fears that the Board had mentioned at the work session, not knowing anything about the style of cars you're proposing...

Mr. Zarin stated sure.

Chairman Rogan stated we are already at least a little bit relieved that this isn't a full blown race track with NASCARs driving around that you are proposing. You know, I don't think you would have had a whole lot of favor but this is very interesting, we are looking forward to reviewing it.

Mr. Zarin stated okay, great, any other comments that you want me to take back to the clients about the sort of general sentiment.

Board Member Pierro stated yeah the next time you come up, can you lose the black suit and drive a couple of the cars up here.

Mr. Zarin stated a couple.

Board Member Pierro stated I think you spare two cars, we'll examine them in the parking lot.

Mr. Zarin stated all right, thank you very much appreciate it.

Board Member Montesano stated as long as you're bringing up cars (inaudible).

Mr. Zarin stated (inaudible).

Rich Williams stated absolutely.

Board Member Pierro stated okay.

Board Member Montesano stated and if they start flying over the neighborhood.

Board Member Pierro stated oh man.

7) WATCHTOWER DEIS

Mr. Joel Heir and Mr. Rick Ford of Watchtower Bible & Tract Society were present.

Chairman Rogan stated we have Watchtower. Good evening.

Mr. Heir stated good evening.

Board Member Pierro stated good evening.

Board Member Montesano stated the rupturing effect of carrying that book around at the end of the week.

Mr. Heir stated is it big enough for you.

Chairman Rogan stated just give us one second.

Board Member Montesano stated my fingers can't handle it.

Mr. Heir stated Rich very kindly used his dolly to bring them all upstairs.

Board Member Montesano stated yeah I know but he didn't give us a dolly.

Chairman Rogan stated yeah.

Board Member DiSalvo stated let them (inaudible).

Chairman Rogan stated okay, good evening.

Mr. Heir stated Joel Heir and Rich Ford, here from Watchtower, of course we have the DEIS that we've submitted.

Chairman Rogan stated we had three reports of possible hernias and we didn't realize they made binders that big in hours, how many pages are in that.

Mr. Ford stated nine hundred.

Chairman Rogan stated okay, nine hundred, we guessed about a thousand, so.

Board Member Montesano stated can we condense that into two.

Chairman Rogan stated I will confess, I have not read it all but don't hold that against me.

Mr. Ford stated we understand.

Chairman Rogan stated but we are here to proceed with your application, can you just discuss a little bit about what you're proposing and bring everybody up to the same page.

Mr. Ford stated yes, as Joel mentioned, first of all, my name is Rick Ford and I lead the in house Watchtower design crew. I work along with someone you know Rich Eldred, who could not be here this evening, he's out of town. Along with our consultants, we have come up with a response to the final scoping document that was approved December of 2007 and basically what this application is, is an amended site plan by means this particular amended site plan we are seeking to expand our residential capacity. With two residence buildings, as well as some office buildings, one office building, maintenance building and expand some of our existing buildings, particularly our Audio/Video Building, which you may be familiar with on the northeast part of the campus as well as one of services buildings. So that is basically the extent of our application, just continuing the existing use.

Chairman Rogan stated okay, Charles you had mentioned in reviewing this document, that we ought to consider an approach somewhat similar to what we did for Patterson Crossing, breaking it down into some smaller pieces. I'm expecting that this document, given your reputation, this document is going to be very complete and very accurate, its going to be, there is a lot to review there. We want to do it in a conscientious manner but also realize that we are not going to get to it all in one month.

Mr. Ford stated that's true.

Chairman Rogan stated so I think we need to think about how we are going to review this and discuss it so that we are not all spinning our wheels in different areas of the document at once. Rich, given the scope of this project, you have any thoughts on how we could best proceed with this, the review of this, given what we've tried in the past.

Rich Williams stated I just assumed we were going to do it the way we had done this and others, that you know the technical staff, basically Andrew and I, were going to sit down and read the document. We're going to read the whole document and as we go through we are going to focus in on our particular areas.

Chairman Rogan stated maybe what we can do then is as a Board and a technical board, maybe we can try to break it down and setting a goal of getting through certain sections on a monthly basis because I don't

think its realistic that any one of is going to get through this even in two or three months. If we could break this down, so that we are bringing up, rather than waiting until you've reviewed everything and then putting it all into a neat package if we can...would it make sense to you gentlemen to...

Mr. Ford stated that seems like a very practical approach, that would work for us too, allow us to respond to the comments.

Rich Williams stated there are two parts to this process, one is reviewing the whole document to see if its complete and ready for public review and the second half is actually commenting on the document where you think there maybe deficiencies, where you would like to see additional information or you know have questions. Typically the technical staff is going to focus on initially whether its complete.

Chairman Rogan stated okay.

Rich Williams stated and we should be able to do that, maybe not in a month but certainly shortly there after. I understand what you're trying to do and I think your focus really needs to be you know, assuming the document is complete from the beginning. Starting to look at questions that you may have, additional information that you may want to see added to the document as part of the overall comment period on the EIS.

Chairman Rogan stated okay.

Board Member Pierro stated from this point I think we ought to commit to at least one night a month, the Board getting together and starting to review this document on our own while...

Chairman Rogan stated speaking about the review that we have already done, not that we are going to spend time at a meeting just reviewing this.

Board Member Pierro stated no.

Chairman Rogan stated right, okay.

Board Member DiSalvo stated review it at a work session.

Board Member Pierro stated no at a ...

Chairman Rogan stated a special meeting.

Board Member Pierro stated a special meeting for ourselves, for the five us to get together.

Chairman Rogan stated it would be a great opportunity to get feedback from you gentleman, we can kind of work on this as a work session type item.

Mr. Heir stated we've been speaking about that.

Board Member Pierro stated okay.

Chairman Rogan stated I kind of figured, that's great to hear, the communication. Why don't we proceed with that intent in mind and maybe set a date, honestly I think we would be probably shooting towards the

end of September as a first date for all of us to get together and we'll set a date, maybe, even if its like two nights before our normal work session...

Board Member Pierro stated right.

Chairman Rogan stated for the end of September, something like that, that would work and we can key in on a little bit of time. I will be away for two weeks in September, mountain climbing in Colorado, harassing those poor elk.

Board Member Pierro stated I just paid for a wedding so I'm vacationing on my deck for the rest of the summer.

Chairman Rogan stated you're not going anywhere.

Board Member Pierro stated if you guys would like to get together in August, I can do that too.

Chairman Rogan stated so let the record show that Mr. Pierro will be reviewing the whole document for us.

Board Member Pierro stated no, I invited you guys to come over.

Board Member Montesano stated oh we are all coming, you're invited too.

Board Member Pierro stated sure, come on over.

Chairman Rogan stated I think that would be reasonable approach, we can get through this document, I'm sure you made it exciting.

Mr. Heir stated thrilling.

Board Member Montesano stated its heavy.

Board Member Pierro stated do the changes in the stormwater regs, affect the previous document that we have, whether the current stormwater regs that we've change, that the State has changes, is that going...

Rich Williams stated it doesn't effect any previous documents that you've gotten but it, they are certainly going to have to comply.

Board Member Pierro stated to meet current.

Rich Williams stated not only with the current but we are anticipating a new general permit to be re-issued next, well probably April.

Board Member Pierro stated right.

Rich Williams stated I would think by the time they get through everything at the State level and there may be additional requirements in there that we are going to have to address as we go through this process.

Mr. Ford stated so, just so I have it clear, as we are addressing the first part of this process, completeness and accuracy in conformance to the scoping document, is that what you're talking about these work sessions doing over the next couple of month is that subsequent.

Chairman Rogan stated I think in fairness when the Board meets. We are going to be talking about either things that we feel are lacking or areas that need to be clarified.

Mr. Ford stated okay.

Chairman Rogan stated we're, as Rich had I think stated pretty well, they are going to be keying in whether or not the document is complete for public.

Board Member Pierro stated technical.

Chairman Rogan stated to go out to the public for comment.

Board Member Pierro stated right.

Chairman Rogan stated I think for us its going to be keying in on anything we see that we would normally, just like any other application that we would discuss in terms of where we see either clarification needed, you know, more detail, something that maybe wasn't considered. Although, I would be surprised but we are certainly going to read it with an open mind and try to troubleshoot the document in the best way that we can and certainly we are going to be relying on these gentlemen to do their due diligence.

Mr. Ford stated is there any assistance that you would like from us in this process.

Chairman Rogan stated you don't have it in audio do you, I figure it thirty-two hours out to Colorado.

Board Member Pierro stated right.

Board Member Montesano stated yeah since Richie used the hand truck thinking about it.

Chairman Rogan stated I think that is where we are headed with this. I'm looking forward to your project.

Rich Williams stated can we get PDF's of the full document while we are reviewing it also.

Mr. Ford stated yes.

Chairman Rogan stated great.

Mr. Heir stated not e-mail.

Rich Williams stated I usually say wait until its complete but it will help us.

Board Member Montesano stated a little audio visual out there.

Mr. Ford stated we'll get that on disk for you.

Mr. Heir stated how many copies do you want of that.

Rich Williams stated three.

Chairman Rogan stated okay.

Board Member Montesano stated they can all go into production, just to make so we can walk around with a little and watch it.

Mr. Ford stated we'll get out audio/video building going, an in house project.

Board Member Pierro stated we can get a PDF.

Chairman Rogan stated tell Mr. Eldred we missed him tonight. We always enjoy seeing him and we will look forward to working with you.

Rich Williams stated if I got it, you got it.

Mr. Heir stated thank you.

Mr. Ford stated thank you.

Chairman Rogan stated thank you very much.

Rich Williams stated yeah, if you want it.

Board Member Pierro stated you only asked for three.

Chairman Rogan stated okay.

Board Member Pierro stated okay.

8) OTHER BUSINESS

a. Field and Forest Site Plan Bond Reduction

Chairman Rogan stated okay, next under other business, we had Field and Forest Site Plan, we spoke with Mr. Reilly at the work session, we round and round on a couple of numbers and I honestly don't remember how we left it with the specific request for a performance bond reduction.

Rich Williams stated I don't believe you acted on that.

Chairman Rogan stated we didn't.

Board Member Pierro stated no, we didn't act...

Chairman Rogan stated there was a bunch of numbers floating around though.

Rich Williams stated we have a recommendation from the Town Engineer and I'm not sure you actually clarified how you are going to address the changes to the site plan.

Chairman Rogan stated no, you're right, we, I think the only agreement we came to was that we agree that we needed communication when issues are going to be changed on site that at the first inkling of change, we get a letter to the Board that says this is coming your way. There is a chance to review it or make any comment early on. It sounds like there was a little bit of unfortunate miscommunications on this and we are where are at this point.

Rich Williams stated and based on that whole conversation I went back and thought about it and I think its appropriate that I do a coordination memo...

Chairman Rogan stated okay.

Rich Williams stated and that you know, with Andrew, with you work out the details, bring it back to the Board, let the Board review it and say this is the way we want these things to be handled.

Chairman Rogan stated okay, now in terms of the specific changes that we were keying in on last time, there was the change of the domestic water tank that Health Department had now approved and functionally does not affect the site, correct.

Rich Williams stated no.

Chairman Rogan stated so that I think the Board was comfortable with. In terms of the elevation change to the building, we have not confirmed yet from Harry, we don't have anything. We're not really ready to act on that because we don't really know where we stand on that. That is a major concern, there were some landscaping issues, that as long as they meet the intent of what we were Planning, I think everybody was comfortable with. Rich what else am I missing on a major, that was basically the.

Rich Williams stated well the site improvements that go along with the elevation change, that is all part of...

Chairman Rogan stated but that I think we need to get some detail, in terms of the change in the domestic water storage tank, do we need to make a motion on that just to approve the relocation and modification.

Rich Williams stated do you want to do it or do it all in one.

Board Member Montesano stated do it all in one.

Chairman Rogan stated its up to you, as long as we talking about it and everybody is on the same page, that's all.

Board Member Montesano stated Dave Raines' letter has to be included and everything else.

Rich Williams stated a copy of Dave's letter.

Chairman Rogan stated yup, great and in terms...

Board Member Montesano stated I'm saying he okay'd, he had no problem with the moving of the tank from one side of the building to the other.

Chairman Rogan stated no, what he said was that he did not approve any changes, his letter was very clear to see.

Board Member Montesano stated oh, I'm sorry.

Rich Williams stated right.

Dave Raines stated this is for the fire tank, that was for the fire tank.

Chairman Rogan stated right, I thought your letter was very clear.

Board Member Montesano stated it is, all you have to do is read it.

Dave Raines stated okay (inaudible – too far from microphone).

Chairman Rogan stated and in terms of a bond, Andrew, where are we at with...

Andrew Fetherston stated we thought you could release three quarters of that money, the bond.

Chairman Rogan stated okay.

Andrew Fetherston stated but of course considering changes and you getting your answer.

Chairman Rogan stated yeah, okay, should we hold off on that request until after we get something from Harry to document specific to the change in elevation or do we make it...

Andrew Fetherston stated returning some of the bond, there are items in place, constructed and in place.

Rich Williams stated there is no problem holding off all or a portion of the bond, subjected to getting the requested information.

Andrew Fetherston stated the answers on the elevations.

Rich Williams stated the question is do you want to do all or a portion of.

Andrew Fetherston stated yeah that's what.

The Secretary stated hold on.

Board Member Pierro stated time out.

(Side 2, Tape 1 Ended – 9:22 p.m.)

Board Member Montesano stated the seventy-four percent or \$599,683 dollars of work has been completed.

Andrew Fetherston stated that's completed and installed, yes.

Board Member Cook stated if you reduced it by that amount, you're still holding a bond for \$206,000.

Andrew Fetherston stated that's right.

Chairman Rogan stated that seems sufficient to cover what we've still got going on.

Andrew Fetherston stated you have one more building to go.

Chairman Rogan stated yeah, okay, so your comfortable with the request then, as you've outlined.

Andrew Fetherston stated yes, yes.

Chairman Rogan stated so we want to make a recommendation to the Town Board that they release.

Board Member Pierro stated seventy-four percent.

Chairman Rogan stated you want to make that motion, Maria.

Board Member DiSalvo stated in the matter of Field and Forest, the Town of Patterson Planning Board makes a recommendation to the Town Board that the bond total of \$806,000, be reduced to, release \$599,683 dollars as that much.

Chairman Rogan stated \$599,683.

Board Member DiSalvo stated right.

Board Member Montesano stated that leaves approximately \$206,000 dollars.

Board Member DiSalvo stated leaves approximately \$206,000 dollars left of the bond for completion of the site improvements.

Chairman Rogan stated site improvements.

Board Member Pierro seconded the motion.

Chairman Rogan asks for all in favor:

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

Motion carries by a vote of 5 to 0.

b. Benderson (Patterson Commons) Bond Release

Chairman Rogan stated okay, Benderson Patterson Commons, Bond release, this is the one that I was actually thinking of prior, we had a couple of different numbers on here.

Board Member Pierro stated I thought we had some questions with counsel, for counsel, can we release the \$470,000, what that the number.

Chairman Rogan stated no, the number was, Ted you were here for the work session, we were talking about the A & P Plaza.

Ted Kozlowski stated yes, (inaudible).

Board Member DiSalvo stated right.

Ted Kozlowski stated I've been to the site, they didn't cut the cat tails.

Board Member Pierro stated amazing, your Spanish must have been good that day.

Board Member DiSalvo stated how much are they growing there.

Ted Kozlowski stated I was shocked and pleasantly surprised.

Rich Williams stated so are you recommending they release the hundred thousand dollar bond.

Board Member DiSalvo stated done any inspections.

Board Member Montesano stated reluctantly, he's thinking, make it half.

Chairman Rogan stated he's going on vacation.

Board Member Montesano stated make yourself sleep tonight.

Ted Kozlowski stated what's our recourse if it goes to, Mr. Attorney, if they, then it would be a violation.

Carl Lodes stated it would a violation.

Ted Kozlowski stated they let that go to, okay.

Board Member DiSalvo stated go wild again.

Chairman Rogan stated so we are retaining quite a bit of money on this. We've have four, five, not quite six hundred thousand dollars in bond that we are still holding on this.

Board Member Montesano stated yeah but.

Board Member Pierro stated can we hold back bond for what was it, building improvements and site construction improvements because they failed to maintain the wetlands.

Board Member DiSalvo stated the wetlands are on a separate bond.

Chairman Rogan stated well Ted isn't saying that.

Rich Williams stated they were two separate bonds...

Board Member Pierro stated right.

Rich Williams stated you had two separate bonds...

Board Member Pierro stated right.

Rich Williams stated actually just so everybody, there were four bonds all together, there is a bond, four hundred thousand.

Board Member Pierro stated four hundred thirty-four.

Rich Williams stated four hundred and thirty-four thousand to secure the site improvements, there was a hundred thousand dollars to secure the wetlands restoration, there was a thirty thousand dollar bond and a five thousand dollar bond to secure installation of a curtain drain if it was ever required the by the Health Department...

Board Member Pierro stated right.

Rich Williams stated these were all put in place twelve years ago, the site improvements have been done for many, many years, there has been a couple of requests to release the bond, which have been denied by the Board for various reasons. None of them really having so much to do with site improvements, you know, with the potential, with the possible exception of the wetlands bond because Ted didn't like the cat tails being cut down.

Chairman Rogan stated Rich, let me ask the one curtain drain installation bond that was required by the Health Department, should we get some correspondence from them even though it seems evident that that curtain drain is not necessary.

Rich Williams stated that's what I was directed by the Planning Board at the work session, I have not yet had an opportunity to do that.

Chairman Rogan stated okay, minus that curtain drain, minus the most recent one, the thirty thousand, we are in a position that we could recommend the release of the \$434, the \$5,000 and the hundred thousand.

Ted Kozlowski stated hold on Shawn, one thing Rich was that ever, remember there was an outlet in of the basins, there was an issue.

Rich Williams stated it's been repaired twice.

Ted Kozlowski stated has that (inaudible).

Rich Williams stated there was a, they stuck a flapper valve on and that clogged up.

Ted Kozlowski stated that was backing up on someone else property, that has since been resolved.

Rich Williams stated yeah, right and then there was a question on where the v-notch weir was installed at the right elevation and we had the surveyor go back out there and confirm it was. It was clogged and that was cleaned out.

Ted Kozlowski stated right, and the litter really is a...

Rich Williams stated an ongoing maintenance issue.

Ted Kozlowski stated ongoing maintenance issue.

Chairman Rogan stated yeah, okay, so they were only initially requesting the \$100,000 wetland restoration bond be released but after all this discussion, does it not make sense to also recommend that the site construction performance bond be released as well. Just hold the two curtain drains bonds until we get confirmation from Health [Department].

Carl Lodes stated sounds right.

Chairman Rogan stated yeah.

Board Member DiSalvo stated should we ask them if they want that one released too because they are being specific in their memo just for the hundred thousand.

Chairman Rogan stated in other words they are not asking for the full amount but I think in our course of discussion, if we find that we are holding something that we don't have any reason to, that it should be appropriate and responsible to recommend releasing it.

Board Member DiSalvo stated maybe they are going to ask for that next, maybe they are doing like, they are staggering.

Carl Lodes stated they don't have to make a request to (inaudible).

Board Member Pierro stated I would be comfortable releasing the \$434.

Board Member DiSalvo stated and the hundred.

Board Member Pierro stated and the hundred.

Board Member DiSalvo stated that's what they are asking.

Chairman Rogan stated they are asking for, the hundred Dave.

Board Member Pierro stated okay.

Board Member Montesano stated yeah but the whole thing is very simple, we don't have to release the hundred thousand we can release fifty thousand, that's fifty percent and if they insist on it, then we can do it the other way.

Chairman Rogan stated I think, I understand all your points but I think the main point here is though to hold the bond with reason, not to hold it just for the sake of holding it. These people are holding on to, I mean this is something that.

Board Member Pierro stated okay, in the matter of Benderson Development Company, I make a motion that we make a recommendation to the Town Board to release 2 bonds. One for wetlands restoration in the amount of \$100,000 dollars dated 9/6/96 and for the site construction performance bond, valued at \$434,000 dated 9/23/96.

Board Member Montesano seconded the motion.

Chairman Rogan stated seconded by Mike.

Chairman Rogan asks for all in favor:

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

Motion carries by a vote of 5 to 0.

Chairman Rogan stated okay, Patterson Auto Body Site Plan.

c. Patterson Auto Body Site Plan

Mr. Jim Byron, the applicant, was present.

Board Member Montesano stated okay.

Chairman Rogan stated good evening, how are you Mr. Byron.

Mr. Byron stated very well, how are you.

Chairman Rogan stated great, thank you.

Mr. Byron stated Jim Byron, I'm here representing Patterson Auto Body.

Chairman Rogan stated we appreciated the site walk and your tour of the facility, it was very interesting.

Mr. Byron stated good, thank you.

Chairman Rogan stated everyone was, well Mike you weren't there but you went on your own.

Board Member Montesano stated yes, I did.

Chairman Rogan stated and got your own tour, we were very impressed with the use of the site and the way you run your operation...

Mr. Byron stated thank you, thank you.

Chairman Rogan stated its shows that you are obviously in it for the long haul, that is self evident and take great pride in your business.

Mr. Byron stated yup.

Chairman Rogan stated just so that we are all on the same page, what we are trying to do here, is to work forward for a site plan so that Mr. Byron can do the work that he would like to do, get it done as quickly as possible with the least amount of...

Board Member DiSalvo stated money.

Chairman Rogan stated work to be done by paid professionals.

Mr. Byron stated yup.

Chairman Rogan stated let's put it that way. There are a number things we spoke about on the site walk in terms of make sure that the drainage, I know that Andrew had mentioned some drainage issues we were going to clarify, where did Teddy go.

Board Member Montesano stated he left.

Board Member Pierro stated he left, he's on vacation.

Rich Williams stated Ted.

Board Member Pierro stated while we are waiting for him, Ted agreed to go out and flag.

Chairman Rogan stated Ted, we are on Patterson Auto Body.

Ted Kozlowski stated right.

Chairman Rogan stated you want to speak for a second about what you were so graciously offering to do on that site.

Ted Kozlowski stated Jim, I'll flag the wetlands for you, I think if, for the site plan to be, you know document it if you have it...

Mr. Byron stated well...

Ted Kozlowski stated I'll do it, it won't cost you a dime.

Mr. Byron stated okay, thank you Ted, the site plan I guess that is the first issue, is that required to be done by a licensed surveyor or can I use an existing survey and...

Chairman Rogan stated in other words to get what he flagged on to your survey.

Mr. Byron stated yes.

Chairman Rogan stated I think you have to be assured that the marks are in the right spot.

Ted Kozlowski stated right and I think if you've got fixed structures and points there, my understanding is that its probably going to be at the edge of the pavement all the way through.

Board Member Montesano stated yeah.

Chairman Rogan stated probably.

Ted Kozlowski stated I have been to the site, Jim do I have permission to go to your site.

Mr. Byron stated yes you do.

Board Member Montesano stated point of order for one second, you can go on his property because you have permission, do you have NYSEG's permission to go on their property.

Ted Kozlowski stated I don't know, what do we do about that.

Mr. Byron stated I don't know.

Board Member Montesano stated that's I'm asking you.

Chairman Rogan stated good point.

Board Member DiSalvo stated is there someone we can deal with.

Chairman Rogan stated let's figure it out.

Mr. Byron stated I go on it.

Rich Williams stated Shawn.

Chairman Rogan stated but you have the easement.

Mr. Byron stated yeah.

Chairman Rogan stated Counsel does the easement or the prescribed easement that Jim has.

Carl Lodes stated is there an easement to go over NYSEG's property (inaudible).

Mr. Byron stated I have a verbal, I have a verbal agreement.

Chairman Rogan stated that's been in effect over many, many years nothing in writing.

Mr. Byron stated we used to, the property at one time was owned by the former owner and then they sold off the back of it to NYSEG with the understanding that they would just continue utilizing it, which they did, they did for about 20 years and then I came in and bought it.

Ted Kozlowski stated is there somebody that you talk to over at NYSEG.

Mr. Byron stated I reached out to a Mrs. Hanrady, I don't know her first name.

Ted Kozlowski stated I know her.

Mr. Byron stated I reached out to her just for clarification.

Chairman Rogan stated you know her.

Ted Kozlowski stated I do know her.

Mr. Byron stated yeah because I kind of, I did ask her if certain people were still there and you know unfortunately time goes by and people move on and so they are not but.

Ted Kozlowski stated so you want to call Karen and ask her.

Mr. Byron stated ask her what.

Ted Kozlowski stated if it's okay that I put flags up.

Mr. Byron stated sure, yeah I can do that.

Ted Kozlowski stated okay.

Mr. Byron stated and then I'll call you with confirmation.

Ted Kozlowski stated or call Rich because I'll be away.

Mr. Byron stated okay.

Rich Williams stated you want me to go do it, I know where the edge of pavement is.

Board Member Montesano stated they are putting him away again.

Chairman Rogan stated but the other part of your question was getting the, Ted's information on to your site plan, I think that...

Mr. Byron stated right, who...

Chairman Rogan stated if you can get the information on to the site plan and Ted says yes...

Mr. Byron stated yup.

Chairman Rogan stated this is accurate, you have existing structures, when he marks those, you can triangulate off certain known points and certainly put that in there accurately, just get yourself a hundred foot tape and have someone hold the end and I think you can do a good job with getting that on there...

Mr. Byron stated okay.

Chairman Rogan stated as long as in the end you feel comfortable that its been properly shown, therefore that part of it doesn't cost you anything.

Ted Kozlowski stated (inaudible).

Chairman Rogan stated pretty straight forward.

Board Member Pierro stated how current is your survey.

Mr. Byron stated say that again.

Board Member Pierro stated how current is your survey, how...

Mr. Byron stated the last one was '90; we put the last building on, so '95 or '97.

Board Member Pierro stated if the company is still in business they may be able to do it relatively quickly for you.

Mr. Byron stated well, no, it doesn't, it doesn't work that way.

Board Member Pierro stated nothings cheap.

Mr. Byron stated but they will send out somebody.

Chairman Rogan stated who did your survey.

Board Member Pierro stated right.

Mr. Byron stated Insite Engineering.

Chairman Rogan stated oh okay.

Mr. Byron stated yeah.

Chairman Rogan stated because the surveyors that I've been talking to recently are all very, very eager for business and cutting theirs significantly, they are quiet right now.

Mr. Byron stated yeah.

Chairman Rogan stated but I think that is a common sense approach, if you can put that information on to your plan and then have Ted verify that yes this is what I flagged...

Mr. Byron stated okay.

Chairman Rogan stated then at the end of the day that is all we are looking for in that regard.

Mr. Byron stated okay.

Chairman Rogan stated and that seems reasonable.

Ted Kozlowski stated Jim will you be there tomorrow morning.

Mr. Byron stated yes I will.

Ted Kozlowski stated all right, then I don't think this will take very long.

Mr. Byron stated if I can get to bed.

Ted Kozlowski stated I'll be there tomorrow morning.

Mr. Byron stated 4:45.

Ted Kozlowski stated not that early.

Chairman Rogan stated you got it; he'll meet you out there.

Mr. Byron stated then the other question is, I reached out to the Health Department, some of you may know Bill Hedges, probably fifteen years ago, helped us out significantly with a repair but they don't, there is nothing documented I guess, if you were to call Putnam County and says where is that approved septic, I mean its never.

Chairman Rogan stated if you did a repair though and you worked with the Health Department and a permit was obtained then there is a file on it.

Mr. Byron stated on a repair.

Chairman Rogan stated yes.

Mr. Byron stated the lady in the office, Karen, I didn't get a last name...

Board Member Pierro stated fifteen years ago, maybe not.

Mr. Byron stated they have no, nothing on file.

Chairman Rogan stated Karen (inaudible) that means you didn't get a permit then.

Mr. Byron stated Stuart Bates did the work.

Chairman Rogan stated you might want to contact Stuart, he has good records.

Mr. Byron stated the dad passed away and I'm not quite sure the son is up to that same level, I could find out.

Chairman Rogan stated I've gotten files there that are twenty and twenty-five years old from repairs.

Mr. Byron stated yeah.

Chairman Rogan stated as long as they were properly done and I'm not saying your isn't properly done...

Mr. Byron stated well no he stood, they stood right there and they said do this, do this, do this.

Chairman Rogan stated yeah the only difference would be, do you remember what the repair consisted of, what work did they do, what physical work did they do.

Mr. Byron stated they put a septic tank in.

Chairman Rogan stated well see for tank replacements, repair permits were not needed years ago.

Mr. Byron stated they put galleys in.

Chairman Rogan stated that they would.

Mr. Byron stated they took the cesspool out of the back.

Board Member Pierro stated out of the bus.

Mr. Byron stated yeah, out of the bus and they took the twenty-two beds out from...

Chairman Rogan stated what you can do though is try to get something from Mr. Hedges stating what his recollection is of the system, he does have a very good memory for those types of things...

Mr. Byron stated okay.

Chairman Rogan stated amazingly, so.

Mr. Byron stated because if not, that's part of part A, in order to get them to approve it, I would need an engineer to approve and I don't know an engineer that would approve a septic system they didn't design and watch install.

Rich Williams stated specifically (inaudible).

Mr. Byron stated Putnam County Health Department approval or letter acknowledging no expansion of SSTS and water supply will be required.

Chairman Rogan stated the engineers will many times on systems that are existing, they will in many cases, Health Department requires engineers evaluation and certification of an existing system that they have no knowledge of and what they do is they gather and they do their due diligence and in some cases...

Mr. Byron stated why type of engineer is that.

Chairman Rogan stated like Harry Nichols or somebody like that or Insite, any of those agencies, have done this many times, Harry does them all the time.

Mr. Byron stated its not Robert, its not Putnam Engineering, it would be.

Chairman Rogan stated yeah, Putnam Engineering should do them, I would think so.

Mr. Byron stated yeah.

Board Member Pierro stated sure.

Mr. Byron stated because I left off with him that it would require digging it up.

Chairman Rogan stated it depends on the comfort level of the engineer and how much information, if you can provide them that well we put fifteen galleys in and they are in this location. Correct me if I'm wrong Andrew. Then it becomes as long as they are assured of what you put in the ground they can back calculate and say well this system...

Mr. Byron stated but how are they assured of that.

Chairman Rogan stated I'm not...

Mr. Byron stated I had this conversation this morning.

Andrew Fetherston stated what we've done, I've certified septics that I did not design and had a testing facility come out to do some testing, pumping out septics and...

Mr. Byron stated yeah.

Andrew Fetherston stated anybody with any kind of records, just go down the line, we had them pumped out this long ago. I've called around various local companies that do that type of testing to try and pick their brain, what's there, what do you know about this thing, what do you have for records.

Mr. Byron stated yeah, Stuart...

Board Member Pierro stated you may be able to back track by getting a hold of Bill.

Mr. Byron stated well Stuart Bates installed it, his company...

Chairman Rogan stated he's the one that pumps it out.

Mr. Byron stated and he pumps it out once a year, so.

Chairman Rogan stated he would be your greatest resource.

Andrew Fetherston stated the other thing is, you said you had residences at one time, that are no longer there.

Mr. Byron stated pre...yeah...pre me, I want to clarify that, that was pre me.

Chairman Rogan stated so it wasn't on this system, it wasn't on the repair.

Board Member Montesano stated no, no.

Mr. Byron stated no, it was on the old one.

Chairman Rogan stated but what you're talking about doesn't seem unreasonable. Rob and Putnam Engineering may have a policy in house that says we're not going to certify unless we at least know by digging up the ends of the trenches or the ends of the galleys.

Mr. Byron stated right, find the end.

Andrew Fetherston stated get a couple of estimates.

Chairman Rogan stated and that's (inaudible).

Andrew Fetherston stated get a couple of different guys out there to look at it.

Chairman Rogan stated for something like that, you know.

Board Member Pierro stated you can back track a get a couple of letters from both Hedges and Stuart Bates, you may be able to back into it.

Mr. Byron stated okay, that was it right.

Chairman Rogan stated yup.

Mr. Byron stated I mean that was the big issue.

Chairman Rogan stated basically.

Mr. Byron stated that was the big one.

Board Member Pierro stated right.

Mr. Byron stated okay, so we'll do that and then we'll discuss what we're going to do.

Ted Kozlowski stated I'll stop in and (inaudible).

Mr. Byron stated okay.

Chairman Rogan stated thank you for your patience, have a great evening.

Mr. Byron stated all right, thank you, you too.

Board Member Cook stated thank you Jimmy.

d. Rimaldi Site Plan

Chairman Rogan stated Rimaldi Site Plan, they were before Zoning Board for a special use permit and they would not make their determination until we do SEQRA, is that correct.

Rich Williams stated they can not.

Chairman Rogan stated can not.

Rich Williams stated they prefer the Board circulate intent for lead agency, which you did at the work session.

Chairman Rogan stated okay, so now.

Board Member Pierro stated we need to do SEQRA.

Rich Williams stated no, you have to wait thirty days.

Chairman Rogan stated we have to, right, as lead agency, so we are holding off on that.

e. Paddock View Estates Bond

Chairman Rogan stated Paddock View Estates Bond, we asked Andrew, the applicant had asked Andrew to re-evaluate the bond and basically you came back and said there were some numbers that nothing is.

Andrew Fetherston stated that is correct.

Chairman Rogan stated okay, so in fairness that, has that been communicated yet to the owner.

Andrew Fetherston stated we sent it to the Town.

Chairman Rogan stated okay, can you forward that.

Rich Williams stated did it.

Chairman Rogan stated you already have.

Rich Williams stated yes.

Chairman Rogan stated thank you.

f. Steger Zoning Amendment

Board Member Pierro stated Steger.

Chairman Rogan stated Steger Zoning Amendment, is anyone here for Steger.

Board Member DiSalvo stated there is a pack.

Unknown Audience Member stated we're here to listen.

Chairman Rogan stated okay, you're here to listen, is anybody here for the applicant, no.

Unknown Audience Member stated we may have some opinions if you'd like.

Dave Raines stated Shawn, I would like to address the Board on that.

Chairman Rogan stated please do.

Dave Raines stated I created it and I take full ownership. For approximately three years, David Raines, Fire Inspector, at the time I started this I was the acting Code Enforcement Officer/Building Inspector, 2005, 2006 and 2007, into 2008. What happened, brief history was with this property, which has frontage on both Front Street and Center Street, it also includes the Post Office, the property itself, it's a separate building but the building we are talking about currently has a bodega on the Front Street side and what used to be a residential structure on the Center Street side which is attached. For years it was problematic from a Zoning Enforcement perspective that it was denied for use by the Zoning Board for multi-apartments, for use as multi-apartments so the owner attempted to utilize it for multiple commercial occupancies for offices. What happened from a Zoning Enforcement and Fire Code perspective is that it was being used, whether the misrepresentation was by the clients or the owner, I don't know but we had people living in it, they were leasing it as office space, so at one point as Fire Inspector, I had to clear the folks out. We went through the court process and all that and then it became cyclical in that the occupancies other than a couple that did work out for short term, it was violations, there were people there 24/7 lights were on, people living in it, it went from one kitchen to three kitchens, additional bathrooms were installed. So in June of 2008, after making decisions on other properties, not in the Hamlet, to return them from a mixed use, again totally different. It was apples and oranges but in my mind I said okay here I have another example of where this should go back to a single family residence I issued a building permit for renovations to the owner to renovate the structure, get rid of the kitchens and extra bathrooms and what not, upgrade the electric, put in a fire alarm system, bring it back to a single family residential, lose the door between the bodega and what I'm calling a residence, its not zoned residential but what I'm calling the residential part of the house. We have a diagram on the back of Rich's memo, thirty days after issuing the permit it was determined that I erred, that I could not do that, it wasn't allowed under Zoning, so we went back and we withdrew the building permit after a bit of the renovations were completed. So, the building is gutted right now, the electrical was upgraded and its framed out, that's where we stand now, as far as interior. My reasons for doing this were that the layout including the front door, that parking, dumpster, signage didn't fit, it fit on Front Street but it didn't Center Street, there was not adequate parking, you couldn't meet any kind of an ADA Compliance, even the loading, the stairs, the rise and the run. This was an old building and every time we looked at bringing somebody in other than renovating the whole thing for maybe a law office or something like that which would have been feasible but to leave it subdivided as multiple offices, led to Acme Landscaping became a family the lived in there, it wasn't really Acme Landscaping and yada, yada, so went to Zoning and Zoning did not find favorably for the applicant, it went to the Town Board for a change in zone, two Town Board meetings ago and they kicked it back to you guys, so that is where we stand with this. So at the present time the building has been gutted, we did remove the kitchen, not we, the applicant did remove the kitchens and what not. He was looking to being it back to a three bedroom, two bath, single kitchen structure, (inaudible) use as rented residential use and then the bodega would remain as that was approved I guess a couple of years ago and we would just close that, create a fire wall between the bodega and the house, so. Great plan but it was done again by myself in error so we are back looking at this and my concern is what I brought to the Zoning Board we've said for three years now what we can't do with this structure and I'm concerned that we have some responsibility, maybe not legally but we have some responsibility to say what we can do with it. You know tell the applicant what we can do and that is kind of where we're at and that is the reason why I'm here is just because again I created the situation from it was a non-conforming, being used in a non-conforming way and I kind of made it worse but, so, that's kind of the challenge before us. I understand the folks that live in the Hamlet have addressed concerns to myself and to Nick and to Paul before me that they are concerned about the proliferation of illegal, this becoming an illegal occupancy, where instead of three bedroom, it

becomes a three bedroom instead of six people, with ten people or twelve people, with multi-families and I understand that because we are, that is a challenge in the Hamlet now, not just in the Hamlet but...

Chairman Rogan stated not just with this building, with any building, not this specific one.

Dave Raines stated anywhere but specifically to the folks I see here, I mean that's its occurring in other occupancies, within five hundred feet of this occupancy.

Chairman Rogan stated yes.

Dave Raines stated so, that's a legitimate concern. I thought in my mind, thinking globally, through rental registration. Through doing this the right way and getting it doing it by Code and upgrading the facility and requiring that parking delineated and what not that we could manage this better than it's been managed in the past and I'm sure there is a bad taste in many folks mouths because this thing is really. At one point we had folks say, I told Mr. Pierro, we had people jumping out the window, we showed up with the Sheriff to enforce what Judge King had said you know everybody out and they were jumping out the window, I mean obviously you have a problem, so. That is just a brief history and kind of how we got full circle back to the Planning Board.

Chairman Rogan stated so the floor plan, Charlie, I'm sorry. The floor plan doesn't show the second floor but the second floor is all bathrooms and bedrooms.

Dave Raines stated all bedrooms and a bathroom.

Chairman Rogan stated okay.

Dave Raines stated when I gave him direction...

Chairman Rogan stated yeah.

Dave Raines stated for the building permit, I went back to the 1958 layout, what was on the Assessors' card.

Chairman Rogan stated and then the other building on this site is the post office, okay and we were on there for the shed issue and there is limited parking.

Board Member DiSalvo stated so right now there is one kitchen which is on the lower.

Dave Raines stated the lower level.

Chairman Rogan stated right.

Board Member DiSalvo stated with what.

Dave Raines stated dining room, living room...

Board Member DiSalvo stated dinette and the living room and the...

Dave Raines stated the bedrooms upstairs.

Board Member DiSalvo stated and a bathroom downstairs.

Dave Raines stated there is a bathroom downstairs to the left in the foyer.

Board Member DiSalvo stated who is using the bathroom downstairs now.

Chairman Rogan stated that's...

Board Member DiSalvo stated the bodega people.

Dave Raines stated the bodega has its own bathroom.

Board Member DiSalvo stated okay, so you go up the steps and then what's up there.

Dave Raines stated there's a bedroom, a bedroom, a bathroom and a bedroom.

Board Member DiSalvo stated so there are three bedrooms.

Chairman Rogan stated a full bath.

Dave Raines stated a full bath, which was three kitchens, three bathrooms.

Chairman Rogan stated Dave, off the kitchen area there is no access out of the house or at least not on the floor plan, is that a safety issue from your perspective or are the windows in that area considered.

Dave Raines stated there's two, well that could, there's two doors out at grade...

Chairman Rogan stated okay.

Dave Raines stated there is one on the...

Chairman Rogan stated that's what the bump out is.

Dave Raines stated yeah, there are two doors.

Chairman Rogan okay because it's a strange layout...

Dave Raines stated yeah, it is a strange layout...

Chairman Rogan stated not that that really means anything to me but you know.

Dave Raines stated and I think that's when that whole bodega thing was created back, I know it used to be a hundred different uses.

Board Member DiSalvo stated the only entrance now is the main entrance.

Dave Raines stated there is a side entrance by the Post Office and there is an entrance in the rear.

Board Member DiSalvo stated are they going to keep that side entrance.

Chairman Rogan stated so it looks like there is an entrance into the dining room...

Board Member Pierro stated there is a third entrance in the dining room, correct.

Dave Raines stated yeah.

Chairman Rogan stated right, one by the staircase.

Board Member Pierro stated so entrance and egress is not difficult.

Dave Raines stated not for that...

Board Member Pierro stated okay.

Dave Raines stated it is from a commercial perspective I think but that is another discussion.

Board Member Montesano stated Dave, is this bump out, what is that a chimney, a window or an exit.

Dave Raines stated I'll look on my plans (inaudible).

Chairman Rogan stated for the people who showed specific to this application tonight, what I will tell you up front is, while this is not a public hearing tonight and we are not looking for public input. I will tell you that the Planning Board always accepts things in writing and we always review them, so while it may not be currently a public hearing, any thoughts or concerns, please put them in writing, send them to the Planning Office and we always get letters on different projects all the time, so. While we are not at a public hearing tonight, just know that you always have that option of sending written comment in.

Unknown Audience Member stated can I ask a question.

Chairman Rogan stated sure.

Unknown Audience Member stated are you guys going to make a determination on this issue tonight or you going to...

Chairman Rogan stated no, no.

Unknown Audience Member stated okay great, thanks.

Board Member Cook stated is this layout conducive in any way for office space, I mean its in the General Business District, can, I mean, you know a law office, an accountant office...

Board Member DiSalvo stated its been like that...

Board Member Montesano stated its been like that.

Board Member DiSalvo stated we've already had the tile place in and out of there.

Board Member Montesano stated well the way Dave, I thought, just explained it, when we had offices, people slept in the office over night and played detective or something, they rented that and they just slept in there. What we would do to straighten that out, I have no idea but it needs to be controlled.

Board Member Pierro stated you know, for the right tenant.

Board Member Montesano stated don't jump.

Rich Williams stated you know, I've taken a look at this and there has been a lot of public debate on this issue that we have all heard over the past several months. The way its laid out right now, I don't think you're going to get a commercial use in the back...

Board Member DiSalvo stated right.

Rich Williams stated the inherent problem is the fact that you are trying to split the building into two uses, with the back use, as I've said many times and others have said, you know, you're trying to put a back use off an alley, essentially. That is not going to work, if he took the building and as Dave Raines has, renovated the whole building with intent of having the whole building as an office, then probably you would get something to work out there. You would also have Front Street parking to support the use like you do now with the Post Office but that requires an investment on his part and it also means that the bodega you know, as that one little area, isn't going to work...

Chairman Rogan stated sure.

Board Member Cook stated on the other side of the coin is that the bodega goes into, let's call it the main structure right...

Rich Williams stated correct.

Board Member Cook stated so you would either have a building, a residential building, a bodega in the living room or you would have a main structure where you would have seal off that bodega part.

Rich Williams stated you would have to seal the area between the bodega and the residential unit in the back.

Board Member Pierro stated Dave had mentioned putting a fire wall up in between those two.

Board Member DiSalvo stated right.

Chairman Rogan stated sure.

Dave Raines stated its as mixed use at the rest of Front Street.

Board Member DiSalvo stated right.

Board Member Pierro stated right.

Dave Raines stated or less intrusive of a mixed use. I'm not trying to defend myself but that was my thinking that looking at Front Street from this corner to that, is mixed use and I know that wasn't the intent when we zoned it, I'm not trying to...

Chairman Rogan stated I don't disagree with you at all Dave.

Dave Raines stated it's a challenge again, I don't like or dislike the owner you know, he's got a history but regardless my big thing has been in the different roles I've had, we've told him what he can't do over and over. I understand that we have rules, we have regulations but trying to figure out the end of this circle, what we can do with this so we don't because my real concern is he's going to walk away from the building and we're just going to have a mess. I know these people will be back in droves saying now do something...

Chairman Rogan stated right...

Dave Raines stated so, you know...

Chairman Rogan stated I agree with your intent a hundred percent because I have already said, on the record that when I think of Main Streets you think of mixed uses. You think of your store fronts, on your main level and you think of either in the rear or on the second level some type of an apartment...

Board Member DiSalvo stated especially by a train station.

Chairman Rogan stated or residential, especially by the train station, I lived in two of those different places in school and it was a mixed use, you had retail up front and you walked in either between the two retail spaces up a flight of stairs. It was just part of what made the Main Street the unique character that it was, the unique nature of that type of environment.

Board Member Montesano stated my solution is tell him to get a flat bed, put it on the flat bed, take it to Gettysburg and make a restaurant out of it and they can have the whole thing down there.

Chairman Rogan stated how about something a little more realistic Mike.

Board Member Montesano stated that's realistic, it's about as realistic as what we've been asked for the last.

Chairman Rogan stated come on, help us out here.

Board Member Cook stated you know Shawn, I agree with you, one hand with what your saying and I would favor any kind of mixed use on a Main Street, with this building if its left commercial and while it is in an awkward location, there is still enough traffic on Front Street, going to the Post Office, it won't be there any longer the barber shop, the small restaurant. So I mean if a commercial outfit, you know maybe had the right signage or the right clientele or whatever could make a go of that building...

Chairman Rogan stated I agree a hundred percent. I'm only basing my opinion on the intent that the owner wants to do this with the building...

Board Member DiSalvo stated right.

Chairman Rogan stated if he had said this is the only thing that would fly, I would disagree, I agree a hundred percent with what your saying. If he wanted all this retail and had a way to cut it and make it work, I'm on board with you a hundred percent.

Board Member DiSalvo stated I think the problem with doing commercial there, is that it doesn't have the whole building visible from Front Street. You're like going down this little alley or you're going around the other side of the building, so someone that would want to do some kind of office building there, there really is no attraction to it.

Rich Williams stated it doesn't work that way.

Chairman Rogan stated great example similar to this, if you have ever been over by Bob's Auto in Carmel, there is an archery store around back, it has zero visibility and every time I've been in there, the place has been mobbed...

Board Member DiSalvo stated yeah.

Chairman Rogan stated it's a dungeon, its in the foundation, it has zero exposure and the guy is as busy as can be.

Board Member DiSalvo stated but he's got a big sign.

Chairman Rogan stated just one little sign out front and people, most people drive in but they know because they are looking for a specific item and they know he has it and the place does a fantastic business.

Dave Raines stated it's a challenge Shawn and I agree with all this and one of the things I really struggled with in '07 and early '08 in looking at this with perspective buyers. It was on the market, off the market was trying to create some kind of level of ADA Compliance because it would be renovated in total, we are not talking about just moving a few...

Chairman Rogan stated right.

Dave Raines stated and the set back and even the challenges you guys had with the shed, there is no place to put a ramp on the Center Street side, there is no place to put a ramp on the Front Street side. He said okay, that was because there was a proposal for a doctor office, again it was just a quick and the guy said hey maybe I'll put, it was pediatrician and that was like whoa, I have to sink a million dollars into the building, which you know its time for the bulldozer. So again, that was some of what drove it and we looked at parking and we really only have four spots realistically and one handicapped and everybody says well four businesses were approved there so what was thought process there. Then I hear from the South Street folks we don't want cars lining both sides of Center Street either...

Chairman Rogan stated right.

Dave Raines stated it was like what can we do, the signage, talking about four signs on the building I know these are regulations but these are all things that we thought about if we went, if we really pushed to make this straight commercial, which again, law office, accounting office, its viable its just that...

Board Member DiSalvo stated right, its just a bad time.

Dave Raines stated I'm not sure that...

Board Member Pierro stated its really a large space and when you have space this size, you always run the risk of having mixed use.

Chairman Rogan stated a question for Rich or for Counsel, is it the Town Board's responsibility or obligation to hold public hearings on this amendment or is it ours or both.

Carl Lodes stated the Town Board is looking for a recommendation.

Chairman Rogan stated the Town Board is looking for a recommendation from us and then they will proceed with...

Rich Williams stated you could...

Carl Lodes stated yeah, you could always.

Rich Williams stated you could always hold a public hearing but there is no obligation, no requirement.

Chairman Rogan stated so we could hold a public hearing if it would help us in making our recommendation certainly.

Rich Williams stated sure.

Chairman Rogan stated and procedurally, so our Board is understanding what we are being asked, can you just go over this a little bit from a legal standpoint.

Carl Lodes stated I believe this is like, what was the other project...

Rich Williams stated Fox Run.

Carl Lodes stated its like Fox Run, you just need to make a recommendation.

Chairman Rogan stated I understand that part of the process, I mean specific to this application, it is a request to re-zone this specific lot or the area, I'm just trying to make sure I'm clear on...

Carl Lodes stated as I read it would be almost splitting the building.

Rich Williams stated it was a petition to re-zone to move the R-1 zoning boundary onto this lot, in a different location specific to this lot.

Chairman Rogan stated so in essence you would be moving the boundary for the benefit of only this lot.

Rich Williams stated correct.

Carl Lodes stated that is correct.

Chairman Rogan stated and part of what I'm reading here is that this part of this process should be considering whether or not this zoning change would be more appropriate for more than just this lot as well, is the Town Board also considering that.

Rich Williams stated that was not the petition they received...

Chairman Rogan stated okay.

Rich Williams stated when I reviewed the application and what they were proposing, my opinion is and I think it's based on the law, is that it doesn't work. I mean you can't make this a single family building, you can't, its mixed use possibly...

Chairman Rogan stated oh, okay right.

Rich Williams stated you could have residential in the back, you could have commercial in the front but its never going to be a single family which is what their looking to so...

Chairman Rogan stated oh okay.

Rich Williams stated at this point you have a couple of options, you could simply send it back to the Town Board saying it doesn't work. You know we don't recommend that you proceed forward with the Zoning Amendment or you could send a recommendation back saying we looked at it and we think its appropriate to remain commercial and you should do it or you could send a recommendation back doesn't work what he's proposing, we think it should be residential. You know here is how we think you should make the zoning change, which could affect just this parcel or multiple parcels.

Board Member DiSalvo stated is there a way to make this residential minus the square footage of the bodega in the front...

Rich Williams stated well...

Board Member DiSalvo stated and just limit it to the square footage of the three bedrooms and the unit.

Rich Williams stated the recommendation that I made was that, if you are going to consider allowing residential uses, mixed uses within the Hamlet that the appropriate mechanism would be by special use permit. That way you can do things like that, you can set the square footage, you can set the area, you could also come up with additional requirements that the buildings are use consistent in a manner that you are intending they be used and that would also be used to evaluate whether any potential violations or enforcement action is needed in the future. A special use permit in this regard would give you a lot more controls for doing something like having a mixed use.

Board Member Montesano stated I have a question though, right now we are specifically sitting this parcel, mainly that building. If the Post Office leaves, is that part of our consideration at this time or is it just specifically for that building.

Board Member DiSalvo stated well the Post Office is a commercial use now.

Chairman Rogan stated in other words if the Post Office leaves could the owner then say well I got approval for mixed for a quarter of the area to be retail and the rest residential, can I have the same designation with the Post Office. Is that your question?

Board Member Montesano stated yeah.

Board Member DiSalvo stated (inaudible).

Chairman Rogan stated it depends on how the special use permit is...

Board Member Pierro stated drafted.

Chairman Rogan stated worded right, if its specific, you certainly could do it specific to the one building and leave the other one as fully commercial, right.

Rich Williams stated you could with a special permit again the danger of doing a special use permit is it would apply to other properties within the Hamlet.

Chairman Rogan stated so in other words you would be setting up the designation.

Board Member Pierro stated setting a precedent.

Chairman Rogan stated Charlie, what were you going to say.

Board Member Cook stated I wanted to ask Carl something. Carl, by changing the zoning on this section or this particular lot, I mean is this spot zoning.

Chairman Rogan stated that's exactly what it sounds like.

Carl Lodes stated yeah, that is one of my concerns, I just saw Rich's memo this afternoon and I want to look at that question but that would be one of my concerns.

Chairman Rogan stated okay, any interpretation or information you can provide on this, great.

Board Member Cook stated I think we need a memo from you.

Carl Lodes stated I saw the question, I think we should, that is what my (inaudible).

Chairman Rogan great, okay let's everybody take a...

Dave Raines stated so in effect, standing here outside the bubble...

Chairman Rogan stated yeah.

Dave Raines stated we went, Mr. Williams, correct me if I'm wrong, no, no and no is what you just brought us around for your explanation.

Rich Williams stated how do you make that interpretation.

Dave Raines stated well you said you can do this, this and then you went back and said you really can't give a special use permit and we can't really because it could be considered spot zoning or exclusionary zoning, so is there a viable.

Rich Williams stated I think what I said was the only possible mechanism is by doing it by special use permit. I did not touch on the zoning, the issue of spot zoning, that was the attorney that he wanted to look at it, so you got a no, no and a yes.

Board Member Montesano stated we have a maybe.

Chairman Rogan stated all right.

Dave Raines stated I'd rather go back to this guy and say you know what, its commercial period end of story. You know, that's...

Chairman Rogan stated I don't think its unreasonable...

Dave Raines stated we...

Chairman Rogan stated the drawing that we have, showing the retail, I hate using the word bodega, whatever the retail is and the mixed use for residential to me seems appropriate for the area.

Dave Raines stated it just confuses me because the Town Planner created everything looking forward on Front Street is going to be mixed use. Putnam County National Bank was going to be mixed use, the other, the use of the other lot. That is what is totally baffling me, what is the plan...

Rich Williams stated well let's try to clarify it.

Dave Raines stated is Front Street not...

Rich Williams stated Putnam County National Bank was not going to be mixed use...

Board Member DiSalvo stated no.

Dave Raines stated oh yes it was.

Rich Williams stated oh no it wasn't.

Board Member Pierro stated no.

Dave Raines stated again is this building for my edification part of Front Street or was it not. I was around when the line was drawn and the line was drawn, I don't want to use the word arbitrarily but the line was drawn and this building was outside of the residential boundaries, based on what.

Chairman Rogan stated what I want to clarify is that the floor plan that is attached to the memo, which shows the bodega and the residential portion, is that what the gentleman is looking to codify or is he looking to do away with the bodega and do all residential.

Dave Raines stated no, he is looking to just utilize the space...

Chairman Rogan stated that is shown on this...

Dave Raines stated that he's (inaudible).

Chairman Rogan stated and...

Dave Raines stated the Town approved...

Chairman Rogan stated okay.

Dave Raines stated the Town whether it's the Zoning Board or the Planning Board approved the bodega.

Chairman Rogan stated right.

Board Member Cook stated well because it's in the General Business district.

Dave Raines stated correct.

Chairman Rogan stated and as I said, I don't have a problem with the mixed use provided that we can do it in a legitimate manner. To me, this seems like us...

Dave Raines stated and I guess to simplify my question Shawn.

Chairman Rogan stated yeah.

Dave Raines stated when I look at as a Building Official, when I look at Front Street, its mixed use from one end to the other. So I am kind of missing the challenge...

Chairman Rogan stated right.

Dave Raines stated aside from the fact that this guy didn't really take the right path and I made an error in giving him direction to modify the interior of the structure. What is the challenge, I know this isn't a public hearing but what's the challenge, what do we...

Chairman Rogan stated well all that I am I trying to make sure and what it sounds like Charlie brought up was to make sure that we are not recommending a change that would only apply to one particular property when it should in fact apply to every property on Front Street let's say, in the area, am I correct Carl, in that. That sounds like its our deliberation, not to just say yeah it makes sense in this case but then the guy next door who has the same situation, says hey what about me, make more sense to look at that.

Board Member DiSalvo stated but he has a situation, he has the retail downstairs, the Brunow building.

Chairman Rogan stated right.

Board Member DiSalvo stated and he has the residential upstairs.

Dave Raines stated and the Pettey building.

Board Member DiSalvo stated the Pettey building.

Chairman Rogan stated so is it just that this property just is not currently shown in this zone, in the zone with the Brunow building.

Rich Williams stated no, no, no, let's touch on that just a bit.

Chairman Rogan stated perfect timing to gather your thoughts.

(Tape 2, Side 1 Ended – 10:06 p.m.)

Board Member Pierro stated where Magnolia's is, where the barbershop is.

Chairman Rogan stated sorry.

Rich Williams stated way back when we did the Master Plan and we had a Master Committee and we had community involvement and then again when we did the re-zoning and again there was a lot of back and forth. I facilitated several meetings between all the Boards and sat in, the general consensus was that they did not want mixed use along Front Street for that commercial area. So the zoning, the GB zoning designation, did not allow for a mixed use for the buildings fronting on Front Street, which had commercial on the bottom floor even though they may have had residential on the top floor...

Chairman Rogan stated so when that was done did that make, something like the Brunow building a pre-existing, non-conforming use.

Rich Williams stated exactly.

Chairman Rogan stated okay.

Dave Raines stated even though we renovated it after that.

Chairman Rogan stated see...

Dave Raines stated even though we renovated Pettey's after that.

Chairman Rogan stated I actually think that...

Rich Williams stated yeah it caused a problem.

Dave Raines stated I'm just trying to understand, (inaudible).

Chairman Rogan stated Rich, in fairness I was part of that...

Board Member DiSalvo stated and so was I.

Chairman Rogan stated review committee as not being a Board Member, so were you actually, that's where we met on that...

Board Member DiSalvo stated way back in 1999.

Chairman Rogan stated committee, way back then, I don't specifically remember that discussion. There was so much going on you know you're looking at the entire Town so one little area you tend not to dwell on.

Board Member DiSalvo stated I would have gone along with that.

Chairman Rogan stated but I think that allowing mixed use on the Front Street situation is something that maybe the Town should take a look at again maybe that is why we are going through this...

Dave Raines stated (inaudible).

Rich Williams stated if they want to do that, that's fine.

Chairman Rogan stated and that was almost ten years, we should probably be looking at updating our Master Plan because its almost ten years old. So just like, they like to re-evaluate us every year, we should really have a living document...

Dave Raines stated its just hard, the only reason I'm making an issue of this and I know its late, is I stand here as a Code official who has to deal with these people...

Chairman Rogan stated sure.

Dave Raines stated and justify, whether its Mr. Jones or Mr. Steger, sir you can't have mixed use on Front Street...

Chairman Rogan stated but this guy has it.

Dave Raines stated and he goes what are you a moron, did you go to high school and then I have to explain it to him. It doesn't make any sense to me so how am I going to explain it to him how from one end to the other of Front Street is mixed use...

Chairman Rogan stated right.

Dave Raines stated and we are telling him no.

Board Member DiSalvo stated so let me ask...

Chairman Rogan stated and I'm not disagreeing with you Dave.

Dave Raines stated and that's why I'm a little passionate about it and it doesn't make any sense to me and I'm pretty educated guy. I've been working in the Town for seventeen years now, so I'm a little, that's why I don't get the argument.

Chairman Rogan stated but, I'm just going to argue with you for one second...

Dave Raines stated okay.

Chairman Rogan stated at least you are an intelligent enough person to have an educated conversation with the gentleman to say ten years ago we did a Master Plan review at that time it was decided that this was not appropriate. The other places are pre-existing, non-conforming, there is a process, we can work towards some resolution to this and I'm sure you had those conversations. So, you're not standing there saying yeah, you're right, I'm an idiot.

Dave Raines stated no and I told you that I'm not going to challenge anyone else's decision that was made before me.

Chairman Rogan stated you know, yeah.

Board Member DiSalvo stated Dave; let me ask you what do we do in Put Lake on that strip there, like above the hardware store, what used to be the hardware store, the pizza place. There are apartments above those buildings, what's going on there.

Dave Raines stated I've only gone the other way with two of those, we went backwards and...that's what spurred this on. I turned Shelley's back into single family residential which was Ryder's before that because they did away with the oil business and the Shelley's came in and said we are just going live in it, okay, so now its back to single family. Then Mrs...the woman who had the pottery place, same thing, she had the business, she lived in it, she said you know my husband's gone, blah, blah, blah, I'm not doing the pottery. She wanted to put it on the market, we put it back to single family residential. Thirty days later I made this decision which was wrong because its apples and oranges.

Chairman Rogan stated yeah.

Board Member DiSalvo stated but there's something above the pizzeria, isn't there an apartment.

Dave Raines stated the pizzeria doesn't have a...

Board Member DiSalvo stated somebody has apartments up there.

Dave Raines stated Anna's that used to be the hardware store...

Chairman Rogan stated oh yeah.

Board Member DiSalvo stated right, there are apartments up there.

Dave Raines stated yeah.

Board Member DiSalvo stated and there are apartments, residences.

Rich Williams stated and there is an apartment over the deli.

Dave Raines stated and the deli.

Chairman Rogan stated but the idea of the availability of mixed use, doesn't mean you have to use both, it means you have either combination or one or the other, right.

Rich Williams stated well typically in the instances that we're talking about and this is many, many communities that you have retail or commercial use on the bottom floor and the second and anything above the first floor is residential...

Chairman Rogan stated typically but also recognizing that...

Rich Williams stated and that's (inaudible – spoken over).

Chairman Rogan stated what the owner has to do to be able pay his taxes and pay his bills you might have to change those sorts of things...

Rich Williams stated sure.

Chairman Rogan stated unless you are so specific to say that it has to be retail on the first floor and can be residential on the second which I know that I would be in favor of. Okay, we are going round and round but I think we are all in agreement as to how we need to look at this, Dave your points are valid, I appreciate you bringing them up because it gets the Board thinking about really what the crux of the problem is here and being able to...

Dave Raines stated its been a long road with this one property...

Chairman Rogan stated understood, okay, we hear you.

Dave Raines stated and hopefully we can send it in a direction and if it has to remain commercial then that's a direction.

Chairman Rogan stated right at least at the end of the day we have a decision. Okay, I did mention to you gentlemen also, if you have strong opinions, whether or not it's to help this Board in making a decision or at the point in time when the Town Board does a public hearing on this maybe in both cases obviously, to voice those opinions because they are valued but this as you can appreciate is not a public hearing tonight.

Board Member Pierro stated Tom you had a question.

Unknown Audience Member stated no, it was answered.

Board Member Pierro stated okay.

Chairman Rogan stated okay, let's move on.

g. Papitto Site Plan

Chairman Rogan stated Papitto Site Plan, we looked at, I think we approved it.

Board Member Pierro stated yes we approved it.

h. Bayswater Wetlands/Watercourse Permit

Chairman Rogan stated Bayswater, we also approved the extension. Do you guys want to, even though it's late, we had Route 22 Cycles, its just a chain link fence.

i. Route 22 Cycles

Chairman Rogan stated what we...

Board Member Pierro stated I have a question on that. This, we enacted a sign permit for this property.

Board Member DiSalvo stated a couple years ago, right.

Chairman Rogan stated yeah.

Rich Williams stated I think you did, yeah.

Board Member Pierro stated yeah and there was never any mention that it was a violation. It was a violation of site plan at that point.

Board Member DiSalvo stated the sign.

Rich Williams stated the sign was.

Board Member Pierro stated no, the use, there was something in the letter that its not in conformance, its permitted to be a body shop.

Board Member DiSalvo stated yeah but he had a mixed use there with the body shop and then he sold cars in the front, right...

Rich Williams stated our code really doesn't differentiate between auto sales, auto repair, mechanics shop and the difference, was it was all repair.

Board Member Pierro stated yeah well there was something, I guess that was a letter from Mr. Lamberti.

Board Member DiSalvo stated maybe you got the wrong site.

Board Member Pierro stated yeah I know...

Board Member DiSalvo stated you're thinking of the Getty station maybe.

Chairman Rogan stated the Getty station is what you're thinking of.

Board Member Pierro stated maybe.

Board Member DiSalvo stated this one.

Chairman Rogan stated yeah. Route 22 LLC.

Board Member Pierro stated oh, you're right...

Chairman Rogan stated yeah.

Board Member DiSalvo stated yeah.

Board Member Pierro stated blame it on my bad vision.

Chairman Rogan stated its okay, on this one we have a proposal for a chain link fence, they are proposing six feet, we would be perfectly in our authority to approve a four foot fence if the intent is just to keep, let's face it motorcycles in and people out. They can always go to Zoning Board if they want to go for six foot, my recommendation is we approve a four foot fence and if they would like to go to Zoning let them go for the six foot but I don't think they need it.

Board Member Montesano seconded the motion.

Chairman Rogan asks for all in favor:

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

Motion carries by a vote of 5 to 0.

Chairman Rogan stated as per the attached plan. Anything from you gentlemen.

Ted Kozlowski stated what's with Bayswater.

Chairman Rogan stated we approved an extension on that.

Board Member DiSalvo stated one year extension.

Andrew Fetherston stated I was pretty silent the whole discussion downtown.

Chairman Rogan stated yeah.

Andrew Fetherston stated the only thought I had was just an engineer, I don't want to go pro mixed use, con mixed use, that's not where I want to be but when you add the residential you add sewage, from a strictly engineering standpoint...

Chairman Rogan stated you are absolutely right.

Andrew Fetherston stated if you have one after another, if it applies to multiple users and they all see a benefit in that.

Chairman Rogan stated fortunately at least that area is on the Town sewer but that would need to be...

Andrew Fetherston stated that would have to be looked at...

Chairman Rogan stated to be looked at.

Andrew Fetherston stated and it has issues.

Chairman Rogan stated I totally agree.

Board Member DiSalvo stated Andrew, have you been involved with anything over on the other side of the bridge, like on downtown Newburgh, you know Beacon...what do their Main Streets look like.

Andrew Fetherston stated they have multiple building projects, the only projects that are residential that are moving right now are large mixed use projects, downtown renovation projects, city, Town of Poughkeepsie, village, town Chester and Hamlet or Town of Schawangunk...downtown, all downtown.

Board Member DiSalvo stated are they existing buildings or are they demolishing and re-building like East Chester did, Tuckahoe.

Andrew Fetherston stated one was a contaminated brown field site, it was a site along the Hudson River, they used to make railroad ties and pressure treated wood and they are going to make it mixed it, mostly residential but mixed use. Camp LaGuardia, Chester, very large piece of property that was a homeless shelter for men for many years, prior to that it was a women's prison, its going to be mixed use, senior housing, affordable housing, the like. The Village of Schawangunk is going to have to have retail on the bottom, rental on the top for seniors, affordable housing. It's popular right now, very popular.

Board Member DiSalvo stated we need to go to some seminars.

Board Member Montesano stated (inaudible).

Board Member DiSalvo stated let's do this.

Chairman Rogan stated that's a real good point. On IO Wellness, we had asked, Rich is actually going to pull the application to see if the sign encompasses what is currently shown.

Board Member DiSalvo stated Dave was here this evening when we talked about it.

Chairman Rogan stated oh Dave.

Board Member Pierro stated yeah.

Board Member DiSalvo stated so actually now this is in compliance with the two signs but they don't have a permit for this.

Chairman Rogan stated but they filed a permit for the sign initially, we are going to see if this meets with, if we can roll this into the application that is already on file, they don't even have to come in...

Board Member Pierro stated that's fine.

Chairman Rogan stated we can approve it so we can do it at next work session if, you know if we can pull that for next work session.

Board Member DiSalvo stated its all clean now, right.

Board Member Pierro stated there is no third use that can come in and stick another sign underneath.

Board Member Montesano stated the big O isn't involved in this, the guy that was on the corner with the signs.

Chairman Rogan stated okay, everybody's tired, we appreciate everybody's hard work tonight, it wasn't easy but we got through it.

Board Member Montesano stated you want to bring this thing up, is anybody going to go to it.

Chairman Rogan stated its Thursday September 17th, I will not be around, if anybody wants to go, let Rich know and bring back the knowledge, that is one thing we have to ask with these trainings because...

Board Member DiSalvo stated you want to go.

Board Member Pierro stated I may not be around anyway, I was trying to get an invite to go to Colorado.

Chairman Rogan stated can you drive.

Board Member Pierro stated sure why not.

Board Member DiSalvo stated Charlie are you going to be around.

Board Member Cook stated I'm going to check.

Board Member DiSalvo stated all right.

Chairman Rogan stated okay, motion to adjourn.

Board Member DiSalvo seconded the motion.

Chairman Rogan asks for all in favor:

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

Motion carries by a vote of 5 to 0.

The meeting adjourned at 10:17 p.m.