

**TOWN OF PATTERSON
PLANNING BOARD MEETING
September 7, 2006
AGENDA & MINUTES**

	Page #	
1) Callahan Wetland/Watercourse Permit Public Hearing	1 - 6	Public hearing held & closed Granted a Negative SEQRA Wetlands Permit Granted with conditions
2) Integrity Heating & Air	6	Applicant not present, no discussion
3) Fox Run Waste Water Treatment Plant	6 – 10	Board granted a Site Plan waiver
4) D'Ottavio Site Plan	10 – 20	Discussion of the Building's Architectural Plans
5) Alpine Restaurant Site Plan	21 – 29	Granted Final Site Plan Approval with conditions
6) Burdick Farms Subdivision	29 – 44	Discussion of Open Space property transfer to the Putnam Land Trust Road re-alignment discussion Board recommended to the Town Board that the Town accept the property acquisition from Mr. Condito Board scheduled a Public Hearing for 10/5/06 on Final Subdivision approval
7) Paddock View Estates Subdivision	44 – 50	Stormwater discussion Board scheduled a Public hearing for 10/5/06 for Final Subdivision approval
8) Barnes Subdivision	50 – 54	Open Space Overlay Zone & Conservation Easement discussion
9) Boniello Subdivision/Site Plan	54	Removed from Agenda per Applicant
10) Consentino Subdivision	55 – 61	Stormwater discussion Board to schedule a site walk
11) White Birch Realty – Amended Site Plan	61 – 65	Reviewed the revised plans Discussion on wetland violations
12) Greenlands LLC Site Plan- Amended Site Plan	65 – 85	Discussion on various uses permitted on the site and reviewed the proposed use Board to do research on retail and customary personal services

- 13) **Other Business**
 - a. **Putnam County National Bank** 85 – 86 Granted an extension until October 5, 2006
 - b. **Frantell Site P;an** 86 – 87 120 day extension granted
 - c. **Eurostyle Marble & Tile** 87 – 88 90 day extension granted
 - d. **Eastern Jungle Gym** 88 – 89 90 day extension granted
 - e. **Burdick Family Lot Line Adjustment** 89 120 day extension granted

- 14) **Minutes** 89 July 6, 2006, August 3, 2006, August 23, 2006 Minutes approved.

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**TOWN OF PATTERSON
PLANNING & ZONING OFFICE**

**Planning Board
September 7, 2006 Meeting Minutes**

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

Present were: Board Member Mike Montesano, Board Member Dave Pierro, Board Member Maria DiSalvo, Rich Williams, Town Planner, Gene Richards, Representative from the Town Engineer's Office, Stantec Consulting Services Inc., Ted Kozlowski, ECI, Anthony Molé, Attorney with Town Attorney's Office Curtiss, Leibell & Shilling.

Meeting called to order at 7:30 p.m.

15 Members in the audience

Vice Chairman Montesano took the seat of the Chairman in his absence.

Vice Chairman Montesano led the salute the flag.

1) CALLAHAN WETLAND/WATERCOURSE APPLICATION – Public Hearing

The Secretary read the legal notice.

Mr. Kevin Callahan was present.

Board Member Pierro stated go ahead Sir, your presentation.

Mr. Callahan stated I think the information that I had given to the Town I don't know if you have the recent information. My business partner is supposed to be here he got stuck in Milford.

Vice Chairman Montesano handed Mr. Callahan a copy of the recent plan to put up on the Board.

Mr. Callahan stated the property that we have is approximately 2.67 acres and we are looking to just put a 24 by 24 two-car garage to the right side of the existing (unable to hear). It will add about six hundred square feet of additional driveway.

Edie Keasbey stated can't hear.

Board Member Rogan stated Mr. Callahan can you please use the microphone Sir.

Mr. Callahan stated again, it is a two-car garage on the right side of the existing raised ranch and we are adding about six hundred square feet of driveway to the garage. It is a 24 foot by 24 foot, two-car garage.

Board Member Rogan asked no second floor to it.

Mr. Callahan replied no.

Board Member Rogan asked just storage space. Is it going to be like a truss roof on it.

Mr. Callahan replied yes. There may be some storage for wood or something but really no second floor.

Vice Chairman Montesano asked are there any questions from the audience at this time.

Ted Kozlowski stated I am going to speak as the next-door owner not as ECI.

Ted Kozlowski stated Ted Kozlowski I live at 136 Big Elm Road. I am your neighbor. I have no objections to the garage both as a neighbor and as ECI. I think it is something that is very needed for that property. It will increase the value of the property. I do want to make a statement for the record though, previous owners have had illegal apartments in that house. It has been very problematic for both me personally and as ECI because of the disturbances to the stream there. So, I would hope that it is going to be a single-family residence and if there is an illegal apartment, I will do what I can to stop that.

Mr. Callahan stated we have already had,

Ted Kozlowski stated I want that for the record.

Mr. Callahan stated we have already had the Building Inspector out there and we have already converted it back to a single-family house by removing walls that he directed us to take down.

Ted Kozlowski stated yes but there is a kitchen setup in the basement so that is what I just want to be clear about.

Mr. Callahan stated it is a single-family house.

Board Member Pierro asked Rich, correct me if I am wrong if that were to be converted that second floor kitchen area, if that were to be converted in the future to an accessory apartment there would have to be approvals from the Board of Health regarding septic size and they would have to come before the Zoning Board correct.

Rich Williams replied there would be a review by the Board of Health and they would require a Special Use Permit from the Zoning Board of Appeals.

Board Member Pierro stated okay and that was for the edification for some potential residents to that house just so they have it clear what could possibly happen there.

Mr. Callahan stated it is a single-family house we do have an interested buyer.

Board Member Pierro stated I am aware of that.

Mr. Callahan stated a couple from Westchester.

Board Member Pierro stated hmm, hmm.

Vice Chairman Montesano asked is there any other questions from the audience. There were no more questions from the audience.

Board Member DiSalvo made a motion that the Planning Board close the public hearing in the matter of Callahan Wetlands/Watercourse Application. Board Member Pierro seconded the motion.

Vice Chairman Montesano asked all in favor:

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

Motion Carried by a vote of 4 to 0.

Board Member Pierro stated the only concern that I have is you saw Ted's memo relative to the erosion controls and protection of that stream corridor and we would hope that you would strictly adhere to those requirements.

Mr. Callahan replied we will. We have submitted exactly what we will do and whatever the Town wants us to do we will do.

Board Member Pierro stated okay very well.

Board Member Rogan asked we are looking at eighteen feet off the existing stream, actually when we were on site it did not appear that the survey that you had shows the stream accurately because there was actually another drainage seep that came up to the north east of the back of the garage.

Ted Kozlowski stated actually this whole area here referring to the map, is a wetland, stream corridor and there is a seep that is coming in. I don't know if it is running year round but that whole area would be regulated. My recommendation after this meeting will be that any disturbances in that lawn area, nothing goes into the forested area. You keep all your construction, any fill, any disturbance has got to be,

Mr. Callahan stated outside.

Ted Kozlowski stated outside.

Board Member Rogan asked Mr. Callahan will the garage be built while you are still the owner of the house or under the new owner.

Mr. Callahan replied under the new owner.

Board Member Rogan stated I want to make a recommendation for the approval of this wetlands permit that it be staked and Ted inspects it prior to concrete being poured for the foundation so that we know that it is being located as we have seen here today and also no closer than what is shown and what we visually observed. The area where it is proposed is lawn. It is already disturbed and I don't think it is going to be a great impact to the stream provided that it is built and the erosion control measures are placed appropriately and we don't end up, there was some debris, not much, but some debris that could also be removed from that area and cleaned up.

Mr. Callahan stated we have had some already removed and we will be removing more before we close on the house. We are going through the whole property to take everything that is there out.

Ted Kozlowski stated the other thing is that there is a bucket of oil, I am not sure what it is, it is on the side of the house by the chimney. That needs to be properly disposed of not buried on site.

Mr. Callahan stated no, the furnace was cleaned and it is not supposed to be there.

Vice Chairman Montesano asked your well you have depicted, is that the pipe running around the garage.

Board Member Rogan stated that is silt fence.

Vice Chairman Montesano asked or is that a silt fence.

Board Member Rogan stated that is silt fence but interestingly enough where does the line go from the well.

Vice Chairman Montesano stated that is what I am trying to figure out I thought that might have been beneficial because you have the well sitting there you are going to construct a garage, some kind of footing, do you have any idea where the pipe is for that well running into the house.

Mr. Callahan replied currently I do not but it would need to be re-routed.

Vice Chairman Montesano stated I would suggest you find out before the backhoe does.

Ted Kozlowski stated I also want to state let's make sure of that because what you don't want to be doing is coming back in and saying well I can't put it there and now it has to go further to the stream or whatever.

Mr. Callahan stated we had the engineer go out and look at it and he cited it there so.

Ted Kozlowski stated we have been down this road before.

Vice Chairman Montesano stated there is no deck depicted on here and I know there is one there.

Board Member DiSalvo stated a large one.

Vice Chairman Montesano stated if we get any other drawings I would like to see that well put on there because you are going to have to find out where that pipe comes in one way or the other.

Mr. Callahan stated I believe the deck, it may not be on that survey I believe are in the Town records.

Board Member Rogan stated that is just what I was going to ask.

Mr. Callahan stated I believe they are. We have had, Paul Piazza was out there way back when we bought the house to let us know what needed to be done to it. I believe it is on there but,

Board Member Rogan stated but it is not depicted so they didn't put it on your survey when the decks were built.

Mr. Callahan stated we didn't build them. They were there prior to this, (hard to hear an audience member's cell phone was ringing).

Board Member Rogan asked this survey is dated 1987, the decks were there after 1987 obviously right because otherwise they would have been shown on this survey.

Mr. Callahan stated I guess.

Ted Kozlowski stated that came in after 1987.

Board Member Rogan stated we don't have a more recent survey than 1987.

Board Member Rogan stated so we need a motion for SEQRA for the wetlands permit, with the stipulations that we have spoken about, all set.

Vice Chairman Montesano asked Maria do you want to go for it.

(Unable to hear Board Member DiSalvo's response).

Board Member Rogan made a motion in the matter of Callahan Wetlands/Watercourse Permit, Big Elm Road that the Planning grant a negative determination of significance of SEQRA and approves the wetlands permit to allow construction of a 24' x 24', single floor, two car garage as depicted on the survey dated February 22, 1987 that the Planning Board has on file and also that before construction that the proposed garage is staked by a surveyor and inspected by our Town ECI.

Vice Chairman Montesano stated and the well should be, Board Member Pierro stated located, Board Member DiSalvo stated should be shown.

Board Member Rogan stated that is something that really is going to have occur when they do the garage that if the well line is encountered that it has to obviously be moved.

Rich Williams stated one of the requirements is that it is constructed solely in the lawn area you could say that.

Board Member Rogan stated yes because that is the area that it was depicted. Add that to the motion, please Mis, so moved.

Board Member Pierro seconded the motion.

Vice Chairman Montesano asked all in favor:

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

Motion Carried by a vote of 4 to 0.

Board Member Pierro stated and for the new owners welcome to Patterson and I recommend the Tiki Bar next door. There is a nice pool, the guacamole dip is wonderful.

Ted Kozlowski stated and a hell of a Christmas party.

The Board wished them good luck.

2) INTEGRITY HEATING & AIR – Amended Site Plan

There was no one present representing the application

Board Member Rogan stated push it over there is nobody here.

3) FOX RUN WASTE WATER TREATMENT PLANT UPGRADE – Amended Site Plan

Mr. Mark Catalano, Milnes Engineering was present representing the application.

Vice Chairman Montesano asked do you want to give us a synopsis of what is in question please.

Mr. Catalano stated we have applied for a waiver of site plan for construction of a new wastewater treatment plant to serve the Fox Run development. This is accordance with the New York City Watershed Wastewater Treatment Plan Upgrade Program. The existing treatment plant would be taken entirely out of service and abandoned and the new building that we are proposing would house almost all of the new equipment. It would take up less area than is currently consumed by any existing plant. It would have the same rated capacity as the plant does now so it will not permit any additional development or connections to it but it will provide significantly higher degree of effluent quality.

Board Member Rogan stated Sir, when we were on site we had this set of plans that you had you provided us, C-1 through, well anyway there were several sets here but the proposed building wasn't shown on the plan. We got a sense of where you were locating it but am I missing something.

Rich Williams stated they were shown on the last set of plans.

Mr. Catalano stated it would be on C-2.

Board Member Rogan asked the most recent set.

Board Member Pierro stated the last page.

Rich Williams stated again Shawn, what happened at the site walk is I grabbed the wrong set and what he had done is he had submitted new plans addressing the comments that we had so at this point all my comments have been addressed. The original plans had the building shown on it.

Mr. Catalano stated the existing building is here referring to the plan and then the filter pads are located here. The new building would be on the opposite side of the entrance drive, this drive will have to be moved slightly to accommodate this. To orient you, Bullet Hole Road is out here and the Fire Department building is up here.

Board Member Rogan stated because we noticed that the grade between the proposed building and the Fire House is quite significant, steep bank and obviously you are staying away from that I can see it on the grading.

Mr. Catalano stated we are staying away from it as much as we can and actually using the back wall of the building.

Board Member Rogan stated setting the building in.

Mr. Catalano stated yes so the height of the building, which we have reduced it, is not going to be the visual impact that it may have had.

Board Member Rogan asked I don't know if you touched on it but I know at the site walk there was a question about what the proposed future use of the existing building that is on site currently will be, the concrete building.

Mr. Catalano replied it will be taken down.

Board Member Rogan asked it is going to be removed.

Mr. Catalano replied yes. It will be taken down, the contents of the tanks will be pumped out and they will be filled in and graded in.

Board Member Rogan stated but obviously the existing system has to stay in place, online until the new one is ready to go.

Mr. Catalano stated yes it will and that is part of the governing reason for putting this where it is.

Board Member DiSalvo stated we also talked about the driveway being blacktopped to a certain point. It is going to be up to the gate the blacktop coming down the hill.

Mr. Catalano replied yes.

Board Member DiSalvo asked then there is some gravel before it goes out into the street.

Rich Williams stated dirt yes.

Board Member DiSalvo asked and that was okay with the Building Inspector on that.

Vice Chairman Montesano stated Highway Superintendent.

Rich Williams stated the present Building Inspector is more in line with the way that I think, the former,

Board Member DiSalvo stated the whatever.

Rich Williams stated Paul had a separate opinion.

Board Member Rogan asked what is shown on the plans is that a section of it will not be blacktopped and we are wondering why not blacktop the entire thing.

Mr. Catalano replied we could do that.

Board Member Rogan asked it is nothing that DEP is going to throw up a red flag on.

Rich Williams stated the only question as I said is a lot of times when they are doing these upgrades if there is over and above they are going to be expected to be paid for from Fox Run Homeowners and not out of the DEP Watershed funds.

Board Member Rogan stated we are talking about a rather small issue. I think just in terms of maintenance and to be able to access this in the winter time it would make more sense to require that.

Board Member Pierro stated and for a safety issue if someone were to get hurt up there it would make a cleaner entry for ambulance personnel or emergency equipment.

Board Member DiSalvo stated and to prevent any erosion on to the street too.

Mr. Catalano stated we can show it that way.

Board Member Pierro stated thank you Sir.

Vice Chairman Montesano asked any other questions.

Board Member Pierro replied I have none.

Board Member DiSalvo asked what about the gate in the front, do you plan on remodeling that chain, that gate, we had to go through the side.

Board Member Rogan stated that very effective gate.

Board Member DiSalvo stated we snuck through the sides because it was locked.

Mr. Catalano stated we had no intention of changing that.

Board Member DiSalvo asked what about the sides will you secure that better so no one can really enter like we did that day.

Mr. Catalano asked just around this,

Board Member Pierro replied just around the edges of the gate there is an extra couple of feet there that a couple of dumpy guys got through there and we would hate to see any kids going in there.

Board Member Rogan stated well you know I guess the other thing though there is nothing stopping somebody from walking in through the woods that is really a vehicular gate. It is not really intended for pedestrians.

Board Member Rogan stated I am fine with it personally with the way,

Board Member DiSalvo stated it will look so nice once everything is blacktopped and then to have that.

Vice Chairman Montesano stated I am sure it will be sufficient if it is not mangled by someone putting in the blacktop.

Board Member Rogan stated what is nice about the way it looks now is that you really don't know what is up there. You see the gate, you see a little road but it is not really something that draws the eye that says hey, there is something up here worth looking at which I think is good in this regard.

Mr. Catalano stated we would like to try and maintain as much as that possible.

Board Member Rogan stated keep the privacy.

Mr. Catalano stated well it is not the most appealing building either so we would like to maintain as much visual screening as we can.

Board Member Rogan asked on that note it is proposed to be a concrete block building with a roof that is what architectural shingles.

Mr. Catalano replied not particularly architectural shingles, utilitarian shingles.

Board Member Pierro stated utilitarian that is fine. You won't be able to see it unless you are standing in the gate anyway.

Board Member Rogan asked Rich, do we need to see, you said this current set of plans addresses all of your concerns.

Rich Williams replied yes.

Board Member Rogan stated okay so aside from changing the plans to include blacktop in the entire section there is nothing else that sounds like that needs to be modified and that really that just needs to be something in a form of a motion.

Rich Williams stated he is requesting a site plan waiver, you waive it you waive it.

Board Member Rogan asked but you are waiving it based on certain standards,

Board Member Pierro stated criteria,

Board Member Rogan stated so one of those criteria would be that the road is blacktopped in its entirety, right.

Board Member Pierro stated right. I think we can throw it in there.

Vice Chairman Montesano stated word it the way that you feel comfortable.

Board Member Rogan stated we will throw it in there.

Board Member Pierro stated I will do it as long as Maria does the next one.

Board Member Pierro made a motion in the matter of Fox Run that the Planning Board waives the site plan requirements for the new sewage treatment plant with the additional criteria that the entrance driveway be paved all the way to Bullet Hole Road. Board Member DiSalvo seconded the motion.

Vice Chairman Montesano asked all in favor:

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

Motion Carried by a vote of 4 to 0.

Mr. Catalano thanked the Board.

Board Member Pierro stated thank the City of New York for us.

4) D'OTTAVIO SITE PLAN

Mr. Harry Nichols, Engineer and Mr. Steve D'Ottavio were present.

Mr. Nichols stated I thought we had sent you copies of these letters before on a Notice of Completion by the DEP and the one from the DOT on the permit but I guess I must have left them out.

Rich Williams stated we have Notice of Completion from the DEP possibly from the DOT but I think what we are looking for is the permits.

Mr. Nichols stated I didn't know whether you received these (unable to hear).

Vice Chairman Montesano stated Harry, when you use the microphone say who you are.

Mr. Nichols stated my name is Harry Nichols.

Board Member Rogan asked Harry you are aware of the concerns that Gene has in relation to the architectural plan versus your engineering plan and differences in the layout of the building.

Mr. Nichols replied this is the layout of the loading docks, this plan has been corrected. What the Architect did was he shifted them over to line up between the columns and he shifted one ten feet, one five feet. I have corrected it on this plan. I have sent Gene copies of the corrected plan also and I left some with Rich of course it was the eleventh hour. I left them there yesterday.

Rich Williams stated yes I didn't get a chance to look at them.

Mr. Nichols stated we have just shown that it does not change anything. The grading doesn't change, nothing changes because it is only striping for the loading bays.

Board Member Rogan stated I thought the concern was the location the way the doors were shown wasn't lining up with allowing grading for the drive area, so that has all been corrected.

Mr. Nichols stated it has all been corrected.

Board Member Rogan asked it all corresponds to what you have shown on your plans throughout the process.

Mr. Nichols replied yes all it did was moved over. They moved over but they are in the same area that was provided.

Board Member Rogan asked but do they now still provide adequate access to those bays.

Mr. Nichols replied yes they do. I have shown them corrected on this plan.

Board Member Rogan asked you don't mind if we have Gene review those do you.

Mr. Nichols replied not at all by all means.

Board Member Rogan asked so what we have here is the old set.

Mr. Nichols replied you have the old ones, Gene has the later one and Rich has I think I left three sets.

Rich Williams asked what about the stormwater.

Mr. Nichols replied no we are waiting for Joe's signed letter.

Board Member Rogan asked Gene do you want to take us through some of the outstanding, technical issues.

Gene Richards stated let me just speak for a moment about the garage doors, as Harry said the latest plan that he has up there did shift the doors on the building to agree with those shown on the architectural plans. I think that issue has been resolved. Harry, I would just ask if you check that last loading area to the south, I think it is to the right; it seemed a bit tight but if you are satisfied it will work then fine. As you said, you have not changed anything as far as the asphalt pavement, grading, anything of that sort physically it was just the garage doors moving it along with those projections with the loading dock. What he has there now does agree with the architectural plan. Another concern that I had and what I suggested in my review memo was that you show all building doors.

Mr. Nichols stated yes that first space on the left the door is going to be shifted. I spoke to the client tonight he is going to have the Architect shift it down. He didn't look at my grading apparently to put that door in there so the door is just going to move down.

Gene Richards stated that is fine as long as it misses the ramp so you have a level area there.

Gene Richards stated I know I talked about the ramp itself there is a detail on the architectural plans that is very generic.

Mr. Nichols stated that is very incomplete and the more complete drawings are being prepared right now. Steve is here he can address that if you need more information on it.

Gene Richards stated one thing I noticed on the plans prepared by Zen Design is that on sheet two there is a list of materials, it talks about metal siding, it talks about columns, brick columns or something like that. Just my read of it was that it didn't and maybe Steve can answer this but it did not seem to apply to this building. I don't know if it came from a different project. That was in memo.

Mr. Nichols stated I really don't know.

Gene Richards stated I noted with the floor plan what should be done is show the area assigned to each of the four rental spaces.

Mr. Nichols stated that is on the plan now. The line is. You want the break up of the square footage.

Gene Richards stated on the architecturals we need to see the square footage and by use so square foot for warehouse, square foot for office space.

Mr. Nichols stated we have estimated numbers on our site plan, which is how we applied the parking for it. We took a certain percentage.

Gene Richards stated okay you are not dealing with actual architecturals.

Mr. Nichols stated I understand what you are saying but as far as the overall use goes how much will be office and how much will be warehouse. We have set the limits at what it can be, an office being the biggest use. If anything there will be less office use.

Gene Richards stated I think Rich hit on it in his memo that the actual use and assigns for square footage is going to be driven by your parking. That is now fixed for your site plan.

Mr. Nichols stated yes exactly.

Gene Richards stated so Rich commented on whatever has now been assigned to Building "B" whatever is left and I don't know the figure is what you had available for Building "A", 596 square feet.

Mr. Nichols asked are you going by the square footage that is on the Architect's site plan.

Gene Richards replied yes.

Mr. Nichols stated okay I did not check his table. If his table does not agree with mine it is incorrect.

Rich Williams stated well it is not a table. The Architect broke the interior space up and he did not label it and I think that is what Gene is looking for so we have a clear understanding of exactly what he is proposing. I made the basic assumption that the rear portion was going to be warehousing and the front portion where he had the bathrooms was going to be office space. Based on what he was showing on those plans for Building "B" and Building "C" combined and you subtract that off as space out you are left with just under six hundred square feet, a very small area that is going to be available for Building "A" for office. Now, that works but it really only works for a single user in Building "A".

Mr. Nichols stated that is not the intent. We will have those numbers corrected. He is showing more office space than he should be showing if that is the way it is being interpreted.

Gene Richards asked so then he is going to revise it to show less office space on it.

Mr. Nichols replied yes he has got to balance it out to agree with our site plan.

Board Member Rogan asked so that I am clear in what you are saying, based on the number of parking spaces that allows "x" number of square foot of office space regardless of how they chop it up but for the site they only have "x" number of square footage of office space.

Mr. Nichols replied yes that is correct.

Board Member Rogan asked so that when they start chopping the buildings up into different uses that is what they have got to work with.

Mr. Nichols stated right.

Board Member Rogan stated fair enough as long as we know ahead of time.

Gene Richards stated both office and warehouse use.

Mr. Nichols stated again, we had to make a guess because you don't really know how it is going to lease out.

Board Member Rogan stated the second building you might have to hire small people, small desks. Come to the Health Department and look you will see cram them right in.

Board Member Pierro asked Harry, did you receive, Gene are you done I am sorry.

Gene Richards stated yes I mean the other items Harry, I don't know if you had any questions about our review comments.

Board Member Pierro asked Harry, did you receive the September 3rd memo from Code Enforcement Officer regarding the fire suppression tanks.

Mr. Nichols replied no I didn't.

Board Member Pierro stated here, would you take a minute to review that.

Mr. Nichols reviewed the memo and stated I think we had a very good discussion on this subject a few meetings ago and the Applicant is willing to provide it but he is just looking for guidelines that more or less protect his investment to ensure that it will be there for use by his project as opposed to just being there as a general use. His concern is that there could be a time that it is used for another fire elsewhere, who is going to refill it, if it is not available and he has a fire. These are real concerns that he has.

Board Member Rogan stated that is exactly what our concerns remain and is why we are looking towards the Town adopting rules in this regard and so I think that is something that is in the process.

Mr. Nichols stated good once we have something to work with, Steve has already committed himself to putting the tank in.

Board Member Rogan asked Rich do you have anything that you want to add.

Board Member Pierro stated but in addition to committing to put the tanks in these tanks must also supply it seems from Dave Raines' suggestion they must supply the sprinkler system, the interior fire suppression system as well.

Rich Williams stated if there is one required because of mix occupancy on the site.

Rich Williams stated I would like to add one thing, just to remind the Board taking a look at the architectural plans that have now been submitted the appearance of the front of the building basically had flat, steel doors with no architectural features and the windows were casement windows again, no architectural features and we talked a little bit about the appearance of that especially considering the visibility along Route 22 and maybe asking to have that dressed up a little bit.

Board Member DiSalvo stated it certainly is going to be noticeable going down that hill.

Board Member Rogan asked can we address the architectural issues prior to the resolutions, I would feel comfortable having you work on that with the Applicant.

Rich Williams replied I don't have a problem doing it that way as long as we have got clear guidance on what I am supposed to be looking at. Don't,

Board Member Rogan stated leave it wide open.

Vice Chairman Montesano stated if you give him that opportunity, we are stuck as the Architectural Review Board,

Board Member Rogan pushed the microphone towards the Vice Chairman and stated Missy wanted to be able to hear you, Board Member DiSalvo stated I am talking as loud as I can,

Board Member Pierro stated why don't you try pulling the microphone closer because I can't hear you either Maria.

Vice Chairman Montesano stated Maria is not talking.

Board Member Pierro stated well when she was talking.

Vice Chairman Montesano stated I would like to see what we are going to approve before we approve it. I would like to see a rendition of what this building is going to look like and if we want to alter it then we can alter it where we have the opinion to do it. I appreciate Richie but we keep dumping everything on him and that is not fair either because the guy is here long enough during the course of the day. He is always here to review what we suggest but I would like to see before I give an approval of what I am approving so if that is possible I would like to see what this building is going to look like. If we are satisfied then you get your approval if it is not you will have to redesign it.

Board Member Rogan asked Rich, the architectural that you showed us at the work session, you had architectural on this because we looked at them was it just a copy that you had.

The Secretary stated we were missing copies.

Rich Williams replied yes.

Mr. Nichols asked missing what.

Rich Williams replied we only got three copies of the Zen plan.

Board Member Rogan asked so we did look at a set but we don't have them in front of us it sounds like.

Rich Williams asked would you like for me to get them.

Board Member Pierro replied yes.

Board Member Rogan stated if it is something that can help us resolve this issue sure.

The Board waited a few moments for Rich to get the plan.

Vice Chairman Montesano stated anybody that wants to have a five minute break we are in the process of having one.

Board Member Rogan asked Harry, correct me if I am wrong wasn't there a location on the plans that was designated for future installation of those water tanks.

Mr. Nichols replied no we talked about it. There was nothing designated. There is a couple of areas that they could fit in very easily without interfering with the rest of the project.

The Board reviewed the architectural plan for a few moments.

Board Member Pierro asked Gene, this was the plan that we looked at that some of the information didn't match or was not described accurately.

(Unable to hear Gene's response).

Board Member DiSalvo stated we didn't have any colors.

Board Member Pierro stated stone, American Granite Veneer, bronze roof.

Gene Richards stated it talks about metal siding.

Board Member Pierro stated yes smokey gray. So, where is that smokey siding going to go in this strip along the roof.

Board Member Rogan asked you don't have any color samples do you.

Rich Williams shook his head no.

Board Member Rogan asked Steve, you don't have any color samples do you on this.

Mr. D'Ottavio replied I could supply all that stuff to you guys.

Board Member Pierro asked where was the siding going Steve.

Mr. D'Ottavio replied I keep losing builders (hard to hear no microphone, I believe this was the response) like the last year and a half, two years so I haven't really sat down and discussed the real detail with the new person that puts the building up. They did have the old plans (unable to hear).

Vice Chairman Montesano asked Steve, come up and talk in the microphone.

Mr. D'Ottavio stated Steve D'Ottavio.

Board Member Pierro stated this looks kind of utilitarian from the last time we looked at an architectural plan here. It is very plain. We would like to see you do something as Richie said earlier with the windows,

Board Member Rogan stated and these doors.

Mr. D'Ottavio stated it is going to be pretty much the same way as the other plan was but he kind of drew that up so I could submit it to show you guys the details on the handicapped ramp, which isn't really that good from what I am hearing. We are in the process of doing real plans to give you guys.

Board Member DiSalvo asked how long will it take to get these real plans.

Mr. D'Ottavio replied as soon as I give him the money I am sure I can get them. It is just a matter of I don't really want to pay for something but if you guys are going to accept it I will continue to go along and do whatever you want me to do but I just didn't want to give the guy all this money and bring the real plans in and have you guys say no we don't want those.

Board Member Rogan stated obviously, and I think we have said this throughout that we are very concerned with what this building, not only because of the elevation, you are going to be at elevation with the road or slightly higher I think on both of these buildings so they are both going to be quite visible.

Mr. D'Ottavio stated I am very concerned on that too. I am not just trying to throw up a metal building. I plan on owning this building for a long time.

Board Member Rogan stated you know I think what strikes me on this Rich is how, maybe it is the way it is drawn but how the roof line does nothing for the building. It really I don't know it is just a,

Mr. D'Ottavio stated he drew those off the plans that I submitted.

Rich Williams stated there is nothing interesting about the roof line. It is just flat across.

Board Member Rogan stated I understand what you are saying about the doors.

Rich Williams stated if they had window muttons.

Board Member Rogan stated even a change in the false roof line between first and second floor. Even if they changed it and made a gable or something out above each door and projected it out a little bit so that it, and I am trying not to send you that way because I am not an Architect but meaning that it sets the doors apart from the rest of the façade so that it has some character, that it draws your eyes to those entrances.

Mr. D'Ottavio stated maybe I could add like a window above the door or something.

Board Member Rogan stated I am thinking about with Frantell, was it. I mean we went through looking at a couple of different things there so that we came out with something that we were happy with.

Board Member Pierro stated Frantell had a little more colonial design to it.

Board Member Rogan stated I am trying to think of what is in that area along 22.

Board Member Pierro stated there was some doghouse dormers on the front.

Board Member DiSalvo stated it had like a barn appearance.

Board Member Rogan asked what kind of character do you want along that strip there.

Mr. D'Ottavio stated I am not really looking for the barn appearance thing. I am looking for more like Shipping Out down the street there.

Board Member DiSalvo asked Dilmaghani.

Mr. D'Ottavio stated sort of like that.

Board Member Rogan asked where is that.

Mr. D'Ottavio replied in Brewster.

Board Member Rogan asked Dilmaghani is what you are saying.

Vice Chairman Montesano stated and we are trying not to,

Mr. D'Ottavio stated I don't want like a barn looking thing.

Board Member DiSalvo stated what else is around there. There is only the building across the street, Schoen's building.

Board Member Rogan stated in this case if it was going to look just like this I wish there was a little more buffer between here and the road to break things up or at least change some of the characteristics of the front. The back I am not concerned about.

Vice Chairman Montesano stated how about sixty foot trees.

Rich Williams stated Shawn; I think that is the issue. I think if we get clear guidance in that what you have been saying that it is too plain, it is too utilitarian that it needs some depth to it.

Board Member Rogan stated yes. Dilmaghani is actually, Vice Chairman Montesano stated how about the colonial type at least put something over the windows, maybe peak it.

Board Member Pierro stated the original architectural we saw indicated a split block façade.

Mr. D'Ottavio stated right.

Board Member Pierro stated and this does not look like that. This just looks like cinder block.

Mr. D'Ottavio stated no it will be split block.

Board Member Pierro stated I really think changing the window treatment would really improve the appearance of the building and some change out in the doors.

Mr. D'Ottavio stated okay.

Board Member Pierro stated to full glass, it would add light.

Board Member Rogan stated you said those are full metal doors.

Rich Williams stated they look like flat metal doors.

Board Member Pierro stated they look like flat metal doors.

Mr. D'Ottavio stated that is not what I am going to be putting on the front of it so if they look like that I apologize. They should be full glass doors.

Board Member Pierro stated maybe with some sort of fascia around the door opening to give it a little bit of a better look as well. Something a little bit more decorative. We are sending you in a direction that we need you to dress up the front of this building to give it a little bit more grace.

Rich Williams stated columns.

Board Member Pierro stated solid columns.

(Too many talking at the same time unable to transcribe).

Vice Chairman Montesano stated like Panino's.

Mr. D'Ottavio stated that is fine.

Board Member Rogan stated I have a tough time giving too much direction on this because I am not an Architect.

Rich Williams stated we want to give him a general idea and then let because it is going to be Steve's building let him go design what he wants to do with the guidance that you have given him and work with it.

Mr. D'Ottavio stated I like that.

Board Member Rogan stated I will say Steve though, in my mind the building we were talking about I don't want to say it too much but the building you referenced on 22 I think is one of the less attractive buildings on that corridor.

Mr. D'Ottavio stated I was just going by the block.

Board Member Rogan stated okay.

Mr. D'Ottavio stated not because they have long, skinny windows. I am just saying the block.

Board Member Rogan stated so what are we down to here, we are down to architectural, we have completed everything else.

Rich Williams stated outside agency approvals and architectural.

Board Member Rogan asked other agency approvals though are contingent prior to the resolution, this is final or preliminary.

Board Member Pierro stated final.

Rich Williams stated generally my recommendation to the Board is that we at least develop a comfort level that the other agencies have done a substantial review and are comfortable with the plans also. I think they have submitted that in that DEP has now found the application complete and so has DOT. Those were the two big ones. I think you are okay there. There is one other issue and that is the lighting. I don't know if you want to get into that at all. There is some concern about whether there is accurate lighting along the walkways and such being as there is no building mounted lights shown at this point.

Mr. D'Ottavio stated there will be building mounted lights shown.

Board Member Pierro stated can you include that in the next architectural plan.

Rich Williams stated they should be shown on Harry's plan also.

Board Member Rogan asked would it help if anyone had questions if Steve had the Architect come in. It seems like the Architect sometimes are able to work, when the Applicant has brought the Architect in it seems to really help work through and come to some agreement and finish this up.

Mr. Nichols asked is it possible to get together during the day time with maybe one or two members of the Board.

Mr. D'Ottavio stated I can have him sketch something up with your ideas and my ideas.

(Hard to hear Vice Chairman Montesano).

Board Member Rogan stated you are quiet tonight.

Vice Chairman Montesano stated well I have other things on my mind right now.

Vice Chairman Montesano stated what I am trying to figure out basically is let's take that question into consideration do you feel two or three of us, well we can't have three because then we have to have a publicized meeting which means we are back to this. The two of us meeting with Richie and Gene.

Board Member Rogan stated I am very comfortable with that.

Board Member Pierro stated yes we can do it during the week.

Vice Chairman Montesano stated okay that is no problem. The thing is do we need to see the Architect come in to work with him or do we want to see what this company's building is going to look like.

Board Member Pierro stated I think Steve has clear direction now that we want to see some architectural improvements on the front of the building and he can work with his Architect and bring us something forward and we can meet during the week some time with Rich.

Rich Williams asked do you want to get the new submission in and we will get two of the Board Members together.

Board Member Pierro stated yes we will get together and we will get this thing rolling. We will meet with you as soon as you bring us forward some new architectural.

Mr. D'Ottavio stated okay.

Board Member Pierro stated we will get this thing moving and maybe we can wrap it up the next time that we meet.

Board Member Rogan stated that would be great.

Mr. D'Ottavio stated okay thank you.

Board Member Pierro stated thank you very much.

Mr. Nichols asked can that be a condition of the approval that we have indicated that we are willing to work with the Board.

Board Member Rogan stated no let's get it done.

Mr. Nichols thanked the Board.

5) **ALPINE RESTAURANT - Site Plan**

Mr. Bill Baker was present representing the Applicants.

Mr. Baker stated good evening Members of the Board. We had been in last month and I submitted received by the Town on the 16th, Mr. Richie Williams what we felt were the minor items that had to be addressed such as; handicap signage. If you wish I will just read a copy of the letter.

Board Member Rogan stated you don't need to read a copy of the letter we have it.

Mr. Baker stated with the correct endorsements on it and we did everything. I received today by fax from Stantec Consulting, a response and I hope this doesn't prolong the application procedure much more in that he reviewed the site plan, he checked a couple of modifications. When we agreed to put a fence in the Architect now requests a detail, or Stantec now requests a detail of a split rail fence. I need to be educated by the Town as to how this procedure can be moved along because I gave you the fax, I gave you a call. Is there a way that I can come up and review any concerns with these people instead of, are these minor things or is this going with the flow, this is the way it is happening.

Rich Williams stated this is generally the process. I mean we work,

Mr. Baker stated okay don't take me for being rude, I apologize.

Rich Williams stated no I understand but we work for the Board and when we do a review we are doing it on behalf of the Board and then our comments go back to the Board, they review those and they will say yes they are appropriate, no they are not, yes we would like to see it done this way.

Mr. Baker stated I thought I was doing something wrong.

Rich Williams stated no not necessarily.

Mr. Baker stated I think the couple of issues that we had in counting numbers comes to six. What was it a detail of the fence which we can do if we have to, the wheel stops, again I think were an issue between planning. What we can do is spread those wheel stops and eliminate the one parking space, which I don't see. I don't mean to be critical of your Stantec people but I don't see him being correct in that was the minor discrepancy. If you wish I can contact these people and go up and sit down with them in reference to some of these minor things. Like last time it was an observation that we put two rows of silt fence down and what it was was just the topo line was misunderstood.

Rich Williams stated let me stop you right there because I would like to know what parking space you are talking about but the person representing Stantec is sitting right to my left.

Mr. Baker stated good okay.

Mr. Baker stated what I was referring to last time is you made an observation that we were putting two rows of silt fence down. This by no means is criticism, what that was was the setback line and when you said that the setback line was crossed with a second row of silt fencing I tend to run on a little bit of common sense. I would like to give you a card, a phone number so we can get together on this. I mean if you want two rows of silt fence, we can't cross them anyway.

Gene Richards stated absolutely but just so you understand I did not misinterpret your plans. If you look at your legend, silt fence has a specific line type used as a symbol and I am not trying to be combative with you or anything.

Mr. Baker stated I apologize to you for all this noise.

Gene Richards stated I understand now because your plan has been corrected and it does show the one line clearly as a setback line.

Mr. Baker stated I apologize again.

Gene Richards stated that is what I was reacting to and it wasn't to be overly critical it is just we want to have things clean.

Mr. Baker stated absolutely and I will check the spelling on the plan like you pointed out. What I would like to do is request that the Board consider approving the Final Site Plan subject to any minor revisions that Mr. Williams or Stantec might need to move ahead with this.

Gene Richards stated Mr. Baker before we go that route can we talk about one item that we pointed out in our review.

Mr. Baker stated sure.

Gene Richards stated and that is with, on your plan here you have this curbing shown.

Mr. Baker stated yes the existing.

Gene Richards stated correct that is existing and I understand that is within the Ryder right of way and you added the note that no work is to be done but what we cannot do is ignore this presence of this curbing because this restricts the access into this parking lot that you are proposing. The only thing that I can come up with which I talked to the Board about last time is maybe opening up, losing some spaces here and opening this up so that you have better access into that parking area. Since you can't do anything with this because it is in Ryder's control I mean that is one possibility but we can't ignore that this exists that you can't touch it.

Mr. Baker stated right my response to that was that your concern was that delivery trucks and or the garbage truck coming in might not be able to make it. The response to that is as you pointed out it is thirteen feet wide and a truck is only eight feet wide. These guys usually come for garbage in the morning to a restaurant and usually there is no people there and also the fact that most deliveries come in, Nick is here and most deliveries come in in the morning when there is very, very few people there.

Gene Richards asked what do you do if you have one car entering that lot and one car exiting at the same time. Does the car exiting have to drive over the grass and then drop down over the curb.

Mr. Baker replied no usually what happens when two people come head to head like that somebody either moves to the side or backs up.

Gene Richards stated no usually what happens in the designer's arena is you provide a full width access aisle for two-way traffic and that you are not doing on that plan. Town Code actually requires,

Mr. Baker stated I understand what you are saying and again, I don't mean to be combative. I came on the scene late in reference to a fire and this building and the site has been there from what I understand many, many, years and I understand what you are trying to do is to shine it up, make it work. My only response I can say is that in deference to you and your professionalism it has worked for forty or fifty years. It is going to keep working.

Gene Richards stated okay we will agree to disagree because my view on that is you are changing what the layout is currently there. Right now, it functions, I don't question that it functions today but today you don't have two rows of parking there. They come in and they park on the one side or something. Once you touch it, once you change and you are adding a row on top and a row on the bottom you no longer have a twenty-four, twenty-five foot island between it is only thirteen and again, it may very well function but you don't want to create a situation that is not ideal.

Mr. Baker stated I came on, this same print, the engineer's stamp was approved by the Board in 2004 and prior to that the only thing I had to do was because the gentleman down the street didn't want to let us use that print that was approved by the Board in 2004, okay this has gone on for six months now, I know I am correct on this and this building has sat here for fifty years, please I really don't want to tick anybody off but what I am saying is when I was brought in here to fix this I was under the understanding that all we had to do was get a new print, as directed by the Board and that is a matter that has to be taken up by the owner and the former engineer of whose print it was. I started and it has gone on now for six months. If it did not work then I will make an appointment with you, I will meet with, I will have this engineer come up but with all due respect to everybody in this room, that thing has been sitting there for fifty years, it was approved in 2004,

Board Member Rogan stated that site has changed drastically in the last ten years. There has been additions to the building so if you don't want to tick anybody off pick your words very carefully please.

Mr. Baker stated I apologize.

Board Member Rogan stated because you are going down a road that you don't want to go down right now.

Gene Richards stated Mr. Baker let me respond to one thing that you just said too. We have the old plans from 2004.

(TAPE ENDED).

Gene Richards stated we have the plans from 2004 prepared by Hahn Engineering.

Mr. Baker stated correct.

Gene Richards stated and what they had done if you look at their plans, I assume you have them, look at that parking area there and they do show the twenty-four, twenty-five foot aisle going out. They modified that curb line.

Mr. Baker stated and because of the threats from the Ryder's to the Town and to the owner and it is private at that point in the time it is a private right of way that is the problem.

Gene Richards stated understood.

Mr. Baker stated again, please I don't mean to create a disruption or a disturbance. It is just me the way that I get faxed today a minor list of items like a detail on the fence and then this situation that comes back you know. If there is anything else of any big concern or if this is going to cause this not to be approved tonight I would like to then schedule an appointment with somebody as I asked you Richie so that I can move this thing forward.

Vice Chairman Montesano asked did you get a copy of the Code Enforcement Officer's memo and handed Mr. Baker a copy of the memo.

Mr. Baker stated this is dated today no I have not received it.

Board Member Rogan stated we just got it today also obviously.

Mr. Baker looked at the memo.

Mr. Baker asked who is this guy.

Rich Williams replied this is Dave Raines, he is the interim Building Inspector.

Mr. Baker asked what happened to Mr. Piazza.

Rich Williams replied he is taking a leave for a couple of weeks.

Board Member Rogan stated but he has been our Fire Inspector.

Mr. Baker stated Mr. Piazza reviewed all the prints and, I didn't even get a chance to read this. He reviewed all the prints in reference to the Fire Code before I was sent over to the Health Department and after I got everything done, Mr. Piazza pulls out of the side a second file that says there is a violation here. Can I take a moment to read this please.

Vice Chairman Montesano replied yes sure.

Mr. Baker read the memo for a few minutes.

Mr. Baker stated no this isn't going to happen. This was gone over by a Professional Engineer the week of the fire prior to when Mr. Piazza said that he would not let us do any work on that and I retained a Professional Engineer who went through that building because Mr. Piazza also was saying maybe it should come down. I had an Engineer go through this building to the point where there is one hole chopped in the first floor deck of that building and a couple of fire holes. We have gutted that building in its entirety and it sat this way almost for a year now and at this point in time for this gentleman to come in as a Fire Inspector, I know for a fact that there is a masonry wall on the first part of it. If he needs us to rip open a wall under no circumstances will we consider ripping down that building. If this man is a P.E, has any kind of engineering qualification, he might be a Fire Inspector, we will open it up for his inspection. What I am here for tonight is the Final Site Plan approval and find this incredulous that this letter, this memo that came out today wasn't faxed to the office because I would have had an attorney here, not that they do any good. I am just trying to get something done here. If there is an issue of a fire wall we can fix it. We don't have to tear down a building to put in a fire wall.

Board Member Rogan stated that was actually some of the thoughts expressed.

Board Member Pierro stated I tend to agree with you Mr. Baker and I think that in my humble opinion necessary inspections can be done through what is remaining of that building to verify that there is a fire wall. I am sure that a good portion of that is cinder block.

Mr. Baker stated concrete block.

Mr. Baker stated I am here to discuss the site plan. I realized that if the Building Inspector wants anything else done prior to issuing us a permit but this man has come on now and asked for the demolition of this building so tell me what I should do.

Board Member Rogan stated I think what we need to do here tonight is come to some kind of an agreement as to what we are going to do. It seems to me like the biggest issue on here still remains the safe flow of traffic as the Engineer had stated through the area. It also seems as we spoke about it at the work session that a very easy way to resolve this whole thing, be it maybe not the most favorable for you or your client is to lose probably the four spaces shown on the plan, open it up and be done with it.

Mr. Baker stated okay.

Board Member Rogan stated and be done with it and move along with this. The issues with the Fire Inspector I don't know how relevant that is to this plan here tonight, his inspection of that. If they won't issue a Building Permit for the reconstruction of the one story residence that is an issue it seems like between them and the Building Inspector. How does that affect site plan approval. For instance, if the Building Inspector says you know what I don't care what the site plan says it shows a one-story residence, we are approving a site plan that shows a one-story residence on the plan right.

Rich Williams stated okay but let's be clear about that. It is not a one-story residence. It is a two-story residence even though he is showing it as a one-story residence. We want to get that in the record.

Mr. Baker stated it is a ranch.

Board Member Pierro stated it is a ranch with a commercial use on the bottom, storage use on the bottom.

Board Member Rogan stated I understand.

Rich Williams stated but the drawing says one story. I don't want anybody to think,

Board Member Rogan stated it is not a one-story residence. It is a one story used for residence, one story below used for,

Rich Williams stated it is a two story structure.

Board Member Rogan stated understood yes because it is.

Rich Williams stated I am not raising an issue if that is right or wrong. It is a two-story structure.

Board Member Rogan stated the upstairs is an apartment the downstairs is storage.

Rich Williams stated whatever it is it is. I don't know I have never been in the building. Assuming that the footprint is not going to change then there is no issue with the site plan. Dave Raines was looking I believe through his memo and my discussions with him just to get this moving a little bit faster to clean that building up.

Board Member Rogan asked and if we were to approve the site plan with this shown and he decides or whoever decides and you guys battle it out that you have got to remove that, demolish that building, as long as you build it to the same dimensions as shown you are still fine with the site plan, correct.

Rich Williams stated yes.

Board Member Rogan asked I think our issue here tonight is just to resolve this issue, resolve it, we can approve it contingent upon providing a detail of a fence and I think we can even approve it condition on those four spaces being removed and shown to the satisfaction of the engineer.

Rich Williams stated if I might if you are going to approve it, approve it conditioned on Mr. Baker addressing the Stantec memo.

Board Member Rogan stated I think that is fine.

Mr. Baker stated that is great. I will take this up with this gentleman.

Board Member Rogan stated at least it is on record that we have discussed it and we brought it to your attention. We just got the memo today also.

Mr. Baker stated I apologize again.

Board Member Rogan stated that is fine please don't apologize anymore. The difference between what Rich is saying and what you are saying is you are seeing it as a one-story residence with a full basement. The way I understand what you are looking at is the reality is there is a storage room and then there is an upstairs residence. We are talking I think the same thing. In that regard does the Board feel comfortable approving this with those conditions.

Board Member Pierro stated I am very comfortable in that regard and also for the record we are looking at this plan very critically and we all know that parking is really not an issue at this site.

Board Member Rogan stated it is legally.

Board Member Pierro stated legally and technically as far as site plan goes but in reality,

Rich Williams stated parking is an issue as it is,

Board Member Pierro stated it is a requirement.

Rich Williams stated parking is an issue at this site because they are not parking on the site.

Board Member Pierro stated right and that is what I was going to say.

Board Member Rogan asked Rich, does the resolution contain the requirement for the,

Rich Williams replied I do not believe it does.

Board Member Rogan stated okay so we will add it as a special condition number three.

Board Member Rogan stated we already did SEQRA on this.

Rich Williams stated you did not do SEQRA and it is a Type II action.

Board Member Rogan made a motion in the matter of John Rentoulis, as the Applicant and Alpine Restaurant being the facility that the Planning Board grants the Final Site Plan approval with the five general and two special conditions contained therein and also with the understanding that the Stantec memo dated August 31, 2006 issues contained therein, this is a very wordy motion, are met to the Engineer's satisfaction. Board Member DiSalvo seconded the motion.

Vice Chairman Montesano asked all in favor:

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

Motion Carried by a vote of 4 to 0.

Mr. Baker thanked the Board.

Board Member Rogan stated the only other thing that I would like to add after the motion is that now it would be a good idea to get the work done, the improvements done in a timely matter so it does not expire.

Mr. Baker stated so help me God.

Mr. Baker asked there is a check, a thirty-one hundred dollar bill who gets that.

The Secretary asked a bill.

Board Member Pierro stated a bond.

Mr. Baker stated excuse me, a thirty-one hundred dollar fee what is that fee.

Rich Williams replied everything comes into our office.

Mr. Baker stated to your office okay.

Mr. Baker asked and that performance bond too.

The Secretary asked did we set it.

Rich Williams stated yes.

Gene Richards stated that is another item I forgot all about I am glad you mentioned that.

The Secretary stated we didn't set it.

Vice Chairman Montesano stated we didn't set up the motion.

Board Member Pierro asked Rich, a question on this site, if any further improvements need to be done on this particular site from this point forward and the parking off site is no longer available can the necessary parking spaces be had if this secondary, ancillary building is taken down in the front.

Rich Williams asked the building we are talking about, you are talking about the,

Board Member Pierro stated the office, the retail space.

Rich Williams stated the small building in the front, the restaurant is a fairly large building especially if you get the loft going again that would require about ninety-six spaces overall I believe on this site.

Board Member Pierro asked what do we have on this site now, eighty.

Mr. Baker stated 108.

Rich Williams stated you have fifty, if you remove four you are down to about fifty or fifty one.

Board Member Pierro asked so if we took out that retail space.

Rich Williams replied you are not going to pick up enough parking for the 188 persons that you can probably fit in the building but you get closer.

Board Member Pierro stated so John, a point to remember for the future that if you lose the spaces out on the right of way, if you do something with that other property and you lose those spaces there, taking this smaller building down maybe something you might be required to do in the future and if you had done that already this would have been solved a long time ago.

Mr. Rentoulis stated the thing is I have partners on the other side of the property.

Board Member Pierro stated I understand that.

Mr. Rentoulis stated it is not mine.

Board Member Rogan stated thanks Mr. Baker.

Mr. Baker thanked the Board.

Board Member DiSalvo stated wait we have to do the bond.

Gene Richards stated Mr. Chairman in our memo we make a recommendation for a performance bond in the amount of sixty-two thousand dollars even and with that five percent would be inspection fees or thirty-one hundred dollars even.

Board Member DiSalvo made a motion that the Planning Board recommends that the Town Board set the bond in the amount of sixty-two thousand dollars, the Applicant will be required to post the inspections fees in the amount of thirty-one hundred dollars for the Alpine Restaurant. Board Member Pierro seconded the motion.

Vice Chairman Montesano asked all in favor:

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

Motion Carried by a vote of 4 to 0.

Mr. Baker thanked the Board again.

6) BURDICK FARMS SUBDIVISION – Final Subdivision Review

Mr. John Kellard, Kellard Engineering, and Mr. Vinny Condito, Applicant was present.

Board Member Rogan stated good evening Mr. Condito.

Mr. Condito replied good evening Mr. Rogan.

Board Member Rogan asked how are you.

Mr. Condito replied I am good.

(Too many talking at the same time unable to transcribe).

Mr. Condito stated we have two issues that we are here for tonight. If it is okay with the Board I would like to start with the issues with the Putnam County Land Trust.

Vice Chairman Montesano stated yes go ahead.

Mr. Condito stated basically we have a cluster subdivision and because of that we have over a hundred acres of open space land. We are working with the Putnam County Land Trust and we have the President here tonight with us, Judy Terlizzi and she has written a letter to the Board dated April 12th in which she specified the interest, the things that she wanted to see put in part of our final plan. What we would like to do is go over four of these issues and see if the Board has any suggestions on what we can do about it.

Mr. Condito stated the open space is through here (referring to the plan), an open space parcel here,

Board Member Rogan stated please give him the wireless mic.

Mr. Conditto stated there is vast amounts of open space land, mostly through the back edge of the property and there is also an internal section here, a small section here, a small section here and then a couple of sections in the front so basically we are talking about those issues. The first issue is that the Land Trust would like to have some parking provided so that people can access this area. They have suggested a parking section in here referring to the map, in this area in the top of the hill here so that they can access this whole backyard. We are fine with that. In the letter Judith suggested that we use a gravel fill, we are suggesting that we would use a blacktop fill. It would just be a little bit of extra, two car parking, and parallel parking across this side. Is that the type of thing that the Board would be interested in as well or agree with.

Board Member Rogan stated he (referring to Board Member Pierro) has got to look closer.

Mr. Conditto pointed it out to Board Member Pierro on the plan.

Vice Chairman Montesano stated it is a public road.

Board Member Rogan stated if it is part of the road it would be maintained by the Town because it is just a pull-off.

Vice Chairman Montesano stated the object is if the Town accepts it, (unable to hear too many conversations going on at the same time).

Board Member Rogan stated I was just thinking of the property that Edie gifted over and we required parking there.

Edie Keasbey stated well we haven't been able to do it yet.

Board Member Rogan stated well when you get to it, **Edie Keasbey** stated it is totally held up.

Board Member DiSalvo asked why.

Board Member Rogan stated not by us.

Edie Keasbey stated the Town.

Board Member Rogan stated but not by us.

Edie Keasbey stated in a way.

Board Member Pierro stated that is a different argument Edie for another time.

Board Member Rogan stated but my point, the reason I brought it up was that we required some parking to be able to access the property and I think that given that we felt it was a good point there that what I would hate to see happen is that the residents in that area are going to just use it. It is a little different in Edie's case but the residents are going to use it as overflow parking and street parking say for the landscaper's that are going to be in this subdivision because I would be surprised if half these people mow their own yard. I think it should have some signage that says if these spots are dedicated, have them dedicated with some kind of open space or Putnam Land Trust or something that indicated that they are not for overflow parking and the location I think is appropriate that it is not right in front of someone's house.

Board Member Pierro stated I would suggest that they do be allowed for some overflow parking during the daytime when you do have landscapers in there because we don't want to have trucks doubled parked on the road that would impede emergency service vehicles or anything like that maybe no all night parking for residents. If somebody is using the Land Trust land and people see a car there maybe somebody doesn't come out of the woods one night they could use that as sort of a sign that there is somebody out in the woods some where.

Vice Chairman Montesano stated if it is Land Trust property I am sure they can put up signage saying Land Trust only. That is not difficult to do.

Board Member Rogan stated the parking spaces would not be on Land Trust property though would it. It would be on Town property.

Ms. Terlizzi stated that is open space isn't it.

Board Member Rogan stated then of course the next issue we were talking about is maintenance of those spaces, if it was part of the road and part of the right of way it would be maintained by whoever plowed and salted but if it was Land Trust property they would be seasonal spots.

Rich Williams stated we are not going to take the parking in the Town right of way.

Vice Chairman Montesano stated if it is going to be Land Trust I am sure,

Board Member Rogan stated so then that is a pull in parking lot that is not pull-off spaces that is different then what we were just talking about. So, that we are all clear because I think you had mentioned spots where you maybe just widen out the road.

Mr. Conditto stated that is what we were suggesting.

Board Member Rogan stated and I would not be opposed to that but Richie just brought up then that would still be within the Town right of way. If it is within the Town right of way, the Town would maintain it.

Board Member Pierro stated and be liable for it.

Rich Williams stated this is true but I don't think the Town is going to take parking in the right of way.

Board Member Rogan stated so then it actually has to be a pull in lot.

Edie Keasbey stated I was told that was the law.

Board Member Rogan stated and you know Edie, thank you for reminding me of that I appreciate that. I don't know all the laws.

Board Member Pierro stated it was a Town requirement.

Rich Williams stated if I can it is a law that, Board Member Pierro stated that is in our Code. Rich stated it is not applicable to this section that we are working with here.

Board Member Pierro stated it is in part of the Zoning Code where it says we have to provide for that parking.

Board Member Rogan asked the question that I would have is from the area proposed for parking people would have to walk along the road or they could walk through the center of that parcel if there was a little trail of some sort to get to the other larger, more desirable parcels to hike on so let's at least make sure that we are not putting the parking to far removed away from that area. There might be a better spot on the plan.

Mr. Kellard stated we actually have an access drive going back to the stormwater basins, which may be a good location.

Board Member Rogan stated that might be a great location.

Board Member Pierro stated the only thing that concerns me about that Sir, with all due respect is that we are creating a place for kids to drive their cars in at night. It will be a bonfire spot, a hang out spot.

(Too many talking at the same time unable to transcribe).

Board Member Pierro stated did I use to do it, no I was law man. I never violated the law.
(A lot of laughter and comments).

Rich Williams stated let's ask the question, I mean Land Trust has a number of properties like this with similar parking areas, is that a problem for them.

Board Member Rogan asked do they have similar properties that are part of subdivisions or are they properties that are more rural.

Board Member Pierro stated this is kind of unique because it is part,

Rich Williams stated they have similar properties where you have to drive down a semi-private or private road to get to their parking lot so then the question is do they have this problem.

Board Member Rogan stated I think the area that we are looking at for the parking is relatively open area and by that very nature is enforceable just from the residents. Where it is not so wooded.

Rich Williams stated yes but it is not really wooded there is it.

Board Member Rogan stated no that is my point it is open and so just by virtue by being open I think it is self enforceable.

Vice Chairman Montesano stated so we can ask the question to the people that are present. They seem to have similar projects like this so we can ask if you don't mind answering a question.

Vice Chairman Montesano asked you have similar projects like this, has there been a problem with parking or .

Ms. Terlizzi stated I am going through my head. (unable to hear her no mic).

Board Member Rogan asked Mr. Kellard could you loan her the microphone.

Ms. Terlizzi stated it is a difficult question. This is the first time the Land Trust has worked with a developer and we really appreciate that. Mr. Conditto took the whole committee, this letter is the work of a group of people not just myself. He took us on I believe a February or March day touring through the property. It was very beautiful. We were very impressed with it and it is a property we would like to make available to the public. The reason we are requesting the parking area is that one of our goals is to make the properties that we do own and manage available to the public for passive recreation and people use our preserves at all times of the day. Seniors sometimes will be out in the morning then we might have families going on a Saturday afternoon so it is not a question that they are only used on the weekends. They could be used at any time by anyone who is interested. It is really hard. We would like to limit access by any kind of vehicular traffic to any of the side roads because we know we are going to have issues with, we do not encourage the use of A.T. V.'s for example so to put a parking lot down near the stormwater basins I think would just encourage people to start going down those roads there. We would prefer to have up in the open space area with the main road.

Board Member Pierro stated I agree and from a law enforcement perspective I think the spaces would be in plain view and people will know if there are folks within the preserve and people will be less likely to hang out there when they are not walking the trails.

Ms. Terlizzi stated correct.

Board Member Pierro stated kids will be less likely to hang out and I think people will tend to be quieter in the evening hours if they are standing or hanging out in those parking spaces.

Ms. Terlizzi stated yes you don't want to encourage them, Board Member Pierro stated no I don't want to encourage kids to go off road with their cars or.

Board Member DiSalvo asked how do you patrol the passive recreation. Say if someone does pull up with A.T.V's.

Ms. Terlizzi stated these are issues we are working on. We have talked to the Sheriff's Department and they have been helpful in many instances but basically we don't object to A.T.V.'s. We just object to A.T.V.'s on Land Trust property because they can do an awful lot of damage.

Board Member Pierro stated I think the Town has just enacted a Code, a new ordinance on A.T.V. use correct Rich.

Rich Williams stated yes fairly stringent.

Ms. Terlizzi stated I know that we have talked about having a meeting that would involve the Town and the Sheriff's Department in the many different towns in which we have preserves because it is an issue, in some places more than others. We don't want to have it be an issue here. That is a really an indirect answer to your question and I apologize but this is the first time.

Board Member Rogan stated I think Mr. Kellard hit on a pretty good idea that the entrance to that stormwater area the curb cut is already there, you can make the parking lot basically in that corner, John if you would point to that area on the map.

Ms. Terlizzi asked you mean on the open space parcel.

Board Member Rogan replied yes on the open space parcel right on that corner where it is not down the road but you are using the beginning of the road as just the entrance so that you are using that curb cut.

Board Member Pierro asked how many parking spaces do you feel we need, two or three.

Board Member Rogan replied they are talking two.

Board Member Pierro stated that is fine. I don't think that would be a very big impact.

Board Member Rogan stated great thank you.

Mr. Conditto stated that is the first issue there is three little ones.

Vice Chairman Montesano stated there is four but we will leave that one for last.

Mr. Conditto stated no that is the fifth but we don't have to discuss that.

Mr. Conditto stated the second issue brought up in her memo to us, to you guys is she would like to connect this open space parcel which is pretty close with the rest of the open space parcels here and the way she suggested to do that is to bump up these property lines to fifteen to twenty feet which is not possible based on the second phase here. If you look at these the reason that is not possible is because the septic's are down in the flat area and this is the steep slope. What we would suggest instead is that these three lots have easements to allow to pass between these properties. You don't like that idea.

Board Member Rogan stated I honestly think some open space areas are just going to be open space for wildlife and maybe not every single piece out there is going to be accessible. That is such an odd piece of property right there anyway, Mrs. Terlizzi that I would almost just be happy knowing that there is some extra open space out there for wildlife and leave it as such. Maybe there is a chance to get an open space easement from the adjoining property owner so that you open up some more space there for hiking. I see problems with trying to get an easement to go through three people's properties. I don't think that is something that you are going to want.

Mr. Conditto stated I did want to make it clear if I didn't that the house is up here and then way down is the septic area. This is the area we are talking about (referring to the map).

Board Member Rogan stated I understand.

Mr. Conditto stated this is really not part of their yard.

Rich Williams stated I don't want them walking in my backyard.

Mr. Conditto stated they are going to do it anyway maybe.

Board Member Rogan stated to me that would not be a make or break situation that one particular parcel. You are looking at probably two acres, maybe three acres of land. When we looked at the open space pieces admittedly some of the pieces were pieces that the developer couldn't utilize because of steep slope or poor soils and we realized that it is not the best plan. Not all the open space is contiguous but it is good to have at least the open space and it certainly helps out with the wildlife on the is it the Weber lot to the

left of that. I would almost rather see that parcel just remain the way it is shown as a beneficial use for wildlife. The only problem as I can imagine you are thinking is that the people that live adjacent to it tend to encroach so that is a problem I know. What does the rest of the Board feel about that.

Board Member DiSalvo stated I agree with you.

Vice Chairman Montesano stated to give right of ways across somebody else's property. What is the depth of each one of those lots.

(Too many other conversations going on at the same time unable to transcribe).

Vice Chairman Montesano stated if that was cut short by ten feet and just leave a ten foot path.

Board Member Rogan stated but that is your septic areas.

Mr. Conditto stated the septic's are right in this area.

Vice Chairman Montesano stated and then they can give them a right of way to use it as a septic area. It will still be walked on.

Mr. Conditto stated that is an interesting way.

Vice Chairman Montesano stated if they give you the right of way to put the septic in there it would still give a pathway without having the individual owner getting upset.

Board Member Rogan stated if it weren't for the requirements of a cluster subdivision I would have recommended that you just take up that property with the adjoining lots, split it up equally and be done with it but I know that we have very strict guidelines that we are following here and so that is what created that piece of property. Not every piece of property on that that is listed as open space will be accessible. I mean it does not look like every single piece.

Anthony Molé stated also Shawn you are looking at quite a liability problem then too (unable to hear no mic).

Board Member Rogan stated absolutely.

(Too many talking at the same time unable to hear Anthony with regards to liability issues).

Board Member Rogan asked okay what is number three.

Mr. Conditto stated the third issue is the Land Trust would like us to donate the land and the conservation easement before we start any construction and it turns out that for example in our entrance way here we have some construction which is required for grading issues inside these open space parcels so it would be possible to do that type of transfer. What we would like to do is have an easement on these areas to do that type of grading. Does that seem reasonable.

Board Member Rogan stated I would ask if we can get a microphone though please so that we can hear what you are going to say. What was the push for trying to get the land dedicated prior to start of construction just getting the land that much earlier or.

Ms. Terlizzi stated we talked about this so long ago and there has been so much and I haven't had a chance to really look at it. I think one of the things that we wanted to be sure was the property that we would be receiving would not be,

Board Member Rogan stated damaged.

Ms. Terlizzi stated damaged. It would not be impacted by any construction.

Board Member Rogan asked so some of the areas designated as open space have grading that you need to do in order to construct your roadway, grading will occur on the property then ultimately it will be donated.

Board Member Pierro stated I have no problem with that not everything is a perfect world.

Board Member Rogan stated yes I agree with that.

Rich Williams stated it is something that we typically do. There is usually a note on the plan that says temporary grading easement for purposes of road construction.

Board Member Rogan stated as long as that is all clear and works for Anthony that is great.

Mr. Conditto stated we have one more simple issue before we move on and that is does the Board care or have any suggestions on how we transfer this property to the Land Trust.

Board Member Rogan asked what are the options.

Board Member Pierro asked is the option fee simple.

Mr. Conditto replied yes I mean just as a deed transfer.

Rich Williams stated that is about the only way there is to do it.

Mr. Conditto stated see that was easy.

Board Member Rogan asked how would this is a question that maybe we can all collectively answer but how would the Land Trust property always get posted with Land Trust signs. Does the Land Trust routinely do that posting because I would wonder how you would know where the boundaries were.

Ms. Terlizzi replied hopefully we will be working with Mr. Conditto to determine those, have the corners pinned. That is really important for us.

Mr. Conditto stated our surveyor has done that survey.

Board Member Rogan stated I was going to say even if the surveyor can mark each of the corners then you have a straight line or something even if it is a string so that you know and you can go through and put up, you have got signs right.

Ms. Terlizzi stated actually we just received a grant which we were very fortunate to have the support of the Patterson Supervisor that will help us to do our base line documentation by GPS and other ways so this

is coming at a nice time. I did want to go back to two issues; one, is the parking lot. We would like to maintain it as a gravel parking lot so that there is not an impervious surface and water can get through to the level so I wanted to go back over that.

Board Member Rogan stated with the location that we have now agreed on I think it is fine to be gravel but also understanding that it is Putnam Land Trust property that there is no maintenance that will occur by the Town so then I have no problem with it being gravel.

Vice Chairman Montesano stated no it is not going to be Town property.

Board Member Pierro stated as long as you realize that you are going to have to maintain that gravel.

Board Member Rogan stated and truthfully where you are putting it even if it was paved you would have to maintain it so.

Ms. Terlizzi stated right.

Board Member Rogan asked if you want it gravel, Rich do you see any reason why that is a problem.

Rich Williams stated no.

Ms. Terlizzi stated and then just to go back over the areas that are going to be used for re-grading, will you take care of the re-vegetation of those sites to stabilize them for erosion.

Mr. Conditto replied sure.

Board Member Rogan stated and that is required as part of our engineering plans.

Mr. Terlizzi stated with native plants.

Mr. Conditto stated if you tell me.

Rich Williams stated generally what we are going to do is we are going to re-vegetated with a good growing grass and then the natural vegetation will slowly move in.

Ms. Terlizzi stated as long as it is just stabilized that would be good.

Rich Williams stated it has to be.

Mr. Conditto asked was there anything else Judy.

Ms. Terlizzi replied I don't think so. Thank you.

Mr. Conditto asked was there any other issue, oh yeah there was that one.

Board Member Rogan stated I think actually it sets the stage for a very nice communication here and really we resolved four issues, why not resolve five.

Mr. Conditto stated that is my man.

Mr. Conditto asked do you guys want to read this, Mr. Montesano.

Board Member Rogan stated I feel comfortable starting, do you want me to start Mike.

Vice Chairman Montesano replied yes you can start.

Board Member Rogan stated I am going to be very simplistic, we are going to keep it very simple.

Vice Chairman Montesano stated one question, because I am sure you have seen this letterhead before.

Mr. Conditto replied yes.

Vice Chairman Montesano asked did you ever notice the spelling of the names.

Mr. Conditto stated I did do that, I sent it to somebody else.

Board Member Rogan stated I may not get all of this correct so I apologize but I am going to try to summarize where we feel that we stand and then certainly we are going to call on a lot of different people to chime in. Basically, of course as part of the Findings Statement we found that we needed to address this area below Ice Pond Road on Bullet Hole Road. One of the alternatives of course was the removal of the barn and the realigning of Bullet Hole Road to be safer than what it currently is. I don't remember really ever taking a hard look at the design on that. I just remember it being a concept that we said look, this is one of the ways, let's not spend a whole lot of time on it but you had sent something and you are going to have your time to rebut, but what we are looking for basically as a Board and I am speaking a little bit for everyone is an area to be able to provide a safe road realignment. If there were engineering flaws, I am certainly not an engineer and I leave that to the professionals. If there were miscalculations I leave that to you guys but as a Board I think we are just simply looking for the idea that we have enough room to make an adequate area. When I was looking through some of the information about six months ago, or so that you actually provided us, your summation of how we got to where the heck we are in some of this mess; I always remember you talking about negotiating for a couple of acres of property. I actually found it in one of your letters with Mrs. Brown, you were addressing the idea of buying a few acres and you even mentioned it in reference to the appraisal that you had done when you calculated what your offer was in terms of being ten times or twenty times the appraised value per acre and you were using two to three acres as a,

Mr. Conditto stated certainly not three but more like one to two.

Board Member Rogan stated okay a couple.

Board Member Rogan stated basically you were talking about buying a certain piece of land, I know that the concern is that this seems to be growing larger than what you are negotiating for.

Mr. Conditto stated that is right.

Board Member Rogan stated all that I think that I want to see happen is that we have an adequate area to at some time in the future do appropriate mitigation measures to that road.

Mr. Conditto stated okay that is fine.

Mr. Conditto stated okay so the problem that I have been having here is that we have to define some area so that we can buy the property and move on with the project and that has not happened so far. Originally, we had the Findings Statement and that was the only definition of that property and under Gene's review, I am going to talk a little bit for him, but under Gene's review he basically said oh, there are problems with this. He then went ahead and addressed those problems in his second memo with a 175 foot radius curve and the larger property area. Now that property area did almost double in size. It went from .8 to 1.5 acres basically but I think the opinion of your consultants was that this area adequately addressed the construction of a safer road. I bring that up because I did mention in my letter that the property owner had approached me about possibly just selling me that extra area and we have reached an agreement on exactly that. If you agree with the consultant's opinion that the road as he has designed it gives you the flexibility and again, I am not saying that is the road you have to design because that is very clear from Rich's memo that is up to you guys how you want to design this thing. I think that the new property that Gene has gone over is sufficient for you to do whatever you need to do in that area and the property owner, I have his representative here, Mr. Tom D'Orio and maybe I could get Tom to tell you a little bit about where the negotiations are.

Board Member Rogan asked Tom could you come up please and just maybe validate or confirm what Mr. Conditto has said.

Mr. D'Orio stated I am Tom D'Orio, Bob Mancini's brother-in-law and I am also an attorney and I have talked to Anthony a couple of times.

Board Member Pierro asked whose brother-in-law.

Mr. D'Orio replied Bob Mancini the owner of the property.

Board Member Pierro asked you are an attorney Sir.

Mr. D'Orio replied yes I am.

Board Member Pierro asked Harrison, New York.

Mr. D'Orio replied no I am not.

Board Member Pierro asked where.

Mr. D'Orio replied I actually build homes but I am also an Attorney. I build in New Caanan, CT but I am a New York lawyer as well.

Mr. D'Orio stated we have negotiated with Mr. Conditto to go ahead and convey the property to him. Originally it was going to be .85 acres we thought and then it got expanded to 1.465 somewhere around there, which we are fine with. We have looked at it, we have had it staked, Mr. Conditto had it staked and we are fine with the location and my understanding is that is sufficient for the road that anything you might want to build in the future with grading and slope there is adequate room there without any additional property. Bob Mancini is fine with that we are finalizing the contract in fact I have a copy for Anthony here to look at to get his okay on. Bob is traveling but we have been talking and I think we are pretty close to finalizing the contract possibly as early as tomorrow or the next day.

Board Member Pierro asked none of these issues with this acquisition of the property interferes with any earlier commitments that you made in regards to straightening that sharp curve down on the lower end.

Board Member Rogan stated that is a separate issue.

Mr. Conditto asked this curve here (referring to the plan).

Board Member Pierro replied yes.

Mr. Conditto replied no.

Board Member Pierro asked this does not impact that and that is still on the table correct.

Mr. Conditto replied absolutely, John correct me if I am wrong you have the mapped improvements on here.

Mr. Kellard replied yes.

Board Member Pierro stated okay John, I remember seeing it I just wanted to make sure that it was still,

Rich Williams stated if I can just jump in here real quick, Dave you are talking about the improvements that were north of Mrs. Burdick's house.

Board Member Pierro stated correct.

Board Member Rogan stated further down gradient.

Board Member Pierro stated down gradient.

Rich Williams stated we had talked about maybe giving a little additional land, (too many talking at the same time unable to transcribe).

Board Member Rogan stated actually a guy on a motorcycle went off that corner and the only thing that kept him from getting seriously hurt was there is so much vegetation on the down hill side that it kept him and his bike up in the air. He is lucky he didn't get killed. He was probably driving too fast but straight off into no man's land.

Mr. Conditto stated well we are trying to work with you here and so if the curve works then we are all happy. What we would like the Board to do is say that you endorse that design that Gene did and the area allowed that is in our contract, we will sign the contract and get the Town, we have to go to the Town Board to get the Supervisor to sign for the property then we are done with that.

Board Member Pierro asked do we have to make a recommendation to the Town Board in this regard or what mechanism would we use.

Rich Williams replied it wouldn't hurt but, yes it wouldn't hurt let's leave it at that.

Board Member Rogan asked Gene we are all set, are you comfortable with that area. I think what we have to do is do the best we can now with this newly defined area.

Gene Richards stated right, just so you understand what Vinny is talking about, I prepared that sketch on August 16th that I called SP-1 and I showed the extended grading to support the realign road with the 175 foot radius and coming back and matching to the alignment from Figure 1-2 in the FDEIS. That was faxed to Vinny and he has now forwarded to the Town I guess. I got it from Rich last night.

Mr. Conditto stated I had my surveyor survey it and come up with the metes and bounds and a description, which is what you have.

Gene Richards stated I did look at that figure from Insite last night and it does appear to overlay what we showed on our sketch.

Board Member Pierro asked has that been staked Vinny, excuse me Gene.

Mr. Conditto stated it is staked well actually there is two sets of stakes the original finding and the new one yes.

Gene Richards stated so based on our review we are agreeable with what they are proposing now as the acquisition.

Vice Chairman Montesano asked do you,

Board Member Pierro asked a motion.

Vice Chairman Montesano asked do you want to look at this before you do a motion or you can give a motion and we can go out and take a look at it.

Board Member Pierro stated I think we ought to make the recommendation that the Town Board go forth with.

Board Member Pierro made a motion in the matter of Burdick Farms Subdivision that the Planning Board recommends to the Town Board that they review and accept the recommendation by Stantec Consultants and the offer by Mr. Vinny Conditto for the eventual acquisition of 1.4676 acres at the intersection of Ice Pond Road and Bullet Hole Road to facilitate the straightening of the road at that intersection. Board Member Rogan seconded the motion.

Vice Chairman Montesano asked all in favor:

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

Motion Carried by a vote of 4 to 0.

Board Member Pierro thanked Vinny.

Mr. Conditto asked can I ask one more favor, now that we have this issue,

Board Member Rogan stated no supplemental.

Mr. Conditto stated I don't ever want to hear that word again.

Mr. Conditto stated but what I really want is to have a public hearing next month for the final plan and also for our stormwater, I am sorry for our wetland permit as well.

Board Member Rogan asked how are you doing with the other approvals.

Mr. Conditto replied the other approvals in all of the cases we have had one round of information go in already. We got the comments back from both the Health Department and the DEP and we are addressing those comments. We plan to get a submission to Gene on September 19th for the October meeting and hopefully we will have a meeting with you and discuss those issues that you had brought up in your plans and we can discuss them next,

Gene Richards asked in our reviews.

Mr. Conditto replied yes so please expect that to come. What we will do at that time, September 19 or the week or so after we will resubmit to the Health Department. We will resubmit to the DEP.

Board Member Rogan asked have any of the lots changed in configuration and I don't really mean if a septic got moved by ten feet or twenty feet but have septic areas moved, have lots changed in configuration since the last time we have had a set of plans.

Mr. Kellard replied no the only major change is the elimination of one lot, Lot #21, which is this septic area right here referring to the plan. That septic area did not pan out so we are going to reduce the lot count. We will reconfigure that area.

Board Member Pierro asked is that where there was drainage.

Mr. Kellard stated it is poor soil and we just couldn't find the soil that could support a decent system.

Board Member Pierro asked and what did you do with the lot. Did you erase the lot line, did you combine it with the other.

Mr. Kellard replied it would be part of the open space.

Board Member Pierro stated open space fine.

Mr. Kellard stated because we are limited in the size of our lots. We will reconfigure the lots next to it to work better and give additional acreage to open space.

Board Member Rogan stated Rich, any other concerns why we shouldn't schedule this for a public hearing.

Rich Williams stated I just want you to understand, you are planning on resubmitting to address our last round of comments which was done back in November of 2005 memos.

(Unable to hear Mr. Kellard's response)

Rich Williams asked so you are going to make a full submission to the Board on that date.

Mr. Condito replied yes.

Rich Williams stated the only issue that I have you know there was quite a list of comments, I know John is an excellent engineer I am sure you have got them all but there is still an extensive laundry list and I am not sure that,

Board Member Rogan asked here is the question would we have the plans, we could set the public hearing contingent upon the plans being substantially conforming to the comments by the work session.

Rich Williams stated something along those lines.

Board Member Rogan stated and we could always if the plans are not up to snuff, we cancel the public hearing.

Mr. Condito stated that is fine.

Board Member Rogan stated you will have already notified but we can always then rescind that.

Mr. Condito stated you could also keep it open.

Board Member Rogan asked I am sorry I am just not following.

Board Member Pierro stated keep the public hearing open.

Rich Williams stated my concern is having plans that are complete enough for the public to review so that they can comment on them at the public hearing.

Board Member Rogan made a motion in the matter of Burdick Farms Subdivision that the Planning Board schedules a public hearing for the next regularly scheduled Planning Board meeting in October 5th, contingent upon the Applicant's Engineer submitting plans that substantial comply the three memos that have been received from the Town Planner and the Engineer's office,

Rich Williams stated two from him one from me.

Board Member Rogan stated within the applicable time frames. Board Member Pierro seconded the motion.

Vice Chairman Montesano asked all in favor:

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

Motion Carried by a vote of 4 to 0.

The Secretary asked this is for final and wetlands.

Board Member Rogan replied correct.

Mr. Conditto stated wetlands as well. I think that is separate isn't it.

The Secretary stated I will get the notices done for you.

Rich Williams stated yes there is a notification requirement.

The Secretary asked and there is a sign right.

Rich Williams stated there is a sign up there now all you have to do is a certified mailing.

Mr. Conditto thanked the Board.

(TAPE ENDED)

The Board waited a few minutes because Board Member Pierro stepped out of the meeting room.

Board Member Rogan stated let's just start.

Vice Chairman Montesano stated let's start next Paddock View.

7) PADDOCK VIEW ESTATES SUBDIVISION – Final Subdivision Review

Mr. Dan Donahue, Engineer and Mr. Mark Porcelli, Applicant was present.

Mr. Donahue stated my name is Daniel Donahue, I am an engineer representing the owners of Paddock View subdivision. We are here to talk about scheduling hopefully a hearing for final approval.

Vice Chairman Montesano asked one question, did you get a copy of that, referring to a memo from Dave Raines.

The Secretary stated probably not but I will speak to them tomorrow about when they do these memo to the Planning Board that they need to either,

Board Member DiSalvo stated copy the Applicant.

The Secretary stated yes copy the Applicant.

Rich Williams stated I did give them to you and I put them over on your table so.

The Secretary stated right but I don't know if they are giving copies to the Applicant and they really should be copying the Applicant.

Board Member Rogan stated we have already addressed this issue too.

(Too many talking at the same time unable to transcribe).

Vice Chairman Montesano stated I just wanted him to see what we are up against. We have discussed that.

Board Member Rogan stated it is the memo from the Fire Inspector or the Interim Build Inspector but we have already I think addressed this and the area is provided but we don't have clear and decisive regulations on this yet. This is I think at this point for information.

Vice Chairman Montesano stated that is all it is just to show you what we get so you have one too. We have already discussed this and we were satisfied with it.

Mr. Porcelli stated that was twenty thousand.

Mr. Donahue stated it got bigger.

Board Member Rogan stated yes I think we are sticking with what we told you. This is a new review and I don't think it is fair to switch at this point.

Mr. Donahue stated there is no regulations yet.

Rich Williams stated we will have those worked out fairly soon and the issue at the time was we were looking to provide the area and then move the process along to preliminary approval and work out the details for final. I think Dave is now coming back and seeking to have the actual tank installed at this point (unable to hear no mic).

Board Member Rogan stated I would not support actually moving to have the tank put in until the books have been cleared up on how we are going to do it not obviously installing the tank that everybody can probably agree on but how it is going to be maintained, who is going to own it, whether it is going to be serviced by a well or not.

Rich Williams stated the thing is we are probably going to have that worked out in the next month or so.

Board Member Rogan asked and approved by the Town Board.

Rich Williams replied hopefully.

Rich Williams stated we don't want to delay the project by having him have to redesign something.

Board Member Rogan stated so then it sounds like the direction is to understand that these rules and regulations for these fire suppression tanks will be in effect before you complete this project.

Mr. Donahue asked do they have a public hearing on that.

Board Member Rogan stated they have got to have a public hearing on it.

Rich Williams replied I don't know what they are going to do.

Board Member Rogan stated I would think so.

Anthony Molé stated if it is in the form of a Local Law then there would be a public hearing.

Board Member Rogan stated creating modifications, policies to fire district is a local.

Rich Williams stated currently our Zoning Code, our Subdivision Code requires the Board to look at fire detention so that is already within the Code. Essentially, what we are doing is just establishing a policy, what is going to be required, guidance for the Planning Board on what is going to be required but more importantly how they are going to be maintained.

Board Member Rogan stated I know Ted has brought this up a lot but is the alternative to these tanks to sprinkler each house. I mean is that an option that the developer has to say you know I don't want to be bothered with this 20,000 gallon tank, we are willing to spend I don't know five grand a house and just sprinkler them.

Board Member Pierro stated yes but you still have to supply the water supply.

Board Member Rogan stated no the water is in the house.

Board Member Pierro stated yes but and Ted may be able to get us the information on this but,

Board Member Rogan stated he did.

Board Member Pierro stated sometimes a standard well won't support a sprinkler system.

Ted Kozlowski stated there is a tremendous amount of information out there and sprinkling is an option. The National Headquarters is here in Patterson they are willing to come see you guys and address all those issues. I think these developers are going to find it is a lot cheaper.

Vice Chairman Montesano stated and so will the homeowners when you get down to it.

Ted Kozlowski stated yes their insurance they will save tremendously.

Board Member Pierro stated I agree with what you are saying Ted but sprinklers are not the save all. Sometimes there are exterior fires,

Ted Kozlowski stated there is no one save all but this is an option that should be explored.

Board Member Pierro stated it should be,

Board Member Rogan stated and sprinklers don't help the neighboring community by providing a water source.

Board Member Pierro stated right a water source and sometimes fires start on the exterior of residences and motor vehicles.

Vice Chairman Montesano stated gentlemen, I appreciate it but we are going to something we have really no control over.

Board Member Rogan asked what is your next issue Mike.

Vice Chairman Montesano stated I got rid of my headache because that was something that we hadn't discussed excuse me, we did discuss where it is going to be. If they come up with the regulations then be aware that you may have to increase the size of that tank.

Vice Chairman Montesano asked what is the next situation we have got with him advancing further.

Rich Williams stated if I might, Mr. Chairman I have done a memo, at this point there is two memos out there. He has addressed most of the issues in the first memo. There is still some additional things that we need to talk about and where we had left it off Gene had not done a memo, he had reviewed the plans. We were going to schedule a meeting after tonight with Dan to go through and hopefully wrap up all these outstanding details.

Mr. Donahue stated I think that is the best way for us to be able to,

Vice Chairman Montesano stated no problem this way we can get this done.

Mr. Donahue stated where we are is that we got a letter from DOT indicating their approving the access they just want the calcs for the retaining wall that we have to put in. DEP has indicated to me that they are ready to approve our Stormwater Plan however one thing they are looking for is the plantings in the pond and I may just get myself a Landscape Architect to deal with it.

Rich Williams stated I have had a similar conversation with DEP about they are generally comfortable with the concept but they do want to see the landscaping.

Mr. Donahue stated DEC wanted an electronic file so I sent them that information so I should be okay with DEC. The plans have been filed with the Health Department for their review and I have not heard from them as to where they are with it. I think we have come along. I have a couple of questions that I would like to just do. Actually, some of the lots we require maybe we can handle that in the meeting but grading easements for example, I have two driveways here, right next to each other that is where the grading is, to grade over the two lots, to be able to grade the driveways rather than grade one then grade the other and then you have a bump in the middle of nothing aesthetically it will look better. Can we handle that at the meeting.

Rich Williams stated we can talk about it at the meeting but as I pointed out to you earlier and you have put a note on the plan at this point our Code requires that where you have a cut and an embankment for a driveway you have to install that within seventy-five feet off of the right of way so that is going to pick up most of those areas that you are talking about.

Mr. Donahue stated so that will be a note I put on.

Rich Williams stated I think you have already done that.

Mr. Donahue stated one of the other questions that Gene raised, we have an emergency spillway that is located over here. What the emergency spillway is, is the pond can pass the hundred year storm but we do have an emergency spillway just in case we get greater than a hundred year storm and that will be discharging on to the road and eventually down to 292. This is a situation where we are already over a hundred year storm in the areas, we are going to be pretty inundated in water in a lot of different places.

Board Member Rogan asked who requires the overflow Dan.

Mr. Donahue replied just as the retention but it will overflow anyway.

Rich Williams stated it will overflow anyway.

Mr. Donahue stated it will overflow.

Board Member Rogan asked you figured that is the best location for it.

Mr. Donahue stated this way it will protect the pond.

Gene Richards stated Shawn, that is intended to protect the berm so that you don't end up eroding that, (too many talking at the same time unable to transcribe).

Gene Richards stated Dan, my thought on that again, was as I talked to you about I wasn't in favor of the emergency spillway going down to the subdivision road. My thoughts were if possible we could take that towards that existing culvert under 292 but it is a matter of how we are going to do that because you are actually putting a manhole structure on that. I don't know if we can do something different to open that back up to allow free flow from the emergency spillway. I would not see that impacting DEP's review. You are still going to have an emergency spillway it would just be redirected to a different point. We can talk about that when we meet.

Board Member DiSalvo asked where would the drain be on 292.

Mr. Donahue pointed it out on the plan.

Board Member Pierro stated it is right in front of the site it goes underneath the road.

Rich Williams stated on that greater than a hundred year storm what is going to happen is it is going to crest over that, it is going to go down the subdivision road, it is going to go down on top of the subdivision road, 292 and cross over 292 and go down to that stream.

Mr. Donahue stated it may eventually do that anyway when it gets to the culvert. It probably will crest over anyway and go to the road. I would like to leave it where it is presently located. I don't know whether the Board has any preference.

Gene Richards stated that would probably be something more that Charlie Williams as Highway Superintended would have the concern about because he ultimately is going to own the road, not him but the Town maintaining it.

Vice Chairman Montesano stated 292 is a State Road, Board Member Rogan stated no the road that it is running on is, Vice Chairman Montesano stated I realize that but it is still going to overflow eventually into 292 I don't know how the State is going to feel about that.

Rich Williams stated Mike, it is going to run across 292 wherever you put it.

Mr. Donahue stated right we are talking a big storm. We are talking ten inches of rain.

Board Member Rogan asked Dan, it is a rather small issue but we have discussed a couple of times but could you add the note that says to be removed for the two-story portion of the dwelling. Could you also include that for the concrete walkway between there and your drainage area.

Mr. Donahue asked through here you mean referring to the plan.

Board Member Pierro replied yes.

Board Member Rogan stated basically between the existing well that is going to be abandoned between there and the end of the walkway to the north.

Mr. Porcelli stated it is Item-4 not concrete.

Board Member Rogan replied it is okay but can you revert that back to some because you are not going to need that area, could you vegetate that.

Mr. Porcelli stated that is just Item-4 it is not concrete.

Board Member Rogan stated I think in earlier plans it was shown as concrete.

Mr. Donahue asked is this what you are talking about.

Rich Williams replied yes right in there.

Board Member Rogan stated so they are going to meet to finalize all the engineering and planning issues and then what is our next step on this.

Board Member Rogan stated we already had the preliminary public hearing.

The Secretary stated they are up to final public hearing.

Board Member Rogan stated they are up for final public hearing. You guys haven't set it yet so it will probably not be the next meeting but the meeting after.

Mr. Donahue stated all these issues should be dot the i's, cross the t's that kind of stuff.

Board Member Rogan stated we could do the same thing as we just did.

Mr. Donahue stated that is what I would like you to do.

Rich Williams stated except for the landscaping, we have no idea what the landscaping is going to be,

Mr. Donahue asked you mean with the pond.

Rich Williams replied yes, the pond, street trees.

Board Member Rogan asked is that part of the plat or the wetlands, not wetlands.

Rich Williams stated it is part of the subdivision.

Rich Williams stated what I was saying though except for the landscaping I don't know that there is anything that is going to change the major design on this.

Board Member Rogan stated I think the same type of motion that we made on the previous application would be okay. Is everybody okay with that.

Board Member Pierro stated I am fine.

Board Member Rogan made a motion in the matter of Paddock View Estates that the Planning Board schedules a public hearing for the October 5th meeting to look at the final plat contingent upon the Engineer addressing the Town Planner and Stantec's comments substantially within the required time frames. Board Member DiSalvo seconded the motion.

Vice Chairman Montesano asked all in favor:

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

Motion Carried by a vote of 4 to 0.

Mr. Donahue and Mr. Porcelli thanked the Board.

8) BARNES SUBDIVISION – Final Subdivision Review

Mr. Harvey Barnes was present.

Mr. Barnes stated hi, Harvey Barnes and it is a simple two lot subdivision.

Board Member Rogan stated simple he says.

Mr. Barnes stated well that is the way you said it was last month.

The Secretary stated minor.

Board Member Rogan asked the first question that I have, Rich remember the discussion about the, I saw you were pouring concrete for the garage and obviously that had to be shifted.

Mr. Barnes stated yes.

Board Member Rogan asked in the new location that does not impact on this application.

Rich Williams replied no as we talked about at the last meeting, I did put it in the memo we talked about the proximity of that barn and Mr. Barnes at that point agreed to come back and void out the Erosion

Control Permit and void out the Building Permit. He instead opted to change the location and amend his Erosion Control Permit, I don't know what you have done with the Building Permit.

Board Member Rogan stated he obviously got it because he is pouring concrete.

Mr. Barnes stated yes.

Rich Williams stated yes that is true right. In that regard he has addressed the issue. He addressed it differently but it is fine.

Board Member Rogan asked where are with,

Board Member DiSalvo stated the Health Department.

Board Member Rogan asked yes have you been to, has Health Department looked at the area.

Mr. Barnes replied they have witnessed all the tests but they won't give me an approval until you give me an approval. They are ready to do that once,

Board Member Rogan stated I think all our concern is with the Health Department really is, is the slope issue for the septic right.

Rich Williams stated right.

Board Member Rogan stated so if we got a letter from the Health Department that said the slope is acceptable within our guidelines.

Rich Williams stated well if I could just jump in here, the process generally is they are going to sign off on the subdivision plat just like we sign off on a subdivision plat and that is there realty subdivision approval.

Board Member Rogan asked and their signature is required before final so it is self limiting.

Rich Williams stated right so the next step in this process, the problem we are having now is this whole lot is in the open development area, which means he has to meet certain requirements unless a variance is granted by the Town Board.

Board Member Rogan stated we can work within those requirements.

Rich Williams stated at this point he is looking to do a conventional subdivision and not to do an open space development subdivision so at this point he needs to be referred over to the Town Board with a recommendation from this Board as to what you feel is appropriate. Whether you feel it is appropriate that he gets a variance, if there is any conditions that you want to see put into that variance that he is granted to further the goals of the open space or whether you are just okay with it the way it is.

Board Member Rogan stated I am only a little bit confused because within the open space overlay zone if the Applicant addresses the requirements of that which would be providing a certain percentage of the lot, of the area as dedicated open space then would he need to go to the Town Board.

Rich Williams replied no if he met the requirements he would not need to go to the Town Board.

Board Member Rogan stated so then let's talk for a little bit because maybe he is getting a little scared by the requirements for that.

Rich Williams stated the requirements are going to limit him as to the maximum lot size of both of the lots that he has got out there so now he has got to have lots that are under 80,000 square feet, still maybe even lower to meet the overall percentage that he has got to break off from this land and keep as permanent open space. He is not looking to break land away other than to do these two houses.

Board Member Rogan asked so that is different than providing conservation easements.

Rich Williams replied yes that is different from providing conservation easements but in furtherance of the goal that may be an alternative. We have looked at for example the Thomas Subdivision right next door where he did not want to comply with all the requirements of the open development area so what we did was we said well, we want to see the land protected we are going to protect it by a conservation easement. That is just one technique that you can look at furthering the goal without full compliance.

Board Member Rogan asked so in other words you try to meet the essence of the goals and then you can kind of support that for a waiver or support it for them to go to the Town Board to seek relief from those standards. That was a bit wordy but basically the idea is that the area requires that you designate some of the subdivision land as you probably saw we were talking with Burdick Farms, they actually had a hundred acres of a hundred and fifty, or sixty acres that was dedicated open space, so the idea is that if we looked towards possibly the back end of your lots, of setting up some conservation easements that will protect that land with some allowable actions meaning you can cut firewood. We had certain things with Thomas that we were looking at and it kind of creates wildlife corridors, open space that you are not going to then go put a garage up there then it would be more amenable to sending to the Town Board. Something like that we would like to talk about.

Mr. Barnes stated I am open for suggestions. I don't know what that is that open space situation. The only thing is I see some of the people left that don't like four wheelers and I do have them. Can I drive on this property. I mean that is one thing that I would be concerned about if I am going to break something off. Am I walking on it, cutting firewood, or can I.

Rich Williams stated then we get in the particulars of what we are going to put in there. What we did with Thomas yes we allowed A.T.V.'s.

Board Member Rogan stated which is the guy right behind you there on the side. Is it called Thomas Subdivision still.

Board Member Pierro stated it is not Thomas anymore.

Rich Williams stated no it is not Greg Thomas anymore.

Board Member Pierro stated the property that is for sale just west of you.

Board Member Rogan stated we set up a lot of that area, a lot of the steeper areas and a lot of that property was setup with a conservation easements that allowed him or the future owner to do some firewood cutting, recreation, horses for instance would be allowed but basically it was limiting going in and clear cutting the area, going in and putting buildings in.

Mr. Barnes stated got you, that is fair.

Board Member Rogan stated so it keeps it in a more natural state but I agree with you if it is responsible and it is your property and you want to ride your four-wheeler around and cut firewood or do something.

Mr. Barnes stated it is really not accessible from anywhere other than his property. You can't I am sorry I had another plan that shows my other property.

Board Member Rogan stated and the intent is not for public access. It would still be your land it is just that we are limiting what you can do with it from that standpoint.

Mr. Barnes stated it basically sounds like construction or cutting that makes a lot of sense.

Board Member Rogan stated and then I think we could at least with a positive recommendation put you over to the Town Board and with their approval you would be more on your way.

Mr. Barnes stated thank you.

Board Member Rogan stated so I guess let's discuss it. I think it would make sense to make it as similar to Thomas given the concerns that the Applicant has. I don't remember all the specifics of that.

Rich Williams stated probably what I would want to do is ask Harvey to stop in I will get him a copy of what was proposed for Thomas and he can start taking a look at that.

Board Member Rogan stated that would be fine.

Board Member Rogan asked what other issues did you guys have with this because I don't have any others personally.

Vice Chairman Montesano stated that is it.

Board Member Pierro stated I would like to see the conservation easement be explicit about any clear cutting or taking out any low growth vegetation immediately behind the septic system to keep that bank stabilized above the septic so it would limit sheet flow during heavy rain.

Board Member Rogan stated that would not be part of the conservation easement. I am saying that is not area that would be delineated.

Board Member Pierro stated I thought it was. I thought that was the issue that we had earlier on.

Board Member Rogan stated no you are talking about the area up gradient of the house and the septic, which would be part of the conservation easement this slope but directly up gradient of the septic system is going to be the guy's yard, right.

Rich Williams replied that is yet to be defined but my recommendation would be, our Open Development Law defines an area that each block should be limited to and that we define this area on this plan and anything outside of that area would be subject to the conservation easement.

Some Board Members were discussing the plan and the conversation easement with each other unable to transcribe.

Vice Chairman Montesano asked we still don't have the application in.

Rich Williams replied apparently not, apparently we don't actually have an application form in with the fees so this is under concept.

Mr. Barnes stated if I didn't get the septic approval then this was a moot point.

Board Member Rogan stated it looks like you have a more comfortable proposal, you talked to the Health Department, and you are comfortable with where you stand with them, so start going through the process and get the wheels in motion.

Board Member DiSalvo stated talk to Richie about Thomas.

Board Member Rogan stated yes stop in and see Rich about the paperwork, the easements.

Vice Chairman Montesano stated and bring the application in.

Board Member Rogan stated it seems like you are moving in the right direction.

Mr. Barnes asked so the next step is to see Rich.

Board Member Rogan stated file an application.

Mr. Barnes stated and file an application.

Rich Williams stated then after that what we want to do is make a recommendation to the Town Board and get a variance.

Board Member Rogan asked you do that before Lead Agency notification.

Vice Chairman Montesano stated we can do it at the next meeting if we get everything in order.

Rich Williams stated you probably want to before the Town Board acts you probably want to do Lead Agency and get it out of the way.

Board Member Rogan stated we can't do Lead Agency until you actually file an application.

Mr. Barnes thanked the Board.

9) BONIELLO SUBDIVISION – Subdivision/Site Plan Waiver

Board Member DiSalvo stated Boniello is off, right.

Vice Chairman Montesano stated Boniello is off.

The Secretary stated it is.

Rich Williams stated I guess so. Anthony Boniello did stop in and talked to myself and Mike Griffin about some of the issues and I think he is reconsidering exactly what his proposal is going to be.

Vice Chairman Montesano stated there is fax here I don't know if you guys got a copy.

10) CONSENTINO SUBDIVISION

Mr. Harry Nichols, Engineer was present representing the Applicant.

Mr. Nichols stated my name is Harry Nichols. It has been scheduled to be staked and I spoke to Terry Bergendorff's office today and they are going to stake it next Wednesday.

Vice Chairman Montesano asked what.

Mr. Nichols replied center line of the house, center of the septic,

Vice Chairman Montesano asked what are we talking about.

Mr. Nichols replied Consentino.

Vice Chairman Montesano stated thank you.

Board Member Pierro stated Mooney Hill Road.

Vice Chairman Montesano stated I just wanted it so we know what we are talking about. He told us nicely his name but he didn't tell us what he was up for.

Mr. Nichols stated the staking is supposed to be done on Wednesday and I will call Rich and let him know when it is done.

Board Member Rogan stated we are looking forward to walking that one.

Board Member Rogan asked so Harry, what changes have you made to this.

Mr. Nichols stated well since last month, we haven't changed the lot layout. What we have done is brought it to another level of completion. The drainage is shown on there, the basins, stormwater management. It was noted in the memo we provided leaching pits for part of the drainage that it is not possible to get to a location to put in a basin. The basins are now all located outside of the wetland buffer. So, in those areas where it is not possible because of elevation to get it to the basin we have shown these pits which we will be doing some testing in the next few weeks. These are something that we have used in others and we found them acceptable. I guess there has not been too many used in Patterson yet I am reading the memo but we will provide with the data that is necessary. We are showing them in the roadway, we have catch basins with leach pits off the basin in this area; here it is not possible to get to the pond.

Vice Chairman Montesano asked so you are moving the property out of Patterson.

Mr. Nichols replied no.

Vice Chairman Montesano stated then you are going to stick to what we suggest.

Mr. Nichols replied yes.

Mr. Nichols stated and also around (hard to hear) that are running out here on Mooney Hill Road again, we were not able elevation wise to pipe this back into the basin so we are going to pits where the roof area and the driveway areas are.

Mr. Nichols stated and we seemed to have found a concern about the lot width requirement. The overlay zone does not have a lot width requirement as it is now written. The R-160 Zone requires a lot width of 250 feet.

Rich Williams stated yes the R-4 District.

Mr. Nichols stated the R-4. The 250 lot width is really not consistent with the dimensions for the overlay district lot, which can vary between 40,000 and 80,000 square feet.

Board Member Rogan asked so say that one more time Harry, this property that is located in what zone.

Mr. Nichols replied it is located in the R-4 Zone, it has the overlay district superimposed on it.

Board Member Rogan asked so with that if the property owner wanted to come in and just do the standard four acre lots could they do that or do they have to also show an alternative which uses the,

Rich Williams stated we have a mandatory cluster provision, which requires them to use these alternate standards. As Harry pointed out the problem within our Code for the alternate standards for the front yard for both principal and accessory structures and lot area, some of the other standards we did not include an average lot width and because we did not it automatically defaults to whatever the R-4 requirements are. The R-4 requirements don't meet a smaller lot size.

Board Member Rogan asked recognizing that is there a plan to address that and make a code amendment.

Rich Williams replied yes.

Board Member Rogan asked I think I read it in your memo, what would be the proposed average lot width.

Rich Williams replied my recommendation would be not to go below a 150 feet.

Mr. Nichols stated but that is an excessive required lot frontage. Lot frontage is 125.

Board Member Rogan stated but you could have a lot frontage of 125 and still meet the 150 average lot width.

Mr. Nichols stated you would have to be 175 in the back.

Board Member Rogan stated I see what you are saying because you have to stay under that between 40,000 and 80,000 square feet so given a two acre lot and having a minimum of 125 up front it starts to,

Mr. Nichols stated the average lot size is only going to be 55,000 square feet. That is the average. If you go to 80 you have to go down to 40 on two in order to make it balance out.

Board Member Rogan stated okay understood.

Mr. Nichols stated so while the larger lots could accommodate the wider width you are going to run out of lots real quick and you won't be able to develop the maximum number of lots that the zone would allow under normal conditions.

Board Member Rogan asked so when the overlay is superimposed over the R-4 in this case you have to go with those requirements.

Rich Williams stated you have to go with the alternate requirements.

Mr. Nichols stated so we expect it to be staked by the middle of next week so I will call Rich and let him know if you want to get out there and look at it. I understand that you have to look at it before we can resolve some of the issues that are in here.

Rich Williams stated there are a couple of issues that we should talk about tonight. One of them is, I know Teddy is going to be, Ted Kozlowski stated I am just so thrilled with Lot 10.

Board Member Pierro stated I think Lot 10 would be a perfect lot to eliminate and use it for fire suppression tanks or Lot 9 with that fragmented upper elevated septic.

Rich Williams stated the stormwater pond in the lower right hand corner of the plan has a 130 foot pipe going to 65 foot level spreader. I mean that is a long linear disturbance going out. We can shorten that up so that you are going to reduce the amount of disturbance but to do it, it would have to go in the wetlands buffer. Doing it that way I think has an alternate benefit of redirecting the runoff from that pond back into the higher portions of that wetland which hydrologically is beneficial to that wetland. Right now he is discharging them down like what he is doing you are getting a lot of the hydrology, you skirt the upper areas of that wetland and it may end up drying out it depends on what is feeding that wetland.

Board Member Pierro stated I think that trench is already there right Harry.

Mr. Nichols asked which one.

Board Member Pierro asked isn't that trench already there.

Mr. Nichols asked when you say trench.

Board Member Pierro stated there is a six foot,

Mr. Nichols stated no in the frontage lots there were some cutoff trenches dug.

Ted Kozlowski stated he is talking about over here.

Board Member Pierro stated I am talking about where the level spreader is.

Mr. Nichols stated I don't know that the trench is here.

Ted Kozlowski stated I think it would show up on the topo Dave.

Ted Kozlowski stated Rich, you might have a point but you know what you see a lot when you are out in the field. You don't see it on paper and I think you have to evaluate not only what it does to the wetland but wildlife corridor, what is removed, what is there. It might be low grade forest that is not valuable but it might be something that we don't see on paper so I don't think that you can really make a judgment until you go out on the site.

Board Member Rogan asked would it be worthwhile to have the surveyor just put a couple of survey stakes where that level spreader is going.

Ted Kozlowski replied I think you should.

Vice Chairman Montesano stated put the level spreader in and then give us a different color stake where the pipe is going to go into the level spreader.

Ted Kozlowski stated let's see what that looks like in the field.

Board Member Rogan stated this way we are sure where it is proposed as opposed to an area that might be, (unable to hear Ted)

Vice Chairman Montesano asked Ted can you get up and just point to where Lot 10 is.

Ted Kozlowski pointed Lot 10 out on the plan.

Vice Chairman Montesano stated yes that would be a good place to keep a fire suppression tank I think.

Board Member Pierro stated if you eliminate ten you might be able to get the septic for nine in there. Who knows.

Board Member Rogan stated there is no useable area there.

Board Member Rogan asked Rich, what else did you have you said there were a few issues you wanted to discuss.

Rich Williams stated one of the issues has to do with the diversion swales that he has got in the open space lots.

Vice Chairman Montesano stated we are just going to go in and disturb the hell out of everything.

Board Member Rogan asked help me understand why you need diversion swales instead of just sheet flow or whatever normally is going on.

Mr. Nichols stated then that water would get picked up and treated in the pond.

Rich Williams stated he would have to make the ponds bigger to accommodate the additional flows.

Board Member Rogan asked but if the water is coming off of open space lots why do you have to even pick it up. Why can't you just let nature absorb it the way nature does.

Mr. Nichols stated because it ends up back in the pond system.

Board Member Rogan asked so those diversion swales adequately convey surface water from one area.

Mr. Nichols stated this is a ridge area right here. There is a lot of water.
(TAPE ENDED)

Mr. Nichols stated we have one here, which keeps the water from flowing down, there is a second one over here, which collects the water coming off the top of this hill and sends it over to the level spreader.

Board Member Rogan stated how much on forested property, I don't even I mean when we go out there if there was sheet flow going on right now we are going to see it when we go out there because the sign will be there. I am not disagreeing with you I am trying to understand it, Actually when you think of natural forested area, I can understand if you are picking up ground water but you are talking about surface water. I guess we will have to look at it when we go out. If what you are saying occurs then it is occurring right now that we are getting sheet flow action over the surface of the ground that would cause erosion.

Rich Williams stated no not necessarily.

Ted Kozlowski stated I think you also have to look at it if that is a water issue you are diverting it all the way now to the northeast and there is somebody's property right there then that goes to steep slopes. If there is that much water coming off which is going to affect the stormwater down here what is that going to do to that property owner.

Board Member Rogan stated I want to look at those two high spots when we go out there just to get a better feel for the land. I don't remember, we were out there but we were looking at the roadway. We didn't walk the entire property.

Rich Williams stated we just walked the road.

Board Member Rogan stated it will be good to spend some time out there.

Rich Williams stated the last big issue that I wanted to just touch on briefly, Harry is showing some of the septic systems within a hundred feet of the stormwater ponds, the high water mark of the stormwater ponds and that is not something that I am going to support.

Mr. Nichols stated the requirement is if you are not having standing water, a permanent pool in there you have to be fifty feet away from the high water mark from that to the septic system itself. This has been the rule that has been in place for sometime with Health Department, DEP, and DEC.

Board Member Rogan stated so that means the requirement is fifty feet from the high water mark of a pond that does not stay wet.

Mr. Nichols stated it is a detention pond not a retention pond.

Rich Williams stated if we were talking about a detention pond I would not have the same issue but we are not, with extended detention you can have water ponded in there periodically that is going to stay in there for awhile, that I would have a problem with. Take it to the next step these are going to be wet ponds those are the rules we are not going to design otherwise. Those are the State standards. We don't do dry ponds anymore.

Mr. Nichols asked when is that going into affect.

Rich Williams replied 2003.

Mr. Nichols stated they provide us with the options.

Rich Williams stated okay well this is the Town of Patterson that option is gone then because our Code says you have got to design to New York State standards and New York State standards say you are going to have wet ponds.

Board Member Rogan asked so now does that separation distance for a wet pond go out to a hundred or,

Mr. Nichols stated it goes to a hundred. If it is a wet pond it goes to a hundred.

Board Member Rogan stated are there any direct line of drainage issues or it is just for your septic.

Mr. Nichols stated it is septic's and stormwater management ponds that is what it is based on.

Rich Williams stated it is something that we need to think about when designing this project.

Board Member Rogan stated the hundred is the minimum.

Rich Williams stated similar to wetlands, watercourses, bodies of water that you want a minimum distance for any potential breakout of the septic.

Ted Kozlowski stated now the question is do these become regulated wetlands.

Rich Williams replied no they don't.

Ted Kozlowski asked why.

Rich Williams stated because they are stormwater.

Ted Kozlowski stated they meet our standing water (unable to hear the rest of his statement).

Rich Williams stated it does not meet the standards as a created wetland for a regulated wetland for the DEC or DEP standards.

Board Member Rogan stated that would be like the DEP looking at our curtain drains as intermittent drainage courses. That is really kind of pushing it a little bit.

Ted Kozlowski stated you dig a hole in the ground, you put water in it permanently and you vegetate it with wetland vegetation,

Board Member Pierro stated it is a wetlands.

Board Member Rogan stated it is but you are creating it.

Ted Kozlowski stated it does not matter, Board Member Pierro stated it does not matter it is still a wetlands.

Rich Williams stated stormwater management practice Ted is not a wetland.

Ted Kozlowski stated you read our Code Rich it is right here.

Gene Richards stated Harry on your road design you show asphalt curbs, the Town standards is concrete now.

Mr. Nichols stated okay.

Board Member Rogan stated that sounds like about it.

Mr. Nichols stated we will get it stake and give you a call.

Board Member Rogan stated thanks Harry.

11) WHITE BIRCH REALTY - Amended Site Plan

Mr. Joe Buschynski, Bibbo Associates and Mr. Pete Monteleone.

Board Member Rogan asked Joe could you please state your name for the record.

Mr. Buschynski stated Joe Buschynski, Bibbo Associates.

Mr. Buschynski stated we submitted,

Board Member Rogan asked you are here for the amended site plan correct.

Mr. Buschynski replied yes. We submitted a plan showing an amendment to the plan you previously reviewed and conditionally approved. The purpose of the amendment was to request approval to install an overhead and passenger door on the side of the building next to the driveway for the purpose of allowing Coach Bus Tours and their repair of buses to improve their arrangement for passing buses through the workshop. Obviously the limitation is that buses would not be able to maneuver in both a left and right direction. It was strictly for the purpose of getting repaired buses back to the parking lot. The first plan we submitted provided sufficient turning radius for a bus out from the building, we then submitted a revision to increase this. We understood that there was a concern for perhaps buses leaving the building becoming disabled and blocking access to the building. We gave it a little more width another twelve feet so that at

least if a bus were stuck in its maneuver to go back to the parking lot vehicles or even customers or businesses at the site could get around them. The amendment included an additional use, there is a custom cabinet and or millwork business that would like space in the building, three employees. It is not a retail type of use. It is a business that customizes, builds cabinets for a particular builder or builders. There is no need for customers to enter the site and based on the available parking that we have the three employees would fit right in.

Board Member Rogan asked currently in addition to the request for the amended site plan you also need an extension on the existing approved site plan.

Mr. Buschynski replied the owner is intending to fulfill those conditions for approval, which included the posting of the bond, and there was some,

Board Member Rogan stated we did get a letter on that, the bond wasn't it.

Rich Williams stated you got a letter from the bonding company indicating their interest to post a bond but the bond is not posted. The Planning Board at the last meeting extended the time in which to meet the conditions until the ninth so even if we go until tomorrow they are going to need some sort of an extension.

Board Member Rogan stated okay Joe, we get a pretty good sense of the amendment and we want to hear from our Town Wetlands Inspector because as you probably know we have some more immediate concerns that have arisen on the site. Ted if you want to.

Ted Kozlowski stated I think you received a copy of the letter that I sent to Mr. Monteleone regarding a disturbance in part of the wetland and most of the buffer on that area of the site, it is all disturbed, graded, material dumped on site. I put a Stop Work Order over there and have given him an October 1st deadline to completely remove the material and restore the site prior to its disturbance if not I will take further action.

Mr. Buschynski stated the owner fully intends to restore and comply.

Board Member Pierro asked what was the purpose of this.

Ted Kozlowski replied you have to ask the owner I have no idea.

Mr. Moran stated I am Matt Moran and I work for Pete Monteleone, the owner of the property. There is a lot of rubble walls that get built around the perimeter of the site and the intent was to bring the rubble in. We are doing a job in Pawling, New York right now and there is a lot of rock that would be perfect for the project. What happened is the truckers brought some in through the parking lot and then they also brought some through this area here referring to the plan, which I know it does not show it as a road but it looks like a road. It looks like a natural road. We didn't go in there and cut, fill, grade, and strip topsoil. What they did was they brought the rock in and there is a tremendous amount of wheel traffic going in and out of here.

Board Member Pierro asked Ted is that wetland.

Ted Kozlowski replied yes.

Mr. Moran stated yes it looks like the wetlands come together right there. There is an opening like where it is,

Board Member Rogan asked but you are saying that basically the guys were able to back these trucks in or drive them in, dump and pull back out without doing any improvements to the land.

Mr. Moran replied yes.

Board Member Rogan to enable them to not get stuck.

Mr. Monteleone stated that was a driveway that was used all the time by Pipeline when they would spin the pipe all the way across they would use that a hundred and fifty times a day. It doesn't make it right.

Board Member Rogan asked Ted in your opinion though is it disturbance that was created by truck traffic or was there,

Ted Kozlowski replied there is nothing left of vegetation. It was completely stripped and there was tremendous amount of material brought in. It has now been, I don't know if it was seeded but there is mulch,

Mr. Monteleone stated it is seeded.

Ted Kozlowski stated and there is silt fence but my intent is to have it restored to what it was before no less, no more. For the record, the neighbor across the street, Real Life did a similar action, pleaded guilty and received a \$7,000.00 fine and I fully intend to go forward with this if it is not restored by October 1st.

Board Member Rogan stated I think the good news for you Mr. Monteleone is that from our perspective, tonight's proceeding is very easy. I think the Board feels that we are willing to grant the thirty day extension so that you can get your bond in place and so that you can clear up these violations and come back in next month when they have all been cleared up and we will talk about your site plan amendments but we are not going to really discuss them tonight.

Mr. Monteleone asked we have a problem with the hydrant, we wanted to do in August or September. We only have this month for the hydrants.

Board Member Rogan asked what stops him from doing the hydrants.

Rich Williams replied posting the bond, paying the inspection fees, we sign the plan and then he has got a plan in which he can start doing the work on the site plan that has been approved so far.

Board Member Rogan stated so if you do all that you can put the hydrants in. If you put the hydrants in this amendment doesn't affect those hydrants, correct.

Rich Williams stated right.

Board Member Rogan stated we can treat this as a separate action.

Rich Williams stated yes except there is another issue with fire suppression that the Fire Inspector, Interim Building Inspector issued a memo on today but for all intensive purposes he has got a conditionally approved site plan, he meets the conditions he can do the work.

Board Member Rogan stated it sounds like you have got to get your bond posted, you can do your work but you have got to, what was most disappointing, I understand if somebody makes a mistake but it sounds like a considerable amount of time was spent between the Wetlands Inspector and Rich Williams to ensure that things went smoothly on this site so if it happened and I believe you, if it happened the way you say it did then let's move forward from here, let's correct it and continue a good relationship with the Town. One thing by the way Joe, I do want to see on the next for the amendment is where the floor drains in the garage, where the floor drains in the whole building drain to.

Mr. Moran stated we cemented them closed, the Building Inspector asked us to do that.

Board Member Rogan asked where did they drain, do you have an idea.

Mr. Monteleone stated they used to drain on the front (hard to hear I believe that was his response).

Board Member Rogan stated because water was coming up where the transformer was located.

(Unable to hear Mr. Monteleone's statement).

Board Member Rogan asked so there is no longer floor drains so you can't wash any of the buses in the garage.

Mr. Monteleone stated all the floor drains, the castings are out (unable to hear).

Rich Williams asked do you want Dave Raines to confirm that.

Board Member Rogan replied that they all have been pulled out, sure.

Mr. Moran stated what we did was we took the frame and grate off and then filled them with concrete.

Board Member Rogan stated I think you have got your direction. Let's take this man's information seriously and get this resolved.

Mr. Moran asked so we would need to meet Ted and go over the plan.

Board Member Rogan stated then we will see you guys in a month.

Board Member Pierro stated October 1st is coming.

Mr. Monteleone asked once we post the bond we will do our hydrants.

Board Member Pierro stated yes.

Board Member Rogan stated you just heard Rich.

Mr. Monteleone stated all the restorations are around the pond, once we post the bond we can do the work.

Board Member Rogan stated as long as you have this man's (Rich) approval.

Rich Williams stated it is his (Vice Chairman Montesano's) signature.

Board Member Rogan stated that is it for tonight for this one. Thank you for your patience and waiting I know it has been a long night.

12) GREENLANDS LLC SITE PLAN – Amended Site Plan

Mr. John Marwell, Attorney with Shamberg, Marwell, Davis & Hollis his Associate, Carrie Hilpert, Mr. Paul Suozzi, and Mr. Andrew Suozzi, Applicants were present.

Mr. Marwell stated my name is John Marwell from the law firm Shamberg, Marwell, Davis & Hollis in Mount Kisco I am representing Greenlands LLC.

Mr. Marwell stated I am here this evening with my Associate, Carrie Hilpert and Mr. Andy Suozzi who is a member of Greenlands and to his left Mr. Paul Suozzi who is the managing member of Greenlands. I brought with me a copy of the site plan that the Board approved two years ago. It might be helpful just to reference,

Board Member Rogan asked is it two years already.

Mr. Marwell replied it has been two years. The site plan approval was more than two years. I thought it might be helpful just to give you a copy of the C.O. that was issued for the building almost two years ago.

Board Member Rogan asked if you would please take us through what you are proposing.

Mr. Marwell replied I will. As your Board may remember this was approved as a 7,400 square foot office building and the zoning changed shortly after the site plan approval was issued. The property consists of ten suites. It has been two years now and it is not fully rented. That frankly is one of the reasons we are here. There has been questions that have arisen as to what the property uses are on the property. We got served with a violation by the Building Inspector, we went to the Zoning Board on an appeal from that violation as to whether a use was proper. We have been to the Zoning Board on that and we have an outstanding issue with the Zoning Board as to some of the conditions they put in when they interpreted what a business office use would be. The problem arises that the zoning permits certain uses in this zone, C-1 Zone and there is a label on the site plan that says office building and in the use area of the site data it says office use. Our client has gotten a perspective new tenant and it is a beauty parlor, a service business. Someone who wants to put in two chairs, two sinks, have one employee and herself and we wanted to come in and try to get some clarification from your Board as to whether we ought to pursue that. It is not a retail use I think it is a service use. It has been two years now we have had problems renting the office suites. They are about 680 square feet each. We have got some professionals in there, we have got a business or two in there and we would like to expand the universe of perspective tenants to fill this building up and allow it to be fully occupied. I think it is within everyone's interest to have it occupied. We wanted to bring this one particular use to your attention and see what your reaction was, a beauty parlor. One principal, one employee, two sinks, two chairs, not the kind of business I think that would require a loading dock, not the kind of business with this kind of square footage. The two chairs and two sinks that is not going to take up much parking of course the parking in this zone the parking requirements are the same for office as for retail. I know there have been issues but that is why we are here. We would like to get some clarification on what your Board thinks would be permitted, permissible uses. We don't want to spend time, wasting time talking to perspective tenants. We don't want to bring you applicants that you are going to say

why are you here with us. We would like to have as broad as possible a use base so that we can fill up these office suites and they are small suites, they are 680 square feet plus or minus. There are ten of them. What was it seven of them are occupied, eight of them are occupied now and it has been two years. That is why we are here.

Board Member Rogan asked the decision on whether a proposed use for instance, let's use beauty parlor since that is what you are talking about, let's just kind of keep to that for awhile, in determining whether or not a beauty parlor or a barber shop was an acceptable use wouldn't we have to or Zoning have to make the determination that that use was consistent with what is allowed out there or would have to be determined that it is clearly not retail. I don't really see a beauty parlor or a barber shop as a retail per say where you think of maybe a deli or someplace you go to buy things where you are generating maybe more, I can understand the services aspect and really in that regard it is not a whole lot different than a doctor's office that you might go into. Would a doctor's office, doctor's offices are allowed in here that is,

Mr. Marwell stated that is a professional office yes.

Rich Williams stated not necessarily.

Anthony Molé stated I believe what Mr. Marwell is seeking is an amendment of the existing site plan to change that designation of office use to some other use or to include other uses in addition to office use. If he were looking for an interpretation from the Zoning Board that a certain use fit into the office category that would be before the ZBA but you have the power to change the designation on the site plan to include other uses that you feel appropriate for the area.

Mr. Marwell stated the only aspect of interpretation is when I look at this I did not interpret the legend on this map which says office as being restrictive saying only office use and nothing else that would be permitted by underlying zoning.

Vice Chairman Montesano stated if I recall the main problem that we had is that you are on a residential road. You are not on a commercial road per say so now the more traffic that you are going to generate for retail the more problems you are going to have with the people that are up and down on that road.

Board Member Pierro stated yes but is it truly retail Mike.

Vice Chairman Montesano stated is it truly retail.

Board Member Pierro stated a service business.

Rich Williams stated well let's talk about that for a second, within our zoning code we have broken up different occupations and classified them generally in different uses. We have within the C-1 Zoning District we have funeral parlors listed out, we have indoor recreation listed out, and we have a long, laundry list of various uses. I think right at the top of the category is retail and customary personal services so service type operations are classified all within that retail. No, they are not retail operations they are something different but they are within that use category.

Board Member Rogan stated I would probably be more comfortable with the idea of modifying the use if it was very limited and specific to certain types of, what did you call it, how was it worded,

Rich Williams replied customary personal services.

Board Member Rogan stated for instance the idea of a beauty parlor or something to me I don't see as a whole lot different than a doctor's office. If somebody wanted to have a antique clock repair, I am making it up, something where people are going to drop something, the guy is going to work on it that is not generating a lot of trips. There is probably a lot of uses that would fit appropriately. I can appreciate the residential road situation. I also find that when we have been there on site walks that the traffic flow in there, I have a truck and it is a little bit difficult to maneuver, I feel like the traffic flow is a little bit tight in that facility when we went there with the plantings, when you were doing the wall plantings issue and that was without other vehicles being there. I just felt like the whole thing for vehicles was a little bit tight. I don't think this site is appropriate for putting in a natural food store, something like that for instance that would be people coming to buy things, a shopping type thing but service oriented I would probably be more,

Rich Williams stated the problem you are going to have is that they are all categorized as one.

Board Member Rogan stated but I think maybe that is the issue maybe then we need to look at if we can specifically categorize or if that means going to Zoning and getting some clarification on what,

Rich Williams stated it means a zoning change.

Board Member Rogan stated if that is what it means then maybe we should be looking at that and maybe breaking those out and defining them as being slightly different than retail.

Rich Williams stated okay but when you are talking about it from a planning perspective they are generating generally the same impact, they are generating the same types of traffic. They are generating,

Board Member Rogan asked you think they are though.

Rich Williams replied yes absolutely.

Board Member Rogan stated I don't know that I would agree that they are.

Rich Williams stated now, certainly a health store that is selling product is not going to generate the same traffic as a two stall beauty parlor but when we get into that we can't say beauty parlors can only be limited to two stalls. You define a use and then you allow within the area and you may say that they need 'x' number of improvements to support say ten chairs or fifteen chairs.

Board Member Rogan asked how do you differentiate between a barber shop and a doctor's office to me they are so similar in providing services.

Rich Williams replied I don't differentiate and that is what I said. I don't differentiate. I don't consider a doctor's office an office yes everybody terms it a doctor's office but it is not an office. I work in an office, Gene works in an office, and Mr. Marwell works in an office.

Board Member Rogan stated I understand so then what you are saying is by your definition a doctor's office on this site is not approved.

Rich Williams stated I would consider a doctor's office customary personal services yes.

Board Member Rogan stated and I would agree with that. That is somebody coming in for a service. Different than people reporting to work and that being the sole other than maybe a delivery man from UPS or something.

Rich Williams stated right or an occasional client coming in something like that.

Mr. Marwell asked would you consider that to be a permitted use on this site right now, a customary personal service.

Rich Williams replied no that is what I am saying, within our Zoning Code, our Zoning Code classifies retail and customary services as one use. It is subsection 'A'.

Mr. Marwell stated it is a permitted use in this zone.

Rich Williams stated it is absolutely a permitted use in this zone.

Mr. Marwell stated I guess what I was getting at was it was unclear to me that by using the word office on this site plan that was intended to be restrictive.

Board Member Rogan stated right in other words was this site, Mr. Marwell stated de-strictive or restrictive. Board Member Rogan stated I understand and it sounds like based on what Rich is saying it was restrictive from the review process on this site.

Mr. Marwell stated I was not involved personally.

Board Member Rogan stated I understand.

Rich Williams stated there was a long discussion about the traffic and changing the access on this but within the site plan generally we try to make sure that the use is clearly stated some place on the plan.

Board Member Rogan asked so then if we are going along that logic do we have any review of this because,

Rich Williams replied sure absolutely we do.

Board Member Rogan asked so we can allow uses that don't conform to the Code because or I see,

Mr. Marwell stated it does conform with the Code.

Rich Williams stated it does conform to the Code and you can make a finding it is perfectly acceptable to have retail, now there is some other criteria, which I identified in my memo if they want to amend their site plan and they are going to expand that. If it was going to be one store that would be one thing but if it is going to be multiple store fronts or office, retail or things like that then they are going to need a Special Use Permit. There are requirements that they are not going to be able to meet which would then necessitate and area variance on top of that.

Board Member Rogan asked can we modify a site plan and allow a percentage of the building, let's say is there ten store fronts or ten,

Mr. Marwell stated no ten suites.

Board Member Rogan stated ten suites, let's say for the sake of argument,

Mr. Suozzi stated upstairs is all office, downstairs is five store fronts. We are only talking about the store fronts.

Board Member Rogan stated for the sake of argument if we were to look at this site plan and look at it from the standpoint of allowing three of the lower level suites, because I am going to call them suites rather than store fronts at this point to be customary service related the we would be keying in on only a small percentage of the overall. We would not say all ten could be used for customary. We could look at it from that perspective and say allow two or three or something.

Rich Williams stated you absolutely could allow or limit the use. The only thing I want to caution you on is there has to be a clear nexus as to why that limitation,

Board Member Rogan stated and the limitation would be based on what we already in prior review of this designated as the limiting factors; the traffic on a residential road, the limited parking within.

Rich Williams stated I see that as a limitation on the overall use of this site. I mean if you are going to go down the road where you are going to allow fifty percent of the stores to be retail what really is that impact that you are trying to mitigate, that you are trying to place a limitation.

Vice Chairman Montesano stated right now as far as I can see most of the businesses are not open after a certain hour. If you are going to allow retail then you are going to have people that will probably stay open later because they are going to have to accommodate the people coming home on 22. So, you are going to have to sit there until nine or ten o'clock now you are going to be using that residential road that means you are going to have more lighting on for a longer period of time, which is another consideration from the original design.

Mr. Marwell stated you are absolutely right the beauty parlor did request nine a.m. to nine p.m.

Board Member Rogan stated Sir, if you want to speak you just need to come up to the microphone so we can get you on tape.

Mr. Suozzi stated we are not looking for retail just service businesses.

Board Rogan stated I know we keep saying retail but they are talking about,

Board Member Pierro stated it is codified together.

Board Member Rogan stated but it does not have to be on this site plan.

Vice Chairman Montesano stated if it is going to be open to eight or nine o'clock at night and technically that may be correct to you to me it is a business and it is a retail because in between those hours you are going to have maybe one or two people at a time but you sit in the barber shop with two chairs and there could be half a dozen people in there. They are going to be parking somewhere, they are going to be there. I have never gotten the opportunity to run into a barber shop without at least two or three people and I have tried all sorts of hours.

Board Member Rogan stated three times now, I don't mind you guys but you have got to come up and use a mic instead of just standing up and talking, please come up and use a mic (referring to the Suozzi's).

Mr. Paul Suozzi stated I am Paul Suozzi, managing member of Greenlands. I was just going to say that there is not going to be that many people in this one particular proposed beauty parlor. We are only talking about two sinks and maybe one person so there is never going to be six people there waiting. They make appointments and they come one at a time that is what she tells me.

Board Member Rogan stated I think though your bigger issue tonight is not one customer it is trying to determine an appropriate use for the site. If you are saying that you want one of the suites to be for customary and that is it, it would be customary slash retail. I think Rich we need to look at separating the two then.

Rich Williams stated that is your opinion I mean again, from a planning point of view there really is no difference,

Board Member Rogan asked how is there not a difference between retail and a barber shop. I see the two as being so different in their needs.

Vice Chairman Montesano stated there is a point of order, look at Al's Barber Shop on 22, he has got two chairs that are active, Board Member Rogan stated he has got five chairs in there and they are all active, Vice Chairman Montesano stated yes he has got five chairs, there is only two chairs, I have never been in there when they all have been active.

Board Member Rogan stated I have.

Vice Chairman Montesano stated I have never seen it except maybe on a weekend and I don't go in on a weekend but what I am saying is you walk in there and there is always a crowd whether they are getting hair cuts or not it is the place they hang out and once Al comes in they are all there in the afternoon.

Board Member Rogan stated but I think the differentiation Rich is making is the types of site plan necessities that are required between a retail and the customary in terms of for instance a loading dock if you were a deli or a natural food market we will say use that where they are not maybe preparing foods but they are selling prepared foods. They are still going to have trucks coming in and loading and unloading where barber shops customarily don't.

Rich Williams stated when I categorized the uses within the Code two factors that I looked at were site improvements that were going to be needed and potential impacts. To me customary personal services and retail are consumer driven businesses and essentially the same requirements for site improvements. The same off site impacts, same general demand for septic requirements and water usage and they are very, very similar in so many ways that sure you can break them apart within the code but they are still the same impact. I mean we certainly can break them apart in the Code but,

Board Member Rogan asked so then there is no way to approve one suite for customary service slash retail and then further regulate what type of business goes in.

Rich Williams replied if you approve something for retail then you don't, Board Member Rogan stated it is open then, Rich stated yes I mean you don't have any control. You can't sit and say we want a health food store but we don't want a stationary store, retail is retail.

Anthony Molé stated Shawn, one thing you could do is if you feel they are separate in certain respects you can make a recommendation to the Town Board to separate the two in the Zoning Code obviously of course Rich feels that the impacts are similar but the Board may feel otherwise. That is one method to do it, which would give the Board the opportunity to permit that general use without the retail, customary personal services on the site.

Board Member Pierro asked can we do that recommendation because most beauty salons, barber shops do a limited amount of retail business ancillary to,

Anthony Molé stated the Board has a number of options, another thing you can do is with regard to percentages that we discussed before you can designate a certain percentage of the building for certain use and a certain percentage for a different use.

Board Member Pierro asked right but can we allow those customary service businesses like salons.

Anthony Molé stated or you can also specify specific types of businesses that would be allowed in there based upon your feeling on the impacts on the traffic or what have you.

Board Member Rogan asked Rich, how many for one of the office suites, let's just take one for instance ten percent of the business, how many office people could by Code fit into one of those offices, how many employees could someone have in a suite.

Rich Williams stated off the top of my head I don't have it.

Board Member Rogan stated my point is if it was eight employees,

Rich Williams stated there are standards for employee per square foot.

Board Member Rogan stated it is like a hundred or two hundred per square foot.

Board Member Pierro stated when I was in the mortgage broker's office there recently and I don't think the front room would hold more than three people to the max and there is one office in the back of the mortgage broker's office and that would be at a maximum. There is only two people that work there now and it is kind of free. They are just not that large.

Vice Chairman Montesano asked another thing is when we approved this septic system it was for what.

Rich Williams replied for office use.

Board Member Rogan stated for office use they would have to address that.

Vice Chairman Montesano stated so now we are going to allow service businesses, the water absorption is going to be more because it is a beauty parlor.

Gene Richards stated they would have to go back to the Health Department.

Board Member Rogan stated yes they would have to address it.

(TAPE ENDED)

Mr. Suozzi stated we have only used twelve hundred gallons of water in two years since we got our C.O. We are allowed six hundred gallons a day. We have a water meter that the Health Department,

Board Member Rogan and the design flow is six hundred gallons a day.

Mr. Suozzi replied right.

Board Member Rogan stated even still though, that does not rule and say that they are going to say well, okay because you have only used this much we are going to approve it but that is not really our issue anyway.

Mr. Suozzi stated no but that is their review and we understand that we have to go there. I don't think that having two sinks is going to use that much water to take us beyond six hundred gallons a day.

Board Member Rogan stated I can tell you my own view not the rest of the Board's but my view is I would not have a problem with moving forward with figuring out a way to allow a beauty salon of the size that you had said to go in here. I would not be in favor of allowing the same suite to be occupied by what I am considering a retail operation because I don't think this site is setup for it so until, me personally until we can figure out a way to do it where it is categorized into certain customer,

Mr. Suozzi stated that is okay with me.

Board Member Rogan stated I don't know where we can go with this and I don't know what the rest of the Board thinks.

Mr. Marwell asked would you perhaps consider something along these lines we have been talking generalities, twenty percent of the site permitted to be used for business purposes,

Mr. Suozzi stated service business.

Mr. Marwell stated service business, personal service business.

Mr. Suozzi stated we could have three units down below that we could,

Board Member Rogan stated twenty percent is two.

Mr. Marwell stated twenty percent would be two units.

Mr. Suozzi stated or three.

Board Member Rogan stated you are throwing a whole new term out here now because we are trying to think in terms of retail and office.

Board Member Pierro stated service business, personal service business.

Mr. Marwell stated well when the application was made we are looking to expand the universe to include retail.

Mr. Suozzi stated I put retail business because I thought in my discussion with Rich that you classify retail and business as the same so that is why I put both. I did not want to not put both,

Board Member Rogan asked what is business classified as or is that the same as retail.

Rich Williams stated it is nothing.

Mr. Suozzi stated we would like to have service businesses.

Anthony Molé stated also we have to be careful on both sides you don't want to limit yourself and the Town does not want to get confused either with respect to say twenty percent personal services, what is an attorney's office, what is you know some of the things that, (too many talking at the same time unable to transcribe). Some things that would be office you don't want to over lap into personal services you want them to be differentiated.

Board Member Rogan stated other than the water usage a realtor's office to me is no different than a beauty parlor. It is customer service. You are coming in you are doing something, people are coming in like that.

Rich Williams stated people are stopping in but people are also stopping in an office but you don't have to have that customer traffic that you would have when it is retail, doctor's office, and dentist. That is what differentiates it.

Mr. Suozzi stated this beauty parlor too I think with women's hair as opposed to men's hair, men's haircuts take five minutes, and ten minutes and women's hair takes maybe an hour or so maybe you get one person an hour coming in at best.

Board Member Rogan stated I think the site clearly has limits the way it was designed and at the time it was designed for what you were looking for. It barely met those requirements I think in a lot of people's opinions. However, I would still be willing to support if we can figure out the customary end of this because like I said I don't support it going retail. I just don't think the site is setup for it. I think that in my mind I can see a difference between a number of visits in and out of the facility for a retail versus customer services but that is not so easy to define because it depends on the retail. A retail place like a jewelry store where maybe all you need is two people to come in and buy something during the day and you made your limit versus a grocery store that you need a hundred people to come in. That clearly is a different type of retail. Some place where somebody comes in and drops a thousand dollars in one visit generates a whole different.

Mr. Suozzi stated let's not entertain the retail let's just stick with the service businesses.

Board Member Rogan stated I don't even know how to proceed on this.

Board Member DiSalvo asked do you make a recommendation to the Town Board.

Vice Chairman Montesano stated I would like to do some research before we make any recommendation.

Board Member Rogan asked what type of research do you want to do.

Vice Chairman Montesano replied I want to sit down and see what this Code is and then where it goes from there. What would we be allowed to do and what we are opening up, I don't want to give him a false impression,

Board Member Rogan stated I agree I understand.

Vice Chairman Montesano stated and I would like to find out exactly what we are opening up.

Rich Williams stated you also have to understand I mean are we talking about creating a Code that is going to limit the amount of customary personal services to a percentage of the site that is going to be,

Board Member Rogan stated no that is not a Code you are doing that as part of the site plan. You are just differentiating between the retail and customary services. You can't do a site plan that has a certain percentage of the site designed for, I mean Patterson Crossing we are going to design a certain percentage of that site for restaurant, we are going to design a certain percentage, while it may not be a Code thing you are still designing for those uses.

Rich Williams stated right.

Board Member Rogan stated whether the use changes between an Applebee's or a Outback or whatever you are designing for a specific use. This I don't see as a whole lot different. The trouble is how to do it.

Rich Williams stated but what you are talking about is designing for a use.

Board Member Rogan stated right.

Rich Williams stated what you are talking about with this is placing a limitation on a use and there has got to be a relationship as to why you are establishing that limitation. Certainly I can set up the Zoning Code that you have a certain percentage has to be office, a certain percentage can only be customary personal services but it is not going to apply just to this site. It is going to apply to the whole Town.

Board Member Rogan stated and that would be a problem though.

Rich Williams stated now we have got to find a way to structure our Zoning Code, which is a much more extensive amendment.

Board Member Rogan asked how about a Zoning Code that allowed a Planning Board to structure the uses based on how the site is designed within the zoning. In other words, you take a site like this, let's say they were coming in today, blank slate right now, come in with a plan and they say we want to put in twenty percent customer services and eighty percent office. We say well within our Code we have the ability to do that and we design for it and we maintain that. We say from here on out unless you amend your site plan you are allowed twenty percent customary services, these two suites or even if you combine them and made one. Can't you setup a Code to allow that.

Rich Williams stated we can do that now.

Board Member Rogan stated but our problem is the differentiation.

Anthony Molé stated the problem is the two, the retail and customary personal services are linked together. You have the power that you just described now to do that the problem is if you say you have personal customer services,

Board Member Rogan stated we can't limit retail.

Anthony Molé stated you cannot define along with retail, Board Member Rogan stated I am understanding that is our problem. I do see those I understand that you are saying from a planning your contention is that you plan for it the same. I think we are just agreeing to disagree on that.

Mr. Marwell stated I think it has been addressed perfectly because if you were to amend the site plan to allow for example twenty percent retail and customary personal services you have made it very clear that when we come to you with a proposed retail use there is going to be serious issues with it and it would have to be evaluated as a change of use, we would have to come to you.

Board Member Rogan stated you wouldn't have to come to us though if we approve twenty percent and you have got somebody and you wanted to do retail there would not be any reason to come to us.

Mr. Marwell stated your Code would require us under those circumstances to come in, right.

Board Member Rogan asked every change.

Mr. Marwell stated or at least to go to Mr. Williams.

Rich Williams stated right at least to go to Mr. Williams. Our Code says customary personal services right now and retail are essentially the same use. So you can approve twenty percent of that use on the site plan right now provided you could make a nexus between that limitation with site improvements, loading, parking, whatever don't support anymore than twenty percent assuming that you can make that nexus then you can certainly do the limitation to twenty percent retail and customary personal services on the site.

(Too many talking at the same time unable to transcribe).

Board Member Rogan stated if a salon went in today and six months from now you wanted to change to a deli or a retail use, a stationary store there is no reason to come to us because it is already an approved use because they are lumped together.

Anthony Molé stated if you change one of the offices to a retail then you would have to come back.

Board Member Rogan stated that is different, clearly different.

Mr. Suozzi stated I don't particularly want food businesses in there.

Board Member Rogan stated I understand.

Mr. Andrew Suozzi stated that is what we are talking about that we are not interested in retail.

Mr. Paul Suozzi stated we are not interested in retail. We are trying to be as close to office as possible with service businesses.

Board Member Rogan stated I understand that but we also understand that if we approve a site plan and you may sell the complex in a year and it follows.

Mr. Andrew Suozzi stated not if you make site specific that we could only have service businesses downstairs that is it. It is done.

The Secretary stated they can't do that.

Board Member Pierro asked why can't we.

Mr. Andrew Suozzi stated upstairs is all offices. It is designed that way.

The Secretary stated the Code is combined with retail and services.

Board Member Pierro stated then we recommend,

Board Member Rogan stated we absolutely understand what you are saying but the problem still is that there is not currently the distinction between services and retail and so all we are saying is that if we approved it for customer services we would also be approving it for retail. We can't then say we don't like the idea that you want to do a deli so we have to at least think of this from the standpoint of you putting in one deli, deli we keep getting stuck on but one retail and one,

Board Member Pierro asked can we make the recommendation to the Town to separate the customer service and retail.

Mr. Marwell asked how about if you were to amend the site plan to allow twenty percent of retail or customary personal services with the requirement that with any change we would have to come back in.

Board Member Rogan asked can we do that. We can't put a,

Rich Williams asked what is the change we are talking about.

Board Member Rogan stated any change of occupancy is what he is asking.

Vice Chairman Montesano stated if we are going to do this I would like to at least sit down with Anthony and find out where we are going to go before,

Board Member Rogan stated we are not making a decision tonight. We are just talking out aloud.

Board Member Pierro stated that is why they would rather do this because they can do instantaneously.

Vice Chairman Montesano stated yes but they are not going to get it because I can't do this now.

Mr. Marwell stated we have got someone who said they would like the space.

Board Member Rogan stated we appreciate that.

Rich Williams stated I just want to be very clear about this as a Planner in this Town, I don't support this action because the customary personal services is the same impact as retail. You are still going to have the same traffic, you are still going to have the increase in traffic. They have already acknowledged that the beauty parlor is looking to operate not as a typical nine to five but a nine to nine operation so you are going to have increased traffic in the residential neighborhood off the normal business hours for an office and you still have a lot of issues. I still want to bring out that under our current Code today if they are going to do this, if you are going to do this you still need a Special Use Permit from the ZBA under our current code and that still has to be pursued.

Mr. Suozzi stated we are under those current hours of operation now and people come and go from the site even in the offices so how many people are going to come in and out of a beauty parlor once an hour, one person. It is even less than the offices probably.

Board Member Pierro stated there is no limitations on the offices.

Rich Williams stated but when we look at these issues we look at what is the typical operating practices for that type of occupation. Most offices are from nine to five. Sure, there is no limitation on the site plan they can have an office in there that operates from twelve, midnight to six a.m. in the morning.

Mr. Suozzi stated some people work late too.

Rich Williams stated absolutely.

Board Member Pierro stated service offices like mortgage brokers work at the hours of their constituents you know.

Rich Williams stated but typical peak demand, typical traffic scenarios, typical peak demand for that type of occupation is not at eight o'clock at night, nine o'clock at night. I just want to be clear that you make the recommendation I can make the zoning change any way you want it.

Board Member Rogan stated I think that if it were as easy as saying we approve a beauty parlor to go in to this site and were assured and I don't mean assured like we promise we are going to only have a beauty parlor, I mean assured legally assured that was going to be the use and not a year later the beauty parlor goes out and you say we have got the approval we are going to put in some retail. I agree with Rich that I don't think this site is setup for retail. I don't even really support twenty percent retail.

Mr. Suozzi stated we would be fine with coming back to you.

Board Member Rogan stated no I understand. I think we probably as a Board and Rich and maybe even talking to the Town need to mull this over a little bit and figure out where we want to go because changing our Code is not something that really even should be done because of one project. One project may bring to light problems with a code that happens from time to time that brings things to light when we were modifying the Code and if that happened that is a good thing because then we are making a better code.

Vice Chairman Montesano stated a few years back we approved a person to let's see if I can remember, he had a manufacturing business going in then he came back and wanted it to become retail and that was okay but he couldn't get what he wanted so he came back and made it into a factory business again and now if I recall that is where our trailers are located on Route 22.

Board Member Pierro asked Neubauer the office supply.

Vice Chairman Montesano replied no not John, this was a gentleman who employed a few people that worked in Town and he,

Board Member DiSalvo asked who.

Board Member Pierro stated stop speaking in, just say the name.

Vice Chairman Montesano stated I am trying to remember the name of the company and I can't unfortunately.

Board Member DiSalvo asked where is the building.

Vice Chairman Montesano replied it is on 22 where the pharmacy is, the pharmaceutical company is.

Board Member Rogan asked but the moral of the story is.

Vice Chairman Montesano replied basically they kept changing to bounce back and forth.

Rich Williams asked PBP Corporation.

Board Member Pierro replied Pharma.

Vice Chairman Montesano stated it was a long time ago but we went through the same procedure. First, they wanted retail and was given retail. They started out as a wholesale business then they couldn't work with that then they came back and wanted it back to the way it was originally and every time you turned around,

Board Member Rogan stated each time you approved it though you obviously looked at whether or not the site could handle those changes.

Vice Chairman Montesano stated the site was large enough to handle it because they never finished, the object was the guy kept changing because (too many talking at the same time unable to transcribe).

Mr. Marwell stated we have got two years we haven't rented out and we have a site that has limitations and the building has limitations.

Board Member Rogan asked since you are here on this site, are there any restrictions on maintenance on this site that go down because it seems like to me that when I drive by the site it looks kind of un-kept all the time. You put in really nice plantings but from the road at least because I don't drive up into the offices of course but from 164 & 22 it kind of looks vacant, the weeds growing up and everything. It does not look like a nice two year old site and I don't know if that is something that needs a little attention but that is my appearance as a consumer driving by.

Mr. Suozzi stated most of that is on the Town property.

Board Member Rogan stated that is what I am asking is, can they,

Mr. Suozzi stated they can only go so far with their arm with their lawn cutting tractor.

Rich Williams stated you are talking about the DOT.

Board Member Rogan stated so in other words the part that looks cruddy is the State property but if I were you I would be calling the DOT and saying hey, you know you are hurting my business.

Mr. Suozzi stated the only reason we had to put those trees there was because we cut down all the brush along Old Route 22. It was a jungle before.

Board Member Rogan stated a lot of those trees were put in as part of your planting plan that was required by this Board.

Mr. Suozzi stated right but it wasn't originally part of the plan. It was after.

Board Member Rogan stated right I am just trying to convey the visual of someone just driving by that it looks it is unfortunate but I would be on the State.

Anthony Molé stated one more thought I was thinking out loud another option which has pro's and con's is stating specific uses that are put in on this site. For example, you can put on the site plan a beauty parlor is permitted, ten percent beauty parlor (unable to hear) if the beauty parlor changes over to some other personal services they would have to come back in (unable to hear).

Rich Williams stated I don't know if you can really do that.

(Unable to hear Anthony, no mic and someone rattling plans around in the mics).

Mr. Marwell stated we are here to ask for help.

Mr. Marwell asked can we encourage this tenant in any way to stay interested, this prospective tenant.

Mr. Suozzi stated I hate to lose them. I mean even if it takes once we figure all this out. I guess it would be a Town Board thing to change the Code.

Mr. Marwell stated I think that is a lot of process.

Board Member Rogan stated it is definitely a lot of process and it is a process that it sounds like we are willing to think about because of your situation but the site just has some constraints and we have outlined that. I still don't think I would support even twenty percent of the site going to retail. It would have to be a clear distinction for me to a certain type of service and I don't know that you want to keyhole that right in maybe there is a better way to attract office space.

Mr. Marwell asked how about non-retail business.

Board Member Pierro stated non-retail, personal service.

Mr. Suozzi stated there is a lot of potential businesses that are service type businesses.

Mr. Marwell stated non-retail. I think business is not a term that is defined in the Code so a non-retail business.

Mr. Suozzi stated it could be a guy who fixes computers.

Mr. Marwell stated or antique clocks.

Mr. Suozzi stated there is lots of them out there.

Board Member Rogan stated I actually know people who do that for a business and they are very successful that is what they do antique clocks taking them apart and oiling them.

Mr. Marwell stated the size of the suites acts as a real limitation as well. You are talking 680 square feet you are not going to have a lot of people in those.

Mr. Suozzi stated you would never fit ten barber chairs in there.

Board Member Pierro stated I have less of a problem with amending the site plan to non-retail, personal service and restricting it to that.

Board Member Rogan stated I was trying to figure out how big this room was.

Mr. Suozzi stated they are small.

Vice Chairman Montesano stated they are about half the size by about half the size.

Board Member Pierro stated maybe a third.

Mr. Suozzi stated they are roughly sixteen by thirty-nine.

(Too many talking at the same time unable to transcribe).

Board Member Pierro stated we can be beating this up for the rest of month so let's make a determination on it.

Vice Chairman Montesano stated you have got to have time to review this.

Board Member Rogan asked Maria, what is your view on this.

Board Member DiSalvo stated I like the non-retail if we could amend the site plan for that.

Board Member Rogan asked Mike.

Vice Chairman Montesano stated no the site is not specific for that. It gets me nervous and until I find out what I am doing I would not go along with it at the present time.

Board Member Rogan stated well no nobody is saying go along with at the present time. I think that we are talking in theory.

Vice Chairman Montesano stated in theory if I find the research is there and it can be done then I have no problem with it but if it is not and this site is not the best site to pick on.

Board Member Rogan stated I will go along with you on that.

Vice Chairman Montesano stated it is too restrictive to begin with.

Board Member Rogan asked Dave what is your feeling.

Board Member Pierro stated I think it would be better in amending the Code then limiting the building to a certain percentage to just send the site plan to non-retail, personal service because that would really be,

Board Member Rogan asked can you do that.

Rich Williams replied no.

Board Member Rogan stated I didn't think so based on what I have heard tonight.

Board Member Pierro asked why not.

Board Member DiSalvo stated I thought Anthony said we could.

Rich Williams stated first there is nothing defined in our Code what is non-retail, second you know if I go back to well I mean it is not defined in our Code so really it is not there.

Anthony Molé stated if you want to make a code change anyway I would imagine you would separate retail from personal services and you could also describe non-retail, personal service. You don't need that term if you separate the two. This way if it is personal service it is not retail and if it is retail it is retail.

Board Member Rogan stated so I guess it comes down to whether or not we believe that retail and personal services, customary personal services should be differentiated in the Code. That is something that I mean it should not just be our opinion it should be something we talk about with the Town Board.

Board Member Pierro stated then let's make that recommendation see what the Town Board feels about it.

Board Member Rogan stated I think that would have to be a discussion we have with them and maybe use this as the example.

Board Member Pierro stated that will take months to occur.

Vice Chairman Montesano stated a code change might take months to occur.

Rich Williams stated this is an advisory board. What you want to do if you really want to go down this road is do your research. Take a hard look at retail, take a hard look at service industry see if it is different. Do your homework see if there is a difference.

Board Member Rogan stated good point.

Board Member DiSalvo asked what is DiPasquale's building on Front Street.

The Secretary stated that is in the GB right.

Rich Williams replied well it is in the GB, it is pre-existing, non-conforming building. We don't have a site plan on it.

Board Member DiSalvo asked but the businesses that is in there now is retail, customary service, the barber shop.

Rich Williams replied absolutely it is a permitted use.

Board Member DiSalvo stated and prior to that was the army navy store, which was retail, and you have three empty stores that have been empty for a year now.

Rich Williams asked okay what is your point.

Board Member DiSalvo stated my point is can he practically do anything there. He can do retail.

Board Member Pierro stated he has got the same problem because he is limited to the amount of business that he can attract there.

Rich Williams stated he can do what is permitted by our Code.

Board Member DiSalvo asked what is the code there.

Rich Williams replied General Business and he has the apartments upstairs that are pre-existing, non-conforming. They have been there for years and years.

Board Member Pierro stated he is limited by other factors too.

Board Member DiSalvo stated the water situation and septic.

Board Member DiSalvo stated but I as a resident of Patterson and a big taxpayer I hate to see empty stores.

Board Member Rogan stated I agree.

Rich Williams stated everybody hates to see empty buildings whether it is stores, offices, warehouses nobody likes vacant buildings.

Board Member DiSalvo stated and you look at them and you wonder why. Does people not want to take a chance in Patterson, are the rents too high, the Town gives us a hard time. It is always the Town's fault.

(Too many speaking at the same time unable to transcribe).

Board Member Rogan stated it is a very expensive area to do business.

Board Member DiSalvo stated you have Hampshire Court they have empty suites there. It is depressing.

Board Member Rogan stated it actually makes me think about the homework that was done to build a building like this and say we are going to have offices and we are going to attract it, we are going to fill it and we are going to make a go of it probably because these processes take longer than we imagine probably when the project was conceived it seemed like a go.

Mr. Suozzi stated when you changed the zone on 22 you look for commercial businesses,

Rich Williams stated you said that a couple of times. We changed the zoning but the zoning uses along 22 really have never significantly changed. They have always been the way they are. This was an R-O Zone before, and it is a C-1 Zone now I basically just changed,

Board Member Rogan stated so that we are clear they could have built this building for retail had they done the site plan for it and put in what they needed. It is just that it didn't,

Rich Williams stated that is what I was going to bring up a little bit of the past history on this. They came in and we said you want to build a retail building out here and this is way before these two gentlemen ever got involved in this. This goes back to Kevin Hanna, then ultimately Mr. Schoen came in and finished most of it up. We said this is what we are seeing is the limitations on the site, if you want to build a building this size,

Board Member Pierro stated you have got to limit the use.

Rich Williams stated you have got to limit the use. If you remember back Mr. Schoen came in and from the ZBA he got the light manufacturing Special Use Permit and a warehousing Special Use Permit to operate but when we took a look at designing on the site we said there is limitations coming out on a residential road. There are limitations the way the access is designed, limitations on traffic circulation, if you want this building designed this way it is not going to be a light manufacturing operation. It is not going to be a warehouse operation. You have to give those Special Use Permits up and he did.

Board Member Rogan stated I think we have and I think you had a good point though I think we need to do our homework as a Board. We need to go out and do a little bit looking around and talk to some of the businesses and then talk about it at the work session.

Rich Williams stated if you have got any suggestions about material that you would like to take a look at that I can dig up for you.

Board Member Rogan stated if we can think of some yes but I am thinking more not to create work for you and just for us to kind of you know.

Board Member Rogan thanked Mr. Marwell and the Suozzi's for their time.

Mr. Marwell stated thank you we appreciate your time in the late hour. Should we plan on coming back in a month.

Board Member Rogan replied I would say absolutely.

Mr. Marwell stated and tell this tenant not tell her go away and try to keep her.

Board Member Rogan stated I think that is up to you. I don't know.

Mr. Suozzi stated it does not seem like even if we come back in the month that you have the ability to,

Board Member Rogan stated we don't have the ability next month to give you an approval no so I think I would,

Mr. Suozzi stated because this would have to get to the Town Board.

Board Member Rogan stated I think you are probably realistically looking at if we come back and say we talked to a bunch of different places we think our information is good, we want to proceed with this you are probably still looking at what three months.

Anthony Molé stated if you send it to the Town Board, I would imagine it would be because the Board determined that if you do separate the two terms you would want to apply one of these terms to the site plan so if you decide that and it is sent to the Town Board and the Town Board approves it at that point I would imagine you would feel safe to go ahead with your new tenant. Next month you would make your decision if you are prepared and then potentially a few weeks after that the Town Board meets.

(Unable to hear Mr. Suozzi).

Board Member DiSalvo asked can we send a memo to the Town Board saying that we are entertaining this idea.

Board Member Pierro stated why don't we just send a motion.

Board Member DiSalvo stated pursue it a little bit amongst ourselves. Can we do that.

Board Member Rogan stated I don't want to (unable to hear too many speaking at the same time).

Board Member Rogan stated if we come back next month and we decide as a Board this isn't something we are looking at then we are not notifying the Board then there is no action anyway.

Vice Chairman Montesano stated you can't shoot the gun until you got a bullet unless we are going to sit there and point an empty thing at everybody and chase them around let's find out if we can even load it.

Rich Williams stated and honestly if you are going to go down this road and you are going to make a recommendation for a zoning change to the Town Board I would just assume send that recommendation over to the Town Board with perhaps the possible zoning change language written so that they can see it.

Board Member Rogan stated and the information necessitating the change, supporting the change, whatever.

Mr. Marwell stated we would be very grateful if anybody came up with an idea of how this could be handled through the site plan process rather than the code amendment process.

Board Member Rogan stated I would certainly look to these gentlemen (referring to Rich Williams and Anthony Molé) to find out a way because and they are saying it does not sound like it is possible.

Vice Chairman Montesano stated let's find out.

Board Member Rogan stated we are the laypeople.

Mr. Marwell stated maybe there is another way to characterize this business other than customary personal service maybe characterized within some other category of a permitted use.

Rich Williams stated I think that would still take some sort of legislative action to re-define this. We have also said this is what customary personal services are and for us now all of a sudden say well we are going to consider these uses over here that we always consider customary personal services something different. I really think that is a legislative action or a ZBA interpretation.

Mr. Marwell asked how about if we put up a sign professional beauty parlor and put a desk and a telephone and a computer it is a professional office.

Board Member Rogan stated nice try.

Mr. Marwell stated just trying to be creative.

The Board thanked them

Board Member Rogan commented and I thought we were going to spend the most time tonight on Burdick Farms.

Rich Williams stated surprise, surprise.

13) OTHER BUSINESS

a. Putnam County National Bank

Rich Williams stated Putnam County National Bank they are in for an extension.

Board Member Pierro asked did we see new architectural on this Rich, I know that the Town Board was not happy with the design that we had brought up the last time.

Rich Williams stated they were all in favor of actually not even approving the project. You guys said have the Architect go ahead with it.

Board Member Pierro asked but I thought they were coming back with new architectural.

Rich Williams replied absolutely not you guys said go.

Board Member Pierro asked what are we waiting for them to come back with.

The Secretary replied outside agencies.

Rich Williams replied I think the only thing outstanding really with Putnam County National Bank is paying the fees and posting the bond. They were approved in November of 05.

Board Member Pierro asked when does this expire.

Rich Williams replied this expires September 12th.

Board Member Pierro asked and if we don't extend and they come running in with the check.

Vice Chairman Montesano asked can we give them an extension after we don't give them an extension.

Rich Williams replied considering that you are considering it tonight I think you would not be in good standing. I don't know anybody that would challenge it but.

Board Member Rogan stated the memo does not ask for a specific amount of time for the extension.

Vice Chairman Montesano asked all right if we give them a thirty day extension, Board Member DiSalvo stated until the next meeting.

Vice Chairman Montesano stated until the next meeting, which is going to be what.

The Secretary stated October 5th.

Vice Chairman Montesano stated twenty-eight days, twenty-nine days.

The Secretary stated just say next meeting's date.

Board Member Rogan stated just give a thirty day extension.

Vice Chairman Montesano stated and if we don't hear from them their extensions are no longer viable.

Board Member DiSalvo made a motion in the matter of Putnam County National Bank that the Planning Board grants an extension of time until October 5, 2006. Board Member Rogan seconded the motion.

Vice Chairman Montesano asked all in favor:

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

Motion Carried by a vote of 4 to 0.

b. Frantell Site Plan

Board Member Pierro asked on Frantell what are we waiting for.

Rich Williams replied Frantell is hung up with the DEC and the DEC has not approved the wetlands permit or the plans. They are still seeking other agency approvals.

Board Member Rogan stated I would give them about 120 days.

Board Member Pierro asked when do they expire.

Rich Williams replied if my calculations are right they expire October 2nd.

Board Member Rogan made a motion in the matter of Frantell Development Corp. that the Planning Board grants a 120 day extension. Board Member DiSalvo seconded the motion.

Vice Chairman Montesano asked all in favor:

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

Motion Carried by a vote of 4 to 0.

c. Eurostyle Marble & Tile

Mr. Rob Cameron, Putnam Engineering was present representing the Applicant.

Mr. Cameron stated I was hoping to come here tonight and tell you that we got our DEP approval but unfortunately they said that I need to call them back tom morrow to ask. We are very close to getting it.

Vice Chairman Montesano asked what do you want 30, 60 days.

Mr. Cameron asked what did I write I don't remember.

Board Member Rogan asked what is the name of the Marble place that is in White Birch Realty.

The Secretary replied that is them.

Board Member Rogan stated I am little confused with the extension.

The Secretary stated they are building a new building.

Board Member Rogan stated okay so they are temporarily in White Birch.

Board Member Pierro asked what do you need Rob, 60.

Mr. Cameron replied I think I wrote 90 I don't anticipate that I will use it.

Board Member Pierro made a motion in the matter of Eurostyle Marble & Tile that the Planning Board grants a 90 day extension. Board Member DiSalvo seconded the motion.

Vice Chairman Montesano asked all in favor:

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

Motion Carried by a vote of 4 to 0.

d. Eastern Jungle Gym

Mr. Rob Cameron, Putnam Engineering was present representing the Applicant.

Board Member Rogan stated the same thing they are just getting their agency approvals.

Vice Chairman Montesano asked do we still have problems with them and their water.

Board Member DiSalvo stated beavers.

Rich Williams stated they haven't done any site work out there if that is what you are asking.

Vice Chairman Montesano stated yes so why are we giving them an extension.
(Unable to hear the response).

Vice Chairman Montesano asked do you want to give them 30 days, they want 90 that is besides the point.

Mr. Cameron stated one of the issues on the resolution was that I had to address your comments and the engineering comments.

Board Member Rogan stated that takes a little bit of time these guys have a lot of comments.

Board Member Pierro asked how much time did you ask for.

Board Member DiSalvo stated he wants 90.

Board Member Rogan stated so moved.

The Secretary asked so who did the motion.

Board Member Rogan replied I did.

Board Member Rogan made a motion to grant a 90 day extension to Eastern Jungle Gym. Board Member Pierro seconded the motion.

Vice Chairman Montesano asked all in favor:

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

Motion Carried by a vote of 4 to 0.

e. Burdick Family Lot Line Adjustment

Board Member Rogan stated I would like to recuse myself from this item on the agenda because I am a party to that action.

Board Member Rogan stepped down from the dais.

Board Member Pierro made a motion in the matter of the Burdick Family Lot Line Adjustment that the Planning Board grants a 120 day extension. Board Member DiSalvo seconded the motion.

Vice Chairman Montesano asked all in favor:

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

Motion Carried by a vote of 3 to 0.

14) MINUTES

Board Member Rogan resumed his seat on the Board at this time.

Board Member Pierro made a motion that the Planning Board approves the July 6, 2006, August 3, 2006 and August 23, 2006 minutes. Board Member DiSalvo seconded the motion.

Vice Chairman Montesano asked all in favor:

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

Motion Carried by a vote of 4 to 0.

Board Member Pierro made a motion to adjourn the meeting. Board Member Rogan seconded the motion. All in favor and meeting adjourned at 11:30 p.m.