

**TOWN OF PATTERSON**  
**PLANNING BOARD MEETING**  
**October 1, 2009**

**AGENDA & MINUTES**

- |   | <b>Page #</b>     |   |
|---|-------------------|---|
| 1) <b>Anthony Boniello – Wetlands/Watercourse Permit</b>            | 1 – 2             | Public Hearing cancelled.<br>Public Hearing rescheduled for 11.5.09.  |
| 2) <b>John T. Mayfield – Wetlands/Watercourse Permit</b>            | 2                 | Public Hearing cancelled.<br>Public Hearing rescheduled for 11.5.09.  |
| 3) <b>Patterson Crossing Retail Center – Continued Review</b>       | 2 – 6             | Site Plan Approval Granted.   |
| 4) <b>Wallace Wetlands/Watercourse Permit – Request for Renewal</b> | 6                 | Renewal granted at 9.24.09 Work Session.  |
| 5) <b>Langford Fill Permit</b>                                      | 6 – 7, 24<br>– 25 | Negative Determination of SEQRA granted.<br>Fill Permit granted.  |
| 6) <b>Winding Glades Site Plan – Site Plan Application</b>          | 7 – 11            | Site Walk scheduled for 10.31.09  |
| 7) <b>Tom’s Barber Shop – Site Plan Application</b>                 | 11 – 19           | Negative Declaration of SEQRA granted.<br>Public Hearing Scheduled for 11.5.09.<br>Discussion of parking & SSDS location. |
| 8) <b>Tom’s Barber Shop – Sign Application</b>                      | 24                | Sign approved at 9.24.09 Work Session   |
| 9) <b>Crivelli/Wilson Lot Lint Adjustment</b>                       | 20 – 22           | Lot Line Adjustment Granted.  |
| 10) <b>Other Business</b>   |                   |   |
| a. <b>Benderson (Patterson Commons) Performance Bond</b>            | 22                | Bond released at 9.24.09 Work Session.  |
| b. <b>Steger Zoning Amendment</b>                                   | 22                | No action taken.  |
| c. <b>Guiding Eyes for the Blind – Request for Extension</b>        | 22                | Extension granted at 9.24.09 Work Session.  |
| d. <b>Apap Site Plan – Release of Bon</b>                           | 22 – 23           | Bond released.  |
| e. <b>Dunning Subdivision Request for Extension</b>                 | 23                | Extension granted at 9.24.09 Work Session   |
| 11) <b>Minutes</b>  | 23                | August 27 <sup>th</sup> & September 3 <sup>rd</sup> Approved.   |

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**TOWN OF PATTERSON**  
**PLANNING & ZONING OFFICE**

**ZONING BOARD OF APPEALS**  
Howard Buzzutto, Chairman  
Mary Bodor, Vice Chairwoman  
Marianne Burdick  
Lars Olenius  
Gerald Herbst

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

**Planning Board**  
**October 1, 2009 Meeting Minutes**

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

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

The meeting began at 7:30 p.m.

There were approximately 7 members of the audience.

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

Chairman Rogan led the Salute to the Flag.

Chairman Rogan stated thank you please be seated.

**1) ANTHONY BONIELLO – Wetland/Watercourse Permit Public Hearing**

Chairman Rogan stated okay, the first item on the agenda, Mr. Boniello's wetland/watercourse permit public hearing was cancelled, we don't have the notices in place at this time but I would like to ask for a motion to set a public hearing for the next, the November meeting please.

Board Member Montesano stated so moved.

Chairman Rogan asks for all in favor:

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

Motion carries by a vote of 4 to 0.

Chairman Rogan stated oh, I'm sorry, I'll second that.

**2) JOHN T. MAYFIELD – Wetland/Watercourse Permit**

Chairman Rogan stated Mr. Mayfield, same situation, I'm looking for cancelling this public hearing and setting one for November 5<sup>th</sup>.

Board Member Montesano stated so moved.

Chairman Rogan stated can I have a second.

Board Member Pierro seconded the motion.

Chairman Rogan asks for all in favor:

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

Motion carries by a vote of 4 to 0.

**3) PATTERSON CROSSING RETAIL CENTER – Continued Review**

Mr. Jeff Contelmo of Insite Engineering, Mr. Fred Koelsh of Camarda Realty and Mr. David Steinmetz of Zarin & Steinmetz were all present.

Chairman Rogan stated Mr. Contelmo, Patterson Crossing.

Mr. Contelmo stated good evening.

Chairman Rogan stated good evening.

Mr. Contelmo stated good evening, Jeff Contelmo from Insite.

Chairman Rogan stated good evening Jeff.

Mr. Contelmo stated how is everybody.

Chairman Rogan stated we're doing well.

Board Member Pierro stated fine, how are you sir.

Mr. Contelmo stated good, good thank you.

Chairman Rogan stated good, we have a resolution prepared that we are going to read unless you have any objection to that sir.

Mr. Contelmo stated no sir.

Chairman Rogan stated I would like to introduce this resolution. [Chairman Rogan read the following resolution into the record].

**WHEREAS**, the Planning Board, has considered the application of Patterson Crossing Realty Company LLC for site plan approval, pursuant to Chapter 154 of the Town Code and Final Site Plan entitled Patterson Crossing Retail Center prepared by Insite Engineering, Surveying & Landscape Architecture PC dated March 26, 2007 and last revised and modified August 18, 2009 and;

**WHEREAS**, the Application proposes development and construction of a retail center consisting of 408,560 s.f. and a 300 s.f. sheriff substation on a +74.19 acre parcel in the Town of Patterson, and 2,000 s.f. on a 16.4+ acre parcel in the Town of Kent, and

**WHEREAS**, this Resolution is limited to that portion of the Application located within the Town of Patterson identified by Tax Map No. 22.-3-1, 33.-2-23, 34.-2-3 and 22.84-2-13, and

**WHEREAS**, the requisite Notice to property owners pursuant to Section 154-83 of the Town Code was properly mailed and all application fees for site plan review pursuant to Section 154-85.A of the Town Code have been paid; and

**WHEREAS**, the Planning Board opened a duly noticed public hearing pursuant to Section 154-82 of the Town Code on the subject application and Final Site Plan at its meeting on September 13, 2006 and closed the public hearing on September 14, 2006, after receiving comments from the public, and

**WHEREAS**, the Planning Board has reviewed the Application, Final Site Plan, and all other materials submitted by the Applicant in support of this proposal, and the comments of the Town staff and consultants, and has considered the comments of the public and all other involved and interested agencies; and

**WHEREAS**, the Planning Board has reviewed the Final Site Plan for compliance with such conditions as may be required herein, as well as for conformance with the terms and conditions of the site plan approval, and all applicable requirements of the Town Code and Article 16 of the Town Law, and

**WHEREAS**, pursuant to Section 154-81 of the Town Code, the Planning Board has carefully considered the architectural standards for new non-residential buildings in connection with its review of the Application and site plan; and

**WHEREAS**, the Applicant has incorporated measures that will reinforce the position of the proposed development as the gateway into the Towns of Patterson and Kent at the NYS Route 311 and Interstate 84 interchange. These measures will improve the visual character of the retail center in relation to the surrounding communities; and

**WHEREAS**, the project has been reduced in scale, buildings reconfigured and the site plan has been modified to incorporate rural retail architectural designs, sensitive lighting and signage designs, a public outdoor plaza, and properly formulated pedestrian circulation and connections; and

**WHEREAS**, pursuant to Section 154-75 of the Town Code, the Planning Board has carefully considered whether the development and use of land that is the subject of this Application will have a harmonious relationship with the existing and/or permitted use of contiguous land and of adjacent neighborhoods; and

**WHEREAS**, the health, safety, general welfare, comfort and convenience of the public was fully considered by the Planning Board; and

**WHEREAS**, the Planning Board has complied with the requirements of Article 8 of the Environmental Conservation Law, and its implementing regulations under the New York State Environmental Quality Review Act 6 NYCRR Part 617 (“SEQRA”), and as Lead Agency pursuant to SEQRA has duly filed all appropriate determinations and documents in accordance with 6 NYCRR Part 617.10, including preparation of a draft and final environmental impact statement (the “DEIS” and “FEIS”) and its adoption of a findings statement on July 17, 2008 (the “Findings Statement”); and

**WHEREAS**, the requirements for Final Site Plan review and approval contained with Article XV of the Town Code, and all other applicable provisions have been complied with unless otherwise specified and/or waived herein; and

**WHEREAS**, the Zoning Board of Appeals granted the Applicant a Special Permit for a Regional Retail Center in accordance with the Town Code; and

**WHEREAS**, the Putnam County Department of Planning approved the Site Plan pursuant General Municipal Law Section 239-m.

**NOW THEREFORE BE IT RESOLVED THAT** in the Application of Patterson Crossing Realty Company, LLC for Final Site Plan Approval pursuant to Chapter 154 of the Town Code, the Planning Board finds that the subject Application and Final Site Plan, as modified in accordance with any applicable conditions set forth in this Resolution, complies with all requirements of the Town Law and Chapter 154 of the Town Code, as well as the requirements of the FEIS and Findings Statement, and the Town of Patterson Planning Board hereby grants Final Site Plan Approval, subject to the Applicant’s compliance with the following general and special conditions:

Note that the five general conditions and the specials that I will read. Number one under the special conditions:

1. All governmental approvals and/or permits required in connection with this Project shall be obtained and all General Conditions satisfied within two (2) years from the date of the adoption of this Resolution. The Town of Patterson Planning Board may extend this requirement for up to three (3) additional periods of one (1) year each based upon annual review of this condition and Project. This Resolution shall expire if said approvals and/or permits are not obtained within the time frames specified in this provision, unless otherwise extended by the Town of Patterson Planning Board.
2. The Project Owner and/or its representatives shall complete the mitigation measures described in the Environmental Impact Statement prepared for the project and the Finding Statement adopted by the Planning Board on July 17, 2008. Mitigation measures shall be implemented as necessary to meet the intended purpose and needs of each specific mitigation measure, except for mitigation measures described in Schedule A attached hereto, which shall meet the schedule provided therein.

3. The access drive to Concord Road is to be used by vehicles for emergency access only.
4. This Resolution, and the approvals granted and conditions imposed herein, shall run with the land.
5. The Project Owner and/or prospective tenants may require minor modifications of the facade of an individual building based upon the exact use or needs of the intended tenant (“Modifications”). Modifications of one or more of the buildings may occur as the final plans are developed and shall be reviewed by the Town Planner. Any other modification shall be referred to the Planning Board for further review and approval.
6. All maintenance obligations, as detailed in the maintenance schedule and/or in the SWPPP shall be carried out by the Applicant, the operator of the Retail Center, and/or their assignees.
7. The design and color of the retaining walls as shown on the Final Site Plan is approved, however, the Town’s consulting engineer shall review and approve said walls as to final structural design before the erection thereof.
8. The Planning Board hereby approves the quantity and location of all parking spaces shown on the Final Site Plan, having issued a waiver of the applicable parking requirements to the extent as follows: (a) the minimum parking count shall be 1,681; and (b) one-third of all spaces shall be 10’ x 18’ and two-thirds shall be 9’ x 18’.
9. The off-site stormwater improvements at the Putnam County Department of Highways and Facilities Garage shall be constructed and operational prior to the paving of the final 25% of the Patterson Crossing parking area, unless the off-site stormwater improvements cannot be completed through no fault of the Applicant.
10. The Project grading will be constructed in phases as shown on the approved site plan. Each phase will be completed and temporary stabilization achieved prior to beginning work in the next phase of construction. Temporary stabilization shall mean site grading has been completed and any exposed soil has been covered with seed and mulch, or other materials including pavement, turf reinforcement mats or excelsior wood fiber mats such that the underlying soil shall not erode.
11. Prior to endorsement of the Final Site Plan by the Planning Board, the Applicant shall post with the Town a performance bond, as required by §154-84, in an amount equal to 125% of the cost of site restoration associated with the phase of construction with the greatest cost for such restoration. At no time shall the amount of disturbance on the site be greater than the amount of the performance bond held by the Town which is deemed by the Town to be necessary to restore the site.
12. Prior to endorsement of the Final Site Plan by the Planning Board, the Applicant shall post with the Town an inspection fee equal to the inspection fee required for the first two phases of construction. Prior to the beginning the second phase of construction, or any subsequent phase thereafter, the Applicant shall post with the Town an inspection fee for the next phase of construction in the sequence. Nothing contained herein shall restrict the Town from requiring additional inspection fees should the amount of fee provided for any phase prove insufficient to cover the costs of inspection of said phase.

**BE IT FURTHER RESOLVED** that the Planning Board authorizes the Chairman and Vice-Chairman/Secretary of the Planning Board to sign and endorse the Final Site Plan upon the Applicant’s compliance with and satisfaction of all conditions stated above; and

**BE IT FURTHER RESOLVED** that the time frames specified herein shall be suspended upon the Town's notification of a legal action pertaining to this application, and shall not further commence until such time as said matter is resolved by a court of competent jurisdiction; and

**BE IT FURTHER RESOLVED** that this Final Site Plan approval shall expire, pursuant to Section 154-87 of the Town Code, one year from the date that the Final Site Plan is signed by the designated representatives of the Planning Board, unless a building permit has been obtained prior to the expiration of this one year term in compliance with the terms and conditions of this Final Site Plan Approval.

Chairman Rogan stated so moved. Can I have a second.

Board Member Montesano seconded the motion.

**Upon Roll Call Vote:**

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

Motion carries by a vote of 4 to 0.

Chairman Rogan stated motion carries. Okay, I need a drink of water.

Board Member Montesano stated I wonder why.

Mr. Contelmo stated thank you.

Chairman Rogan stated thank you very much Mr. Contelmo.

Mr. Contelmo stated we appreciate all your hard work in reviewing this and thank Rich also for putting a lot of time into a very detailed resolution, we think it's very complete. We appreciate your help with that.

Chairman Rogan stated thank you kindly.

Mr. Contelmo stated thanks.

**4) WALLACE WETLANDS/WATERCOURSE PERMIT – Request for Renewal**

The applicant did not appear.

Chairman Rogan stated okay, at the work session last week approved a renewal for Wallace Wetland/Watercourse Permit.

**5) LANGFORD FILL PERMIT**

The applicant did not appear.

Chairman Rogan stated have Langford Fill Permit, is there anyone here for Langford.

Rich Williams stated I did talk to them Mr. Chairman, they were aware that they needed to be here, we'll move along and we can get back to Langford.

**6) WINDING GLADES SITE PLAN – Site Plan Application**

Mr. David Cooper of Zarin & Steinmetz was present to represent the applicant.

Chairman Rogan stated is anyone here for Winding Glades.

Mr. Cooper stated yes, good evening Mr. Chairman and members of the Board. My name is David Cooper with the law firm Zarin & Steinmetz, representing Winding Glades.

Chairman Rogan stated good evening.

Mr. Cooper stated I am the sole person here tonight.

Chairman Rogan stated okay.

Mr. Cooper stated we received the memorandum from Rich Williams, as well as the Town Engineer and thank you for it, we are going through the comments. We would agree that the next real big step is to schedule a site visit so essentially I am here tonight to try to schedule a site visit, so.

Chairman Rogan stated okay, we would like, generally there is some staking involved so we know what we're looking at.

Mr. Cooper stated yes, right.

Chairman Rogan stated an obviously the skid pad is a rather larger area, I think the four corners would not even be enough out there.

Mr. Cooper stated right.

Chairman Rogan stated maybe if we can flag the perimeter...

Rich Williams stated Mr. Chairman.

Chairman Rogan stated yes.

Rich Williams stated if I may, in talking to Mr. Cooper, I did suggest that they did flag a hundred feet on everything.

Chairman Rogan stated perfect.

Mr. Cooper stated right, I have just to confirm, to make sure we got it right.

Chairman Rogan stated thank you.

Mr. Cooper stated the access road at a hundred foot increments...

Chairman Rogan stated that would be centerline of the road.

Mr. Cooper stated centerline, yea that is (inaudible).

Chairman Rogan stated okay, I'm sure that's probably what they would have done.

Mr. Cooper stated so we are saying that the corners of the building, the actual garage building, not the, just the corners of that building, is that right.

Chairman Rogan stated well how big is that building.

Rich Williams stated twenty-five thousand square feet.

Mr. Cooper stated thank you, Rich.

Chairman Rogan stated oh okay.

Rich Williams stated that's fine.

Chairman Rogan stated okay.

Mr. Cooper stated okay, so the corners, the perimeter of the skid pad a hundred foot spacing and the race track at a hundred foot increments as well.

Chairman Rogan stated yup and that is center line as well.

Mr. Cooper stated and that is center line as well.

Chairman Rogan stated perfect, you let us know when that's completed.

Mr. Cooper stated I've spoke with the consultants and what they are telling me is that they can get it done by October 16<sup>th</sup>.

Chairman Rogan stated okay.

Mr. Cooper stated so what we would like to do is actually schedule it between that time and the next Planning Board meeting so that we can come back and actually get a scope of the methodologies you would like us to assess.

Chairman Rogan stated okay, are you going up to your place for opening day, the 17<sup>th</sup>.

Board Member Pierro stated I will be in the area but if we don't get it done in October, you know, we are all at risk after that point because we are talking about November, deer hunting season. I don't care who owns the property but there are a lot of people in there with weapons.

Chairman Rogan stated that is why we have to do it in October.

Board Member Pierro stated so we have to do this in October.

Mr. Cooper stated since I'm going to be there I absolutely agree with you.

Board Members laugh.

Mr. Cooper stated so we can, what my understanding is that Saturdays are probably best, Saturday mornings.

Chairman Rogan stated Saturday probably.

Mr. Cooper stated because its getting darker...

Chairman Rogan stated yea.

Mr. Cooper stated so either the 17<sup>th</sup> or the 24<sup>th</sup>, is fine for us.

Chairman Rogan stated sure, the other question that was brought up or the other comment was because it is a rather rugged and large site, you had mentioned the possibility of having an ATV or two on site, if there is a way to negotiate through. I think we could take care of that for our own Board with consent from the owner to just be on the property with that and it is mainly just to make sure that we can get around the site.

Mr. Cooper stated yea, I'm sure they would, I'll get official consent but I'm pretty sure they would, yea.

Chairman Rogan stated okay and I'm sure with your trailer...

Board Member Pierro stated right, yeah I can get a couple.

Chairman Rogan stated even...

Board Member Montesano stated the 24<sup>th</sup>, I won't be back.

Chairman Rogan stated how about the 17<sup>th</sup>.

Board Member Montesano stated the 17<sup>th</sup>...

Board Member Pierro stated the 17<sup>th</sup> is opening day of bow season.

Board Member Montesano stated I know, I'm gone.

Chairman Rogan stated you're gone the 17<sup>th</sup>.

Board Member Montesano stated I'm gone from the 17<sup>th</sup> to the 25<sup>th</sup> actually.

Chairman Rogan stated what is the...

Board Member Montesano stated the 25<sup>th</sup> is a Sunday.

Board Member DiSalvo stated you don't want to miss this one. Well let's go, you said it would be done by what date.

Mr. Cooper stated the 16<sup>th</sup>.

Chairman Rogan stated the 16<sup>th</sup>, so the 17<sup>th</sup> is the first Saturday.

Board Member DiSalvo stated Friday.

Board Member Montesano stated right that is the first Saturday and I'm gone Friday.

Chairman Rogan stated when are you leaving.

Board Member Montesano stated I should be leaving here Friday afternoon.

Chairman Rogan stated okay, so you're back on the 25<sup>th</sup>.

Board Member Montesano stated I'll be back late on the 24<sup>th</sup>, the 25<sup>th</sup> would be that Sunday.

Chairman Rogan stated our meeting isn't until November 5<sup>th</sup>, so what about that last.

Mr. Cooper stated well that's Halloween.

Chairman Rogan stated perfect, that's not good obviously, personally it doesn't matter but its...

Mr. Cooper stated it's, I know for me it will be a conflict, I'm going to be out of town, not for Halloween but for family business but somebody else can certainly be there...

Chairman Rogan stated understood.

Mr. Cooper stated but if we have to do it on the 31<sup>st</sup>, obviously we want to get it done so.

Board Member DiSalvo stated that's a Saturday.

Chairman Rogan stated yea.

Board Member Montesano stated it's a Saturday.

Mr. Cooper stated yea don't dress like a deer because we are...

Chairman Rogan stated we usually do our site walks pretty early in the morning so we could knock this out at least you know, I don't mind doing it on Halloween that's up to everyone else.

Board Member Montesano stated I don't expect anything to be coming out of the ground.

Chairman Rogan stated you want the tentative, let's shoot for October 31<sup>st</sup>, which is a Saturday and we will be there at 8 a.m.

Mr. Cooper stated whatever time is good.

Rich Williams stated the office will be dressing this year.

Mr. Cooper stated if there are any problems I guess I'll talk to Rich.

Chairman Rogan stated yea but that is what we will shoot for tentatively.

Ted Kozlowski stated Shawn, I won't be there but I don't, based on (inaudible) I can't be there that day.

Chairman Rogan stated okay, fine.

Mr. Cooper stated okay, great, see you then.

Chairman Rogan stated thank you for your time.

Board Member Montesano stated we have to check with Charlie now.

Chairman Rogan stated yea, we'll check with Charlie and we'll see you the 31<sup>st</sup>.

#### **7) TOM'S BARBER SHOP – Site Plan Application**

Mr. James Sanok of Sanok Design Group was present to represent the application.

Chairman Rogan stated okay, Tom's Barber Shop, is anyone here from Tom's Barber Shop.

Mr. Sanok stated hello.

Chairman Rogan stated hello, how are you sir.

Board Member Pierro stated Mr. Chairman, I will recuse myself from this matter.

Chairman Rogan stated thank you.

Board Member Montesano stated didn't like your hair cut.

Mr. Sanok stated good evening.

Chairman Rogan stated good evening.

Mr. Sanok stated my name for the record is James Sanok with Sanok Design Group. Tom [Salinas] had approached me several months ago about expending or creating parking in the rear portion of his property of the new barber shop and I'm not sure if you know the site or have been on the site.

Chairman Rogan stated we did a site walk there.

Mr. Sanok stated okay, very good.

Chairman Rogan stated about a week ago.

Board Member DiSalvo stated (inaudible).

Mr. Sanok stated I think you can understand the difficulty of trying to create a parking lot that is going to provide enough space to make it actually work to actually make a parking lot back there. Currently exists is a small wood barn which Mr. Salinas would like to take down, we would like to develop some cobblestone curbing around the portion of the parking lot, one to preserve the leaching fields and to create five additional spaces in the rear of the property. One of those spaces being handicap, with a handicap accessible aisle which brings you right into the rear portion of the barber shop. We are proposing six foot high fencing at the perimeter of the property with vertical slats in it, due to budgetary constraints with him just opening the barber shop, what he would like to do is he would like to do an item four installation now and within a years time, adding the asphalt to top everything off and clean it up.

Chairman Rogan stated when we spoke to Mr. Salinas, we realize that probably by the time he gets going on this the blacktop plants are going to be closed anyway...

Mr. Sanok stated yea.

Chairman Rogan stated so, spring time is not that far away and you had shown a dry well pitching the water towards that back corner of the parking lot and I know that when we were out there we kind of thought it would be better to get it to sheet flow towards the road.

Mr. Sanok stated okay, we can definitely...

Chairman Rogan stated there is plenty of slope there to work with it.

Mr. Sanok stated and I did look at that, you know my thought was to not add more water to road because its not really alleviating itself...

Chairman Rogan stated I don't think we are talking about...

Rich Williams stated its not significant.

Chairman Rogan stated not significant.

Mr. Sanok stated okay, then we would eliminate the dry well completely and pitch it the other direction.

Chairman Rogan stated and when you have final grade established, as it relates to the property, the adjacent property, if there is a significant difference in elevation, even if it's only maybe a foot. I think you ought to consider some kind of a stabilization there because there's a sidewalk on the neighboring property, right off, maybe two or three feet off the property, I would hate to see that undermined or washed down into your...

Mr. Sanok stated sure, I think when I re-grade this to pitch it to the front, if it does get above six inches because we are showing curbing there now then we would do a small uni-block, one course or something like that.

Chairman Rogan stated perfect, that is exactly what we spoke to Tom about. Do you know, does your plan reflect an assumption based on the absorption area, absorption fields, not the area, we know it's the area. It looked like the tank was new.

Mr. Sanok stated the tank is new, the leaching field is failing, we had the Department of Health out there to conceptually come up with a plan with the septic contractor, he excavated everything, we all looked in the hole and with the help of the Health Department, we actually came up with this scheme which he presented to them. They would approve it under one condition, that the Planning Board approve a plan that shows curbing and lawn to preserve that area and never to be parked on.

Chairman Rogan stated okay, so then they wouldn't allow you to do H2O loading and go under.

Mr. Sanok stated it was kind of flipping conditions, they wouldn't.

Chairman Rogan stated okay.

Mr. Sanok stated they said we could park on the tank...

Chairman Rogan stated yea.

Mr. Sanok stated you know but it didn't give us too much, I could increase the size of these spaces but they are ten feet wide already.

Chairman Rogan stated what we observed when we were on site was that if this plan is accurate and I'm assuming it is, the area that is taken up by absorption and lawn, doesn't leave a whole lot left when you take out the building. It looked on this plan like it, like the area was much larger than what Mr. Salinas I think is aware of, in terms of what's left so just check that.

Mr. Sanok stated I will check that. I know the requirements for the Health Department is that we had to be ten feet away from the building and then they gave us the spacing for the laterals and I matched that up.

Rich Williams stated after the site walk because I said I would, I went back with the plan and took some measurements...

Chairman Rogan stated yea.

Rich Williams stated and it does all lay out properly, what is deceiving out there is a combination of the barn and the fact that the northerly property line actually comes out into what the neighbor has been using for his driveway.

Chairman Rogan stated oh, okay.

Rich Williams stated and that, it was very deceiving when we were out there.

Chairman Rogan stated so ten foot off the building and six foot on center for the trenches so your thirty foot is basically what taking off.

Mr. Sanok stated exactly and that is why I tried to...I would have liked to push a little further to the building, that would have been ideal but that requirement for the building set back.

Chairman Rogan stated okay, there obviously was some concern expressed not only by Board Members and Mr. Williams but also by our Engineering professional that five spaces looks kind of tight. We were wondering when its all said and done...when its all said and done, whatever fits is what is going to happen but we'd rather have three spots that work well then five that they are banging into each other.

Mr. Sanok stated I agree that it is a tight configuration, you know, I tried to loosen this up the best I could but the owner...

Chairman Rogan stated yea.

Mr. Sanok stated is driving for as maximum spaces as possible.

Chairman Rogan stated sure.

Mr. Sanok stated it will either go from, developing to be three spaces or brining it up the extra two to five and what weighs out is that is it feasible for that much work for three spaces.

Andrew Fetherston stated Shawn...

Chairman Rogan stated yes.

Andrew Fetherston stated when I wrote my memo that was (inaudible) when I wrote the memo I noticed, it was before you had done your site walk and brought them out towards the road. If you want the best of both worlds pitch it towards the road and try not to let it, I'm sorry...

The Secretary stated its not on.

Andrew Fetherston stated if you wanted to pitch it towards.

Chairman Rogan stated oh.

Andrew Fetherston stated is it on.

Chairman Rogan stated I could hear you fine before, so I don't know.

The Secretary stated just gotta make sure.

Andrew Fetherston stated if you wanted to pitch it towards the road and try to absorb some of the water, you can put the drain over by the exit...

Chairman Rogan stated that's a good point.

Andrew Fetherston stated (inaudible).

Chairman Rogan stated I wonder what the ground water conditions are out there.

Rich Williams stated the separation, you don't make the separation from the septic.

Chairman Rogan stated from the, oh okay.

Andrew Fetherston stated from the septic, yea.

Chairman Rogan stated all right. Eight pounds in a five pound bag but we'll do the best we can.

Andrew Fetherston stated yea, it's tight.

Chairman Rogan stated Mr. Salinas did a nice job with the building.

Mr. Sanok stated he did, he really did.

Chairman Rogan stated Rich.

Mr. Sanok stated I know that the, I received the memo tonight from your Town Planner, I went through all the items, everything that he suggests we will modify into our drawings.

Chairman Rogan stated sure.

Mr. Sanok stated the fencing was one question I had for you, we went with chain link fence with slats in it, I know that there is, we show it as four feet high, that's a typo, its meant to be six feet high but one of the commentaries was about the material of the fence. Mr. Salinas is open to suggestions from the Board, we can do a six foot high wood privacy fence, we can maintain the six foot high chain link fence, its one half dozen of the other.

Chairman Rogan stated I think we were looking more for something, you guys had mentioned another fence like across the street but something with a little more privacy.

Mr. Sanok stated okay.

Chairman Rogan stated I would say contain this site but...

Mr. Sanok stated would slats in the chain link fence provide enough, my only one concern with the thought of chain link fence, the plow is going to push the snow around, its going to pile up against the fence, where there is some flexibility with chain link fence. What you end up with is broken wood fence that no one wants to repair.

Board Member Pierro stated yea.

Mr. Sanok stated which looks worse.

Chairman Rogan stated good point.

Rich Williams stated you're going to have a bank there, those plows you know I don't know how much farther they are going to push it.

Mr. Sanok stated his intention was to just fill up the corner with snow.

Board Member DiSalvo stated just back blade it.

Chairman Rogan stated yea, it's a small parking lot. Let's think about that fence issue. The oil tank isn't shown on the plans or wasn't shown on the initial plans that is existing on site outside.

Mr. Sanok stated I'll have to check.

Chairman Rogan stated we were talking about some bollard protection for that.

Mr. Sanok stated okay.

Chairman Rogan stated I think two would probably suffice but its in the area that you show as your garbage, right close to the building.

Board Member DiSalvo stated (inaudible).

Mr. Sanok stated I'll have to check the survey, I don't believe the surveyor put it on but I will modify the drawings to include that and the bollards.

Chairman Rogan stated okay, Rich, in terms of procedural, it sounds like we are all on the same page on this, we could do lead agency and do an uncoordinated review, there is nobody else really involved in this other than what County Planning, not even.

The Secretary stated Health Department.

Chairman Rogan stated oh yea.

Rich Williams stated yea we are going to have to County Planning but we are going to have to do that whether we do them as an interested agency or not. My recommendation to the Board would be an uncoordinated review and just you'll deal with SEQRA on your own.

Chairman Rogan stated yea.

Rich Williams stated the issue with the septic system is a repair, that is a type two, so...

Chairman Rogan stated yea, not a big deal.

Rich Williams stated Health Department is not really involved so I wouldn't coordinate the review, I wouldn't do intent for lead agency.

Chairman Rogan stated right, okay. We can do SEQRA and set a public hearing for next meeting, I mean, do you see any reason why we...

Rich Williams stated nope, those are the next two steps in the process and there is a third one that I would like to talk to the Board about.

Chairman Rogan stated sure.

Rich Williams stated one of the things that have been contemplated is that you're going to allow them to have a gravel driveway and pave it in the future. Typically what we do is when you have that, so we can

get the site plan signed, we are going to ask him to post a bond for that pavement, now if everybody is okay with that then we are going to need calculations on the cost of the paving to the Town Engineer or any other issues that he thinks are relevant to a bond.

Andrew Fetherston stated the dry well, curbing will be installed.

Mr. Sanok stated curbing will be installed with the item four; the only thing left would be the asphalt courses.

Rich Williams stated however, we've changed the Code so now it's an erosion control, so what do we do.

Chairman Rogan stated can we...

Rich Williams stated we have changed the Code so all we can do now is take a bond for erosion control...

Chairman Rogan stated we can't take a bond for asphalt.

Rich Williams stated right.

Chairman Rogan stated right.

Rich Williams stated technically we can't let him occupy the parking area; he would have to fence it off.

Chairman Rogan stated can we make the asphalt a condition, its going to be a condition of the approval and set a time frame on that whereby if it's not done, the approval in effect ceases and then it would be a violation. I mean, Mr. Salinas has been a pretty darn good neighbor, I think that he's going to follow through.

Rich Williams stated yea.

Board Member Montesano stated he owns the building, its not that he's going to move out of there, with the investment that he's got in it.

Chairman Rogan stated yea, he sounded like doing this spring was April, May, June was not a big deal.

Mr. Sanok stated I really, he spent a lot of money getting in, he wants to get this established and then wants to do the next...

Chairman Rogan stated absolutely, as long as we can work...

Board Member DiSalvo stated maybe we can make it a year from today, so that gives him a little extra time.

Chairman Rogan stated yea.

Board Member DiSalvo stated before they close next year.

Board Member Montesano stated within a year, put it that way.

Chairman Rogan stated Maria, would you do SEQR, once this gentleman is done.

Board Member DiSalvo stated I'll do the SEQRA, okay.

Mr. Sanok stated I'm sorry...

Chairman Rogan stated no, don't.

Mr. Sanok stated one of the other comments from the Planner is about accessibility for the ADA and item four is not acceptable, it doesn't meet code. In our next plan we will show that being asphalted right away, so that we meet the Code.

Rich Williams stated you might as well show the whole place as being asphalt, you do on your plan now.

Chairman Rogan stated right, yea.

Rich Williams stated just acknowledge that you are going to do it within the time frame.

Mr. Sanok stated okay.

Chairman Rogan stated he's going to do an asphalt, just, he's going to come in there and they are going to pave for just one space, they are not going to do the whole thing.

Mr. Sanok stated well that is the requirement to meet the ADA, you know I've got ADA requirements that I have a smooth surface.

Chairman Rogan stated at that point he is probably going to say you know what I've got the guys out here, its going to be cheaper to bring them out once than twice.

Mr. Sanok stated I mean do I, do I get a C of O without paving.

Rich Williams stated the point of the comment was, you can't show it as ADA parking and show it also as gravel surface...

Mr. Sanok stated okay.

Rich Williams stated you certainly can show it as ADA parking with the intent that you are going to pave it, even though you don't pave it for...

Chairman Rogan stated oh okay.

Mr. Sanok stated okay, I understand.

Rich Williams stated you know for a defined period.

Mr. Sanok stated okay, very good, then I can do that.

Chairman Rogan stated understood, okay, perfect, okay, Maria.

Board Member DiSalvo stated okay, in the matter of Tom's Barber Shop, move that in the application of Tom's Barber Shop, the Planning Board of the Town of Patterson finds that the proposed action will not have a significant impact on the environment and hereby issues a negative declaration of significance.

Board Member Montesano seconded the motion.

Chairman Rogan asks for all in favor:

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

Motion carries by a vote of 3 to 0.

Chairman Rogan stated and you want to set a public hearing for the November 5<sup>th</sup> meeting on this application.

Board Member Montesano stated so moved.

Chairman Rogan stated can I have a second.

Board Member DiSalvo seconded the motion.

Chairman Rogan asks for all in favor:

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

Motion carries by a vote of 3 to 0.

Chairman Rogan stated okay, so you clean up your plans, we'll figure out a way to craft the approval so that we can take care of the asphalt issue and see you next time.

Mr. Sanok stated okay and one just quick question about the process. Notifying the neighbors is our responsibility and I will contact Michelle, for that.

Chairman Rogan stated yes.

The Secretary stated okay.

Chairman Rogan stated you said everything right, perfect.

Mr. Sanok stated have a good evening.

Chairman Rogan stated good evening.

**9) CRIVELLI/WILSON LOT LINE ADJUSTMENT**

Mr. Mondy Raibon and Mr. Scott Wilson were present.

Chairman Rogan stated okay, I know I'm not going to say this right, how did you say it Michelle.

The Secretary stated Crivelli.

Board Member Montesano stated Crivelli.

Chairman Rogan stated is anyone here for Crivelli/Wilson Lot Line Adjustment, okay, you're up gentlemen.

Mr. Raibon stated good evening.

Chairman Rogan stated good evening, we have your plans here, we see that you have a lot adjustment application, could you just tell us the reason for...I apologize Dave I should have let you know they were done.

Board Member Pierro stated that's okay.

Chairman Rogan stated the reason for the lot line adjustment.

Mr. Raibon stated it would basically be in compliance with the Town of Patterson Zoning Laws. We, the lot that we own, I'm Mondy Raibon, this is Scott Wilson.

Chairman Rogan stated thank you.

Mr. Raibon stated the lot that we own is approximately an eighth of an acre is a very narrow strip and if you, I don't know what map you're looking at but the one I have, the one shows a shed, a tool shed and you can see its right on the property line. The steps that go up to the house there, there are like thirty-eight steps up to the house and right now that's not a problem but in future years that could get to be a problem.

Chairman Rogan stated okay.

Mr. Raibon stated so what we would like to, a part of the rationale of this is to be able to have additional space so we can look at some alternative ways of changing access to the house and also just get off our neighbor's property lines.

Chairman Rogan stated it looks like you don't have much septic back from the corner of the house to the existing property either, it's very close so this will certainly and the property that you are transferring, appears that it has no impact on the other lot. So it sounds like it is a good deal for both of you. Anything from either of you gentlemen on this application, no, we have a resolution on this prepared...

Rich Williams stated if I could just jump in there real quick, just so you're aware.

Chairman Rogan stated sure.

Rich Williams stated I did review the plans, there are two additional changes that I requested to the plans, neither of them are significant and I'll contact the surveyor in the morning.

Chairman Rogan stated okay.

Mr. Rainbon stated oh.

Rich Williams stated one of them has to do with the lot line adjustment plat having to be endorsed by the Putnam County Health Department...

Chairman Rogan stated okay.

Rich Williams stated on a non-jurisdictional approval and I'll make sure that block gets put on there and then I just asked for the tax map numbers to be shown, attributable to the property owners so you know who has what tax map numbers, that's...

Chairman Rogan stated okay.

Board Member DiSalvo stated where would you want those under, special conditions in the resolution.

Chairman Rogan stated you can just state them as conditions.

Rich Williams stated they are under the special conditions already.

Chairman Rogan stated oh they are.

Board Member Montesano stated jeez, you're talking to the lawyer.

Chairman Rogan stated you don't have to read, you just.

Board Member DiSalvo stated I know, in the matter of Crivelli/Wilson Lot Line Adjustment, I make a motion that we approve the resolution dated October 1<sup>st</sup>, with six general conditions and two special conditions.

Chairman Rogan stated do I have a second.

Board Member Montesano seconded the motion.

Chairman Rogan asks for all in favor:

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

Motion carries by a vote of 4 to 0.

Chairman Rogan stated well done, thank you gentlemen.

Mr. Raibon stated thank you and I would like to acknowledge Rich for working with us to get this completed.

Chairman Rogan stated we got you on here pretty quick, we appreciate your time.

Mr. Raibon stated I guess but one question, what is our next step in this process as it relates to the Town of Patterson.

Rich Williams stated the surveyor needs to make those corrections, somebody needs to take it to the Health Department get that signed by the Health Department. Then it comes back here, the Chairman and Vice Chairman sign the plat and then somebody has to take it to County and file it with the County Clerk, get a copy back, take it some place cheaper to make five copies and bring five copies back here.

Chairman Rogan stated yea.

Mr. Raibon stated I'll call you tomorrow.

Chairman Rogan stated there you go, have a good evening. Under...is there anyone here from Langford.

## **10) OTHER BUSINESS**

### **a. Benderson (Patterson Commons) Performance Bond**

Chairman Rogan stated under other business we had Benderson Performance Bond which we had taken care of at the work session.

### **b. Steger Zoning Amendment**

Chairman Rogan stated we have nothing new on Steger's Zoning Amendment.

### **c. Guiding Eyes for the Blind - Request for Extension**

Chairman Rogan stated we did an extension for Guiding Eyes for the Blind.

### **d. Apap Site Plan- Release of Bond**

Chairman Rogan stated Rich, do we have anything on the bond for Apap.

Rich Williams stated I thought we had done that, did we not do it.

Chairman Rogan stated I thought we did awhile back but its on the agenda, we didn't do it at the work session.

The Secretary stated I thought you did it at the work session.

Rich Williams stated did we do it at the work session or not.

Chairman Rogan stated no.

The Secretary stated I can look.

Rich Williams stated okay, if not, I apologize then, I went out and confirmed that all the site improvements have been completed, I thought it had been done at work session, so I didn't bother to issue a memo back to you.

Chairman Rogan stated okay so on your recommendation can we make a recommendation to the Town Board that they release the remaining bond on the Apap Site Plan.

Rich Williams stated right.

Board Member Pierro stated so moved.

Board Member Montesano seconded the motion.

Chairman Rogan asks for all in favor:

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

Motion carries by a vote of 4 to 0.

**e. Dunning Subdivision Request for Extension**

Chairman Rogan stated Dunning Subdivision we did an extension.

Board Member Montesano stated two 90 days extensions.

**11) MINUTES**

Chairman Rogan stated we have minutes of August 27<sup>th</sup> and September 3<sup>rd</sup> of this year, 09 to approve, so moved.

Board Member DiSalvo seconded the motion.

Chairman Rogan asks for all in favor:

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

Motion carries by a vote of 4 to 0.

Board Member DiSalvo stated this...

**8) TOM'S BARBER SHOP – Sign Application**

Chairman Rogan stated oh I'm sorry, we also approved, I apologize...

Board Member DiSalvo stated Tom's sign.

Chairman Rogan stated Tom's Barber Shop, we approved a sign application at the work session last week.

**5) LANGFORD FILL PERMIT**

Chairman Rogan stated Langford Fill Permit, no one here, what does everyone want to do. We certainly can take an action on it, we have information from our professional staff, we have pictures, we have a fill permit that's complete. I personally don't mind taking an action on it, its up to everyone else.

Board Member Pierro stated Rich, the photos that were taken, that we saw in the office earlier, were taken today.

Rich Williams stated yesterday.

Board Member Pierro stated yesterday and everything is...

Chairman Rogan stated 9/30.

Board Member Pierro stated everything is.

Rich Williams stated in place and stable, the issue with the concrete blocks in the proximity to the stairwell...

Board Member Pierro stated right.

Rich Williams stated they are well aware that they are going to have submit plans to re-do the steps coming down off of the...

Board Member Pierro stated why is that, its over four feet.

Rich Williams stated well...

Chairman Rogan stated because it's so close.

Rich Williams stated the concrete blocks are within 24 to 30 inches, typically they want 36 inches.

Board Member Pierro stated okay.

Chairman Rogan stated the bottom of the stairs, they are just going to redesign the stairs, just do a half of a stair case and landing or something.

Rich Williams stated do a landing and turn them out.

Chairman Rogan stated so we have a fill permit for Rich and Stephanie Langford, 48 Somerset Drive to place approximately 80 yards of fill to extend the driveway, we have a memo from the Town Planner, we have pictures, I would say based on the latest memo on September 24, 2009 from the Town Planner and using those comments as conditions of the approval, I move that we approve that fill permit.

Board Member Pierro seconded the motion.

Chairman Rogan stated we have to do SEQRA on a fill permit.

Rich Williams stated you should.

Chairman Rogan stated and that the fill permit has no significant impact and issue a negative determination of significance of SEQRA.

Board Member Pierro seconded the motion.

Chairman Rogan asks for all in favor:

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

Motion carries by a vote of 4 to 0.

Chairman Rogan stated okay, we did the minutes, anything from anyone, motion to adjourn.

Board Member Pierro stated don't throw out your general codes.

Board Member Montesano seconded the motion.

Chairman Rogan asks for all in favor:

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

Motion carries by a vote of 4 to 0.

The meeting adjourned at 8:07 p.m.