

**TOWN OF PATTERSON  
PLANNING BOARD MEETING  
November 2, 2006  
AGENDA & MINUTES**

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David Pierro  
Shawn Rogan  
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**TOWN OF PATTERSON  
PLANNING & ZONING OFFICE**

**Planning Board  
November 2, 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, Board Member Charlie Cook, 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 7:33 p.m.

13 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) ALLIED POLLUTION CONTROL – Sign Application**

Mr. John Tucker, Tucker Sign Works was present representing the Applicant.

Vice Chairman Montesano asked can you use the microphone and tell us your name.

Mr. John Tucker stated I am John Tucker I am with Tucker Sign Works. This is just a brochure and a little bit about our company. (He handed the brochures to the Board). John Murl the owner actually ran back to his place to get, we missed the blue on the color chart so he will be back in like probably within two minutes. What we were proposing is a freestanding, double-sided, post and panel sign, carved with dimensional posts, non-illuminated.

Board Member DiSalvo asked non-illuminated now or do you plan on in the future of putting lights.

Mr. Tucker replied I am not sure. He doesn't really need lights. He does not really need to illuminate it too much so I can't speak for him. I know he will be back in like a minute.

Vice Chairman Montesano stated why don't you sit down and we will call you.

Board Member Pierro stated take a five minute recess and wait until Mr. Murl comes back to finish up.

Vice Chairman Montesano stated we can go on to the next.

Board Member Pierro stated yes I think we can knock out Gym Magic.

## 2) **GYM MAGIC GYMNASTICS – Sign Application.**

Mr. Troy Flemming, Applicant was present.

Mr. Flemming stated my name is Troy Flemming and I am the owner of Gym Magic Gymnastics. We are currently going to occupy half of the building on 2031 Route 22 which is approximately 11,000 square feet and actually Rich came by and asked me to do this for you guys because some of you laughed at my drawings that I had. (He handed the Board copies of a new sketch of the sign).

Board Member Pierro stated I don't want to make you feel bad but we all laughed.

Mr. Flemming stated I tried my best.

Board Member Pierro stated I though some of your kids did this.

Mr. Flemming stated actually my daughter did help me.

Mr. Flemming stated I guess Rich was there yesterday and took the measurements. We were no sure exactly, he had said because we are only doing half of the building so I guess that drops me down to half the square footage.

Rich Williams stated that was something that we had talked about at the work session, the Code requirements of the maximum size total sign area on any building is 100 square feet and seeing as Gym Magic would be occupying half of the building equitably they probably should be limited to 50 square feet on the building.

Mr. Flemming asked can I speak on that.

Vice Chairman Montesano stated yes.

Mr. Flemming stated basically, he took some pictures I did not bring them in so the space you see here where our sign is no other person can occupy that space. I would not be able to share that area I guess for a sign. My only concern was that we can be seen from the road so that I don't have to apply for another permit for a sign on the road. If that is what I have to do then that is what I have to do. What I wrote down was it was just an approximate of 2 feet by 2 feet letters basically. I think it is a total of 18 of them almost exactly how you see that. I think that came out to like 76 square feet. I didn't know if you guys would

allow the extra 26 square feet or not. You just have to let me know so I know to cut my size down. I mean if I can't and it does not work from the road then I will be back I guess to apply for another little sign on the road either way it does not matter to me.

Board Member Cook asked I am sorry Rich, what was the Code, it calls for a hundred square feet.

Rich Williams replied a hundred square feet total for any building and he is certainly under that but the existing sign that is up there right now would have to be removed. The issue though is he is only occupying fifty percent of the building. We can expect somebody else coming in. I did as it was mentioned take a couple of pictures. Here is a picture of the overall building.

Board Member Pierro asked what other tenants are in this building now.

Rich Williams replied the other half is vacant.

Board Member Pierro asked and that has access in the rear, there is loading docks.

Mr. Flemming replied yes there are two loading docks in the back on each side and a door on each side in the back by the loading docks.

Rich Williams stated and while you are considering all the different avenues this is (referring to a photo he took) along the frontage where the Dilmaghani sign is right now. It is kind of busy but there might be area if you wanted to stick something up at least temporary. Certainly, the Board may want to consider suggesting to the Applicants that are out there that they get together and put up one sign board permanently but as temporary you may want to allow some sort of signage along the front. Here is a picture of their existing sign for Gym Magic which is about eight square feet. It is about two by four, right.

Mr. Flemming replied yes.

Rich Williams stated that is up now.

Mr. Cook asked that is at a different location.

Rich Williams replied yes that is in Brewster.

Mr. Flemming stated we were the only sign up there and I guess people started to add on ours after everything was okay with ours. Basically, where we were before you could not see us from the road so that is why were right there on the road.

Board Member DiSalvo stated that is not there anymore (referring to one of the photo's).

Vice Chairman Montesano stated that I believe is still up.

Mr. Flemming asked can I just, what happened this door does this side and this door is where we are going to occupy (referring to a photo). I basically went with what was up there already because I just figured that would be the easiest.

Vice Chairman Montesano stated it wouldn't bother me because at least it looks nice.

Board Member Pierro stated the other problem is Mike, that if we allow him 76 square feet and somebody comes in and uses the other side of the building still has a right to put up a sign up on the front and I think that is where Rich is going.

Vice Chairman Montesano stated yes once you start it, it will go.

Vice Chairman Montesano stated the next thing is it has to be fifty percent of that.

Board Member Pierro stated no it has got to be twenty-five square feet less.

Board Member Pierro asked how difficult would that be.

Mr. Flemming replied that would not be difficult at all.

Board Member Pierro asked you haven't made this sign yet.

Mr. Flemming replied no not at all. I can always, if I was going to do it just to let you know I would go smaller on our name and bigger just on the gymnastics because this way that is what we are trying to sell so people can see. They don't really need to see Gym Magic. They just really need to see gymnastics. What I would do is I would probably make the Gym Magic, I would just fit it in so I was at what you are telling me. What was it 50 square feet. I would go as big as I can with the gymnastics and small as I can with the Gym Magic to make the square feet. I have no problem with that.

Vice Chairman Pierro stated thank you very much.

Board Member Pierro asked if you could come back with a rendering to that and if you agree we can make it part of the record.

Mr. Flemming stated I will go to a sign place and find out exactly like the Gym Magic is going to be like eighteen inches and the gymnastics will be whatever and then I will bring it back to you guys and we will take it from there.

Board Member Pierro stated yes.

Board Member Cook asked so we will look upon this as withdrawn and then,

The Secretary stated table it.

Vice Chairman Montesano stated we will table it.

Mr. Flemming asked so I can go ahead and go to a sign place and try to get a sign going as long as I am under the fifty square feet and then bring it back is that okay.

Rich Williams asked let's ask the question is the fifty square feet amenable. Are you okay with that.

Mr. Flemming replied yes I will go there and see if they can visually let me see what I am looking at because I really don't know. I don't know if the letters are going to be big and small and then I will have to come back. I mean if it is okay and it works then that is fine.

Rich Williams stated for the purpose of expediency you have got the color, you have got the basic design, you have got how it is going to look on the building as long as he stays within that fifty square foot guideline,

Board Member Pierro stated if you are comfortable with that I certainly am comfortable.

Mr. Flemming stated I mean if you approve me I will still bring it back to you guys to see it.

Rich Williams replied we would like a copy back just for the file.

Vice Chairman Montesano stated we can make Richie in one of his trips or ours to go out and take a look at it to make sure that it is within that parameter.

Board Member Pierro asked another concern is the freestanding signs what is going to happen with those out front.

Rich Williams replied that was another question. I did a little bit of extra homework to show you what is out there now, what is right down the road. I don't know if there is any interest in moving that sign up the road. If there is you may want to consider it tonight but,

Mr. Flemming stated just don't let them know I was a part of it.

Rich Williams replied we are not that is fine.

Vice Chairman Montesano asked can we consider it tonight when the owner of the building, per say, the other half is not available. What if he suddenly argues the point.

Board Mr. Cook stated I think we should just deal with what is in front of us.

Board Member Pierro stated I agree.

Rich Williams stated Mike, it is easy if the owner does not want it up, it is not going up. You are only authorizing the right to put it up but again, if you are not interested in really moving it then it does not matter.

Mr. Flemming stated if I was going to do anything out on the road I mean I would come back like I spoke to Rich it would just be a temporary saying that we are open like now open something removable nothing permanent in the ground. Unless I have people come and say like Rich and I spoke about some people might not see the sign until they are passed the driveway. If I get enough of that then I will have to come back to you guys and ask to put a little something out but hopefully not.

Vice Chairman Montesano stated sounds fair to me.

Mr. Flemming asked and there was one other thing about the lighting, do I address that now.

Vice Chairman Montesano asked let's put it this way do you anticipate putting any lights on that.

Mr. Flemming replied no there is a light on the building already to the right of it as you are looking at the picture and then I would say fifty feet not even across the road he has four lights from the parking lot that should shine it too. It should light it up enough I think.

Vice Chairman Montesano stated my suggestion would be because of the, well look at it this time of day, you are still going to be open, kids are going to be coming in. Those kids that come in normally they will know where the building is, parents may not but the kids will. If you are satisfied with that.

Mr. Flemming stated I mean if anything I would come back and maybe put two lights above the sign here to shine down on it but that is about it.

Vice Chairman Montesano stated if you are satisfied I am satisfied.

Vice Chairman Montesano asked does anybody want to make a motion on this.

Board Member Pierro asked do we have to do SEQRA as well.

The Secretary replied yes.

Board Member Pierro made a motion in the matter of Gymnastics, 2031 Route 22, Patterson that the Planning Board grants a negative determination of SEQRA in regards to their permit for a approval of a 50 square foot sign to be applied to the front of the building. Board Member DiSalvo seconded the motion.

Vice Chairman Montesano asked all in favor:

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

Motion Carried by a vote of 4 to 0.

Mr. Flemming asked do I get something saying that.

The Secretary stated when the minutes are done and approved I can get you a copy of it.

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

### 3) ALLIED POLLUTION CONTROL - Continuation

Vice Chairman Montesano stated all right we will go back to Allied and see if we can get your sign done.

Board Member Pierro asked Sir, state your name for the record.

The Applicant stated John Murl, last name spelled M-u-r-l and we are here tonight to talk about plans that we would like to have approved to install a sign for my business which is located at 1273 right down the road here on 311. I brought John Tucker with tonight whose,

Mr. Tucker stated I have already briefed them.

Mr. Tucker stated John just informed me that he does want to illuminate it at one point with a spotlight on the ground shining up at it.

Vice Chairman Montesano stated the location, it is going to be a shielded light.

Mr. Murl replied yes.

Vice Chairman Montesano stated what I am wondering is because of the location it has got to be shielded.

Board Member Pierro stated and there has to be plantings around the light, decorative plantings to cover the light source up and I am sure Rich will make available to you what is written in our Code regarding that.

Vice Chairman Montesano asked this logo you have here is that your colors for the logo.

Mr. Murl replied yes.

Board Member Pierro asked is that your logo, your font.

Mr. Murl replied yes correct.

Board Member Pierro asked would you be opposed to changing that to a more colonial appearance.

Mr. Murl replied well it is our logo so it is somewhat.

Board Member DiSalvo asked so let's see exactly what the color would be because yours looks a little different than our copy.

Mr. Murl replied we brought that.

The Secretary stated it is the printers.

Mr. Tucker stated the logo is symphony blue and the colors of the sign would actually match exactly the color of the building to the colors of the building. It would be the briarwood and the back is the Lancaster.(He showed the Board paint chips).

Mr. Murl stated so really in working with John we tried very hard to bring the colors of the building right into the sign so it matched.

Board Member DiSalvo stated that looks a lot different than what we have.

The Secretary stated yes because when you print it like I said to you when he emailed it to me my printer is going to be different.

Rich Williams asked if I could ask here, is that a Benjamin Moore color chart.

Mr. Tucker replied yes.

Board Member DiSalvo asked which is the color of the building.

Mr. Murl replied the main body of the building, it would actually be the reverse for the sign.

Board Member Pierro asked which color was it on the chart, symphony blue the darker blue.

Mr. Murl replied yes that will be the logo coloring and the lettering.

Board Member DiSalvo asked the background of the sign will be the,

Mr. Tucker replied the lighter of the two colors.

Board Member DiSalvo asked and then the post will be the same color as the background or.

Mr. Tucker replied this will be a raised border, the posts and the raised border it would have that reveal. It will be about three quarters of an inch reveal.

Board Member DiSalvo stated now this looks a little more colonial, the posts.

Board Member Pierro stated just as an explanation we do have a, we use certain historical colors within the Hamlet and you are just out of the Hamlet. One of our Members who is not here tonight wanted to try to get more of a colonial font if you will on the sign. I think originally Mike and I brought up that this may have been without knowing it may been your company logo and I can understand your desire to keep that logo continuous with your documents in your office.

Board Member Pierro made a motion in the matter of Allied Pollution Control, 1273 Route 311, Patterson, New York regarding their sign application for a 24 square foot post mounted sign for their front lawn that the Planning Board grants a negative determination of SEQRA and grants approval for the sign as provided in the documentation here tonight with the colors provided by Mr. Tucker and that was Lancaster white wash, Benjamin Moore, colors and Symphony Blue, Benjamin Moore color for the script and the writing on the sign.

Mr. Murl stated and Briarwood.

Board Member Pierro stated it will be ground lighted with shielded lighting and decorative plantings around those lights.

Board Member Pierro asked do they have to provide a plan for the plantings Rich.

Vice Chairman Montesano stated and the lighting.

Rich Williams replied as long as it is shielded and properly screened by landscaping.

Board Member DiSalvo seconded the motion.

Vice Chairman Montesano asked all in favor:

Board Member Pierro - aye

Board Member DiSalvo - aye  
Board Member Cook - aye  
Vice Chairman Montesano - aye

Motion Carried by a vote of 4 to 0.

Mr. Tucker and Mr. Murl thanked the Board.

Vice Chairman Montesano asked Rich, do we have anything that would cover shielded lights where we could give recommendations. In other words, if we have one that works could we make a recommendation to that to people.

Board Member Pierro stated standard lighting.

Rich Williams replied yes I would have to think about where we have one.

The Secretary asked isn't ours lit.

Rich Williams replied ours isn't the typical lights.

The Secretary asked what about out on 22 DEW Macal that is nice does that have lights.

Rich Williams replied no. I don't know that is why I have to think about it.

#### **4) EDWARDS FILL PERMIT**

Vice Chairman Montesano asked Dave did you ever get those pictures.

Board Member Pierro replied no they are still in my camera.

The Applicant stated my name is Anthony Edwards. I live on 17 Salisbury Road. I am looking to fill the rest of my property in.

Board Member Pierro asked did we provide any comments for the Town Planner regarding our site walk.

Vice Chairman Montesano replied no.

Board Member Pierro stated if not we will do it right now.

Vice Chairman Montesano stated we have it on the back of this.

Board Member Pierro stated see what happens when you leave a bunch of kids alone in the woods.

Rich Williams stated Mike did come in and we did talk about the site walk comments. I made a couple of recommendations to Mike about some other things that you may want to talk about.

Board Member Pierro asked can you make those recommendations to the Board at this point.

Rich Williams replied sure.

Vice Chairman Montesano stated grade was three on one grade.

Board Member Pierro stated no more than three on one.

Vice Chairman Montesano stated no more than three on one.

Rich Williams stated right the slope coming down off of the fill pad as it narrows out you want to keep it say about a three on one because it is more conducive to establishing a good layer of vegetation which will keep it from eroding long term. Just put in the requirement that when it is all finished that it is vegetated over or some sort of stabilized surface.

Mr. Edwards stated it is going to be grass. Now, could I go out to that tree that we discussed and then go down to that three to one point from there.

Board Member Pierro stated no Sir.

Mr. Edwards asked or it has got to end.

Board Member Pierro stated I don't think so. From what I saw and this is my non-technical opinion I think the base of the tree should be the base of the slope.

Mr. Edwards stated the three on one slope.

Board Member Pierro stated yes. I don't believe any further than that is warranted and I think it should come back in from there. If you remember, they beat me up pretty hard.

Mr. Edwards stated that is all right I am willing to work with you.

Board Member Pierro stated I will provide photographs of the tree that we are talking about that we marked out at the scene.

Rich Williams stated okay so we know where the limits are and where we are monitoring the site. I have stopped out from time to time.

Board Member Pierro stated I have some digital photos I will email to you tomorrow.

Mr. Edwards stated if things are not right we can move the soil around before I make the final seeding in the spring.

Rich Williams stated and just that erosion controls stay up as long as it hasn't reached an eighty percent cover.

Board Member Pierro stated just for your edification the current erosion controls that are in place is going to go beyond that a few feet.

Rich Williams stated he is just going to have to move them back.

Board Member Pierro stated yes it was arbitrary, he put them up but it is going to go beyond that but I don't think it is necessary to go any further than the base of that tree in the center of the two swamp maples that were there.

Mr. Edwards asked now the three to one on the side where the stream is I am going to have a hard time there.

Rich Williams stated the drainage ditch.

Vice Chairman Montesano stated the drainage ditch.

Mr. Edwards stated whatever it is only wet when it rains. How is that. I am going to have a hard time doing a three to one there. I will be out on the road if we do it from that point. Would I be able to keep the stone that I have there now retaining that there.

Board Member Pierro stated I would say you would have to.

Board Member Pierro asked do you know where he is talking about Rich, in the base of that, there is an under sized pipe that goes in front of his driveway and it goes diagonal across the street to another Town drainage culvert.

Rich Williams asked it goes up gradient.

Board Member Pierro replied up gradient diagonal across the street.

Rich Williams asked it is picking that up and coming down on to this and then what.

Board Member Pierro replied and then it travels parallel to the road in that swale. I had a question on whether or not you would or our Engineer would require that to maybe have some riprap in it to make it easier to maintain that swale or what the Town would prefer on it.

Rich Williams stated it sounds like it is within the Town right of way so it would be our Highway Superintendent's call what he wanted to do. I am assuming you are not touching that.

Mr. Edwards stated no.

Board Member Pierro stated no but he is going to be starting at the edge of it to put that berm in so to speak.

Mr. Edwards stated so I am not going to be able to do the three to one. Then if I do the three to one there that is where the bottom of where the pipe comes out I am going to be like almost into my yard. I have no problem with the back but on the side there by the road. If you want to come up I can show you what I am talking about.

Rich Williams stated I don't have any problem taking a swing up but a three on one slope is a pretty steep slope.

Mr. Edwards stated there I would just like to continue with the rocks that I had just to keep because when I bought that property we cleaned that all out.

Rich Williams asked so you want to basically construct a boulder retaining wall.

Mr. Edwards replied on the side where the stream is.

Rich Williams and Vice Chairman Montesano stated the drainage ditch.

Board Member Pierro stated as opposed to a three on one slope.

Ted Kozlowski stated I am going to take a ride with you Rich.

Rich Williams stated this is Ted Kozlowski, he is our Wetlands and Watercourse Inspector.

Ted Kozlowski asked where does this ditch drain to.

Mr. Edwards replied no where right into my property.

Rich Williams stated it drains across another piece of property and kind of winds its way down to, what connects with Salisbury.

Mr. Edwards replied Zurich.

Rich Williams stated it crosses its way down.

Board Member DiSalvo asked that other piece of property is owned by you also.

Mr. Edwards replied right the one behind us.

Board Member Pierro stated there is another lot down gradient that is wet.

Ted Kozlowski stated I get nervous when stuff likes this happens.

Rich Williams stated let's get back to this particular issue if you are going to do a boulder retaining wall it has to be under four feet. Anything over four feet is going to require engineering. It sounds like you are going to be under four feet.

Mr. Edwards stated I should be.

Rich Williams stated but it also has to be setback at least thirteen and a half feet from the center of the road.

Mr. Edwards stated yes we should be well within that. That is where it is started now.

Mr. Edwards asked is Charlie going to come out and look at the culvert on the other side.

Rich Williams asked what is the issue.

Board Member Pierro stated the culvert may be under sized. From what he has told us in heavy rains the culvert is solid water and it was installed by the Town. It is in the right of way.

Rich Williams asked this is the one that,

Board Member Pierro stated it goes to the front of his property.

Mr. Edwards stated on the corner of my driveway.

Rich Williams stated I can send Charlie over a note and Tom McGinn and take a look.

Mr. Edwards stated maybe we can work together on what we are going to do between where it dumps out and my property and the Town's right of way. Like I said, we can move I have all winter long before I make any permanent grass or whatever. If something is not to snuff I am sure somebody is going to come up and point me in the right direction.

Board Member Pierro stated I would not want to see you build a four foot retaining wall and then have the Highway Supervisor come out and say we have to move it because we need to get in there to do work.

Rich Williams stated that is exactly why I said it has got to be setback thirteen and a half feet from centerline because it is now outside of the jurisdiction of the Town of Patterson or the Highway Superintendent.

Board Member Pierro stated right but it may make Charlie's job easier to do if the wall is not there, he may be able to clean out this drainage culvert from this man's property. There may be a reason.

Mr. Edwards stated it is dry all the time. The only time is when it rains it runs and that is it.

Rich Williams asked so it is just drainage.

Mr. Edwards stated that is it.

Rich Williams stated to Ted, see you don't have to come out.

Mr. Edwards stated I am not hiding, come out there anytime you want. I wish Charlie would come out there though.

Mr. Edwards asked you said three to one Rich.

Rich Williams replied three on one. You have to go three to one, (unable to hear), three on one is preferable. It is easy to maintain, it is easier to (unable to hear).

Board Member Pierro asked do you want to defer this to the work session until Charlie gets to look at it.

Vice Chairman Montesano stated we can do it and if there are any problems, he will have to abide by what Charlie requires it.

Board Member Pierro asked does it require SEQRA on a fill permit.

Board Member DiSalvo made a motion in the matter of Anthony & Colleen Edwards the Planning Board makes a negative determination of SEQRA that the action will not have a significant impact on the environment and hereby issues a negative declaration of significance and as far as the fill permit it will be a three on one grade, erosion controls and the details to be reviewed by the Town Planner and the Highway Superintendent.

Board Member DiSalvo asked anything else.

Rich Williams asked do we know where the fill is coming from or do you just want to acknowledge it is going to be clean fill.

Board Member DiSalvo stated and the fill will be clean fill, a boulder retaining wall holding the fill back. The fill will be graded and seeded. There is so many things you have to work out with them on this.

Vice Chairman Montesano asked any other.

Board Member Cook stated just that the photos to be provided by Board Member Dave Pierro of the tree that will be marked for limitations of the fill.

Board Member Pierro seconded the motion.

Vice Chairman Montesano asked all in favor:

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

Motion Carried by a vote of 4 to 0.

Mr. Edwards thanked the Board.

##### **5) GREEN CHIMNEYS SCHOOL - Amended Site Plan**

Rich Williams stated I had placed this on the agenda because we had done the site walk out there and there certainly were site walk comments and based on what the Planning Board saw out there the comments that at least I heard were that there were no significant issues raised by the Board out there. I put it on perhaps to further the application. I got a call today from Theresa who had a scheduling conflict so she could not make it here tonight. They do have an application in before the Zoning Board of Appeals to address the Special Use Permit requirements. The Board can't take any sort of final action until the issues with the ZBA are resolved however if you are okay with the application the next step in the process would be to schedule a public hearing.

Board Member Pierro stated I have no problem with scheduling a public hearing.

Vice Chairman Montesano stated okay does someone want to make a motion.

Board Member Pierro made a motion in the matter of Green Chimneys School that the Planning schedules a public hearing for December 7, 2006. Board Member DiSalvo seconded the motion.

Vice Chairman Montesano asked all in favor:

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

Motion Carried by a vote of 4 to 0.

Board Member DiSalvo asked you will give us a memo on the site walk. We never got anything.

Rich Williams replied there were no real comments or anything.

Board Member DiSalvo stated well I just made a comment about the storage truck or whatever, container in the middle of the parking lot.

Rich Williams stated that was something that you want to address with Dave Raines rather than putting it in a memo.

#### **6) GREENLANDS LLC SITE PLAN - Discussion**

Vice Chairman Montesano stated since the Applicant is not here,

Anthony Molé stated I spoke with the Attorney for the Applicant he said he may be a little late but he will be here.

The Secretary stated the Applicant's are here.

Vice Chairman Montesano stated we will hang on to them and come back.

#### **7) BONIELLO SUBDIVISION**

Vice Chairman Montesano stated Bonniello is off.

The Secretary stated yes you should have the copy of the fax.

Board Member Pierro stated but for the record I had a conversation with Anthony Boniello as well as Rich Williams at his shop last week, I went in for a repair and he has agreed to withdraw the application for the residential use in the rear until such time as some other access can be had either with the neighbor or the adjoining property owner to the rear. He still will be coming forward with the commercial end of the project.

**8) WHITE BIRCH REALTY – Amended Site Plan**

Mr. Joe Buschynski, Bibbo Associates and Mr. Monteleone, Applicant were present.

Mr. Buschynski stated good evening, you folks are moving along very quickly this evening.

Vice Chairman Montesano asked name.

Mr. Buschynski stated Joe Buschynski.

Mr. Buschynski stated when we appeared at the work session we discussed the concerns over parking and how we were going to get the parking in a more organized approach. We feel we have enough spaces for the present tenants. That if in the future there is a need for more parking that will be reviewed with the Board. We have room to add it but at this time, what the owner would like to do is assign spaces to get it more organized on site once the new parking area is finished and striped. The Town Planner had a number of comments that he wanted to see address. We have added a number of things to the plan; access, passage doors around the building on the building exterior had been added. We indicated the location of the dust collector. We have added a detail to the plan for the slab removal at the new overhead door location. On our parking schedule added the type of use per tenant under the Code whether it was light manufacturing, a warehouse or a public or private garage. We received also some comments from the Town Engineer, which I still have to address. Gene's office recommended some more information with respect to the geometry for the pavement bump out, some additional details with respect to pipe slopes. He brought up a good point concerning the size of the dumpster. We will be re-thinking whether there should be multiple dumpsters in one enclosure or a larger dumpster in an enclosure because the one that we have shown as Gene indicated is very modestly sized for five users. We will as suggested add a Stop sign at the intersection with Commerce Drive, stop bars at each location. We have a Stop sign at the entrance to the building area and we will add a stop bar there also. That essentially covers the changes that we have made and will be making.

Vice Chairman Montesano asked any comments or questions.

Board Member Cook stated we just received this memo tonight I would like to review it.

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

Vice Chairman Montesano stated the walls just keep getting more and more, nicer and nicer.

Mr. Buschynski stated they should just keep going right on down the street.

Vice Chairman Montesano stated I was thinking of that because it really looks nice just keep going.

Board Member DiSalvo asked are we proposing another six by eight dumpster or we still don't know.

Mr. Monteleone stated yes.

Mr. Buschynski replied two of that size and we would use the same area but it would be a larger enclosure.

Board Member Pierro asked how far along are we on getting the sprinkler system installed.

(Unable to hear Mr. Monteleone, no mic).

Mr. Buschynski stated the sprinkler system components are to be contained in the interior that is why I don't have any information on the site plan. The architectural plans for interior work will be including that.

Vice Chairman Montesano asked Pete, the way the cars were parked today in the back that was just a temporary thing while they are doing the work.

Mr. Monteleone replied yes.

Vice Chairman Montesano asked what else.

Board Member Pierro stated we have nothing else. Let's get it over.

Vice Chairman Montesano asked what is your pleasure. We have to get everything on the plan.

Vice Chairman Montesano asked do you want to schedule a public hearing.

Board Member DiSalvo replied yes.

Board Member DiSalvo made a motion in the matter of White Birch Realty that the Planning Board sets a public hearing for December 7, 2006 Planning Board meeting. Board Member Pierro seconded the motion.

Vice Chairman Montesano asked all in favor:

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

Motion Carried by a vote of 4 to 0.

Mr. Buschynski stated for amended site plan.

Board Member Pierro stated amended site plan.

Mr. Buschynski thanked the Board.

## 9) GREENLANDS LLC SITE PLAN – Discussion

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

Mr. Marwell stated good evening Mr. Chairman and Board Members, John Marwell, Shamberg, Marwell, Davis & Hollis, in Mt. Kisco. I am here with the owners of Greenlands, Paul Suozzi and his father Andrew Suozzi.

Mr. Marwell stated I know the Board received our letter and I hope you have had a chance to review it, perhaps discuss it with the Town Attorney who I have had a brief discussion. If the Board recalls that the original application was submitted that the permitted uses on this property be expanded to allow personal service uses and business uses and expand it. After we received Mr. Williams' memo and had a preliminary discussion with your Board we revised our application because we had one perspective tenant that we were interested in, that was a hair salon. We discussed this with your Board at the last meeting and that was in our letter requesting approval from your Board for one new tenant, a personal service business. Mr. Williams had expressed some concerns in his memorandum about allowing that type of use and pointed out that for two more of those uses would require a Special Permit and that the building would constitute a retail center. Our client, informed me a day ago that he has another perspective new tenant that he would prefer to a hair salon and this is a yoga lady. So, I think we are here to ask you to consider rather than a hair salon a yoga studio, constituting 1,300 square feet. They would combine two of these suites into one suite and you would have a very quiet yoga classes. People don't yell, people don't make noise they are very quiet.

Vice Chairman Montesano asked as quiet as they are do they need parking spaces.

Mr. Marwell replied they need parking spaces, Mr. Chairman they do. Our client is prepared to discuss that with you the number of students that he has been told the yoga studio would accommodate at any point in time. He tells me that his parking lot is never more thirty percent full and that he has got plenty of parking right now and would welcome the opportunity to have some people in there who would use the parking spaces.

Board Member Pierro stated the only up side to this Mike is that they are combining spaces therefore it is one less business.

Mr. Marwell stated that is right.

Board Member Pierro asked if by chance they get very successful though there may come point where there is not enough parking.

Vice Chairman Montesano stated you can always sell them the whole building and then they would be able to park.

Mr. Marwell stated well you would have control over any additional changes of use. I don't think we would be able to come to you and ask for another one if we combined these two into one. That would be the one personal service that we would be allowed without a Special Permit and a variance. We are not going to qualify for that Special Permit which requires a minimum of five acres.

Board Member DiSalvo asked and these two suites that this yoga studio would occupy that would bring them up to a 100% occupancy then.

Mr. Marwell replied not yet.

Board Member DiSalvo stated so you still have two empty suites.

Mr. Paul Suozzi stated no the building is only half-full right now.

Mr. Marwell stated we lost one tenant. They moved out.

Mr. Suozzi stated one tenant had two units, (unable to hear no mic).

Mr. Marwell stated so this is for obvious reasons a very attractive tenant, low impact. It is attractive because she is interested in two side-by-side units that the Suozzi's would combine into one suite. There is no showers and no noise.

Board Member DiSalvo asked do you have any idea of the hours of operation for the studio.

Mr. Marwell asked did you say 9:00 am to 8:00 p.m.

Mr. Suozzi stated it would be in the parameters of 9:00 am to 8:00 p.m. (unable to hear the rest of his statement no microphone).

Mr. Marwell stated I am sorry to change horses on you at the last minute like this. We are trying hard to fill the building up.

Vice Chairman Montesano stated right now I think we are going to need time to review it because it is a change considering what we had and it was given to us now at this time. The only thing I can recommend right now is that we put you on for next month's meeting and we will go from there. Do you have any comments Rich.

Rich Williams replied many comments but only really one question. Just so we can get it in the record. This occupancy is proposing to take two suites.

Mr. Marwell replied yes.

Rich Williams asked what is the square footage of one suite.

Mr. Marwell replied 650 to 680 square feet so there would be a combined of about 1,300 to 1,350 square feet and the units would be combined so it would be one operation.

Board Member Pierro asked does that yoga facility fall into personal services.

Rich Williams replied that would be my opinion yes.

Vice Chairman Montesano stated I think that is what we have to find out. A legal opinion on that for the simple reason, personal service it is. You have people coming in for training that would be personal services.

Mr. Marwell stated we did ask the perspective tenant how many pupils, participants would be in there at any one time and we anticipated your concern over parking spaces so if there are any questions the Board has tonight we would be happy to try and answer them.

Board Member DiSalvo asked well how many.

Mr. Suozzi replied about six or seven.

Vice Chairman Montesano asked is that going to be a mandatory thing or can the classes enlarge at any particular time.

(Unable to hear Mr. Suozzi)

Rich Williams stated you have to get them to use the mic.

The Secretary stated all of you guys pushed your mic's up front.

Board Member Pierro stated all I have is a couple of jokes. Are we going to include the guys looking in the windows outside as taking up parking spaces.

Mr. Marwell stated we are going to put Venetian blinds up so no one can come and look.

Vice Chairman Montesano asked does anybody else have any comments to make.

Board Member DiSalvo stated that we should review it again.

Vice Chairman Montesano stated we are going to have to it is a different scenario and then we have to see if we can get it approved anyway. The only thing I can suggest right now is that we will take it under advisement and we will try to get some idea of what is going on.

Mr. Marwell asked would it be possible to get a general sense of the Board because if it looks like this might be approvable we will try to move forward with this perspective tenant. One of the difficulties is,

Vice Chairman Montesano stated it still comes out to a personal problem and until we can get clarification on what that will consist of I am still up in the air. I can't give you a yes or no answer until I get better understanding.

Board Member Pierro stated I am unclear on the limitation of the personal service for the site or for this level.

Vice Chairman Montesano stated if I recall when we approved this,

Board Member Pierro stated maybe that is a question for Anthony.

Vice Chairman Montesano stated when we approved this it was designed that way because we were limited and the building was sort of designed where the septic system went on the 164 side and then we limited the access to Old 22 with the idea that there would be limited in and out and that it would be more office. If you get a personal service in I don't know if we are allowed to and until we get verification this is where the problem seems to lie.

Anthony Molé asked what was your question Dave.

Board Member Pierro asked is the building limited by site plan to how much personal service business to go in there correct.

Anthony Molé replied which at this time is zero unless you make that change. That is what the Applicant is here for. The site plan says office use for the entire building. They are seeking one personal service space, which would encompass two units made into one from what I understand.

Mr. Marwell stated yes.

Anthony Molé stated if they go for one more further they would have to go for a Special Use Permit I believe to proceed in that matter.

Mr. Marwell stated yes.

Anthony Molé stated so if you approve this one you are not opening a door to approving more than this very one.

Mr. Marwell stated this is a permitted use under zoning because the zoning did change.

Anthony Molé stated the thins is the application is the same in the respect that they are looking for a similar type use that fits into the same category from what I understand that is everyone's opinion here but as it was relating specifically one particular use now that use has changed. I assume you are amending the application orally if it did reflect that.

Mr. Marwell stated yes we are amending the application.

Board Member Pierro stated but it is larger.

Mr. Suozzi stated but it is still a service business.

Board Member Pierro stated but it is larger square footage though. Larger square footage could have a larger impact.

Anthony Molé stated yes ultimately what the Board is going to have to determine is what would the impact be and what are the considerations that were made at the time the site plan was entered into.

Mr. Suozzi stated it also lessens the office affect.

Board Member Pierro stated the overall affect it may lessen it.

Mr. Marwell stated maybe it would be helpful if Mr. Suozzi could tell what the usage of his parking lot is, generally.

Board Member Pierro stated I think we are all pretty aware that he is at only a portion of it being occupied right now and there is only a thirty percent use there now but after this fills up, two suites and then there is a rush and the properties in rear then we will have a larger use of the parking lot.

Mr. Marwell stated from your mouth to God's ears.

Board Member Pierro stated right I hope so.

Mr. Marwell asked is there any information we can provide to the Board that might help.

Board Member Pierro stated I think we have enough to allow Rich to provide some comments to us that we can have time to review. I think we have enough information at this point to go forward.

Mr. Marwell asked is there any unanswered questions about the zoning or anything because it is basically the same use, a different user but the same type of use.

Vice Chairman Montesano stated right we have all the particulars on what this person is going to come in here with. That has been handed to us. In other words the previous application was referring to a beauty parlor now we are going to something else.

Mr. Marwell stated we are just amending it right now orally to your Board. We haven't made a written submission.

Anthony Molé stated while we are all here John, if you could just have the Applicant explain as far as how many pupils per class, how many classes per day just so the Board has a good understanding as to how many people would be there between the nine and eight time period.

Mr. Marwell asked Paul, do you want to come up and describe that based upon what your perspective tenant has said to you.

Mr. Suozzi stated I don't know how many classes,

Vice Chairman Montesano asked excuse me, Paul could you just state your name please.

Mr. Suozzi stated Paul Suozzi, Greenlands LLC. I don't know how many classes but the hours of operation that she told me would be from nine to eight o'clock and there would be about six to seven pupils in the class.

Mr. Marwell stated and each class would be an a hour and a half.

Mr. Suozzi stated right each class is about an hour and a half. As to how long the breaks would be in between the classes we did not get that far. I figure a break is no impact.

Vice Chairman Montesano asked Paul, do you know if there is going to be any facilities for children some people come in with their kids.

Mr. Suozzi replied no this is just adults.

Board Member Pierro asked do you recall how much parking we designated per suite.

Mr. Suozzi replied we have thirty-seven parking spaces on the site.

Board Member Pierro asked and how many total suites do you have.

Mr. Suozzi replied ten.

Rich Williams stated it would not be based on a per suite number it would be on the overall square footage.

Rich Williams stated and I can appreciate Anthony's question but let me ask a question also. Mr. Suozzi do you plan limiting their hours of operation.

Mr. Suozzi replied well they said from nine o'clock to eight o'clock.

Rich Williams asked do you in your lease plan on limiting their hours of operation.

Mr. Suozzi replied if you would like me to.

Rich Williams stated yes but I mean the honest answer is no and do you plan on limiting the number of people that occupy there that are in a class. You are going to hope that she is successful.

Mr. Suozzi stated look, I am trying to fill my building and,

Rich Williams stated and I respect that.

Mr. Suozzi stated don't get me wrong but for two years I have had an empty parking lot.

(TAPE ENDED)

Mr. Suozzi stated I mean I have an existing site I should have the right to use my parking spaces. That is what I am looking to do.

Rich Williams stated consistent with our zoning.

Mr. Suozzi stated correct.

Rich Williams stated the only point I am trying to make here is I don't know that the Board can legally say for a personal service use that you can limit the hours of operation or that you can limit the number of people that are going to be occupying that space as long as they are within the fire code. So, the hours of operation really aren't so essentially germane as far as any sort of limitations that we could put on it. I will throw the question back to Anthony, do you think legally the Planning Board could establish hours of operation.

Anthony Molé stated I understand what you are saying but that was not the reason for my question. The only reason for my question was to give the Planning Board some sort of idea as to how many people would be there, what is going to happen on the site. Is it going to be fifty people, is it going to be five people. Is it going to be constantly all day. Is it going to be three classes a day. I think that is if you are considering this particular use I think that is information, you are considering impacts. You are considering how many people are coming there each day and what hours they are coming there. I know part of the consideration of the Board from what I understand initially with this site plan was that it gained access from a road that also services residential areas. I assume how many people are traveling there each day is a concern of the Board. That was my only reason for asking the question.

Mr. Suozzi asked what would be my limitation for the office use for people. I don't believe there is any.

Rich Williams stated there isn't. I am just trying to convey, I want to make sure that everybody understands that my opinion anyway is that this Board doesn't really have the authority to start establishing limitations on the number of people that can occupy the building. That is a function of the Building and Fire Code.

Similarly, I don't know that you could really establish a limitation on the hours of operation. You have to consider the use as it typically would occur and hope that is what is going to occur. Similarly with an office use there are general standards for when the busy time of an office is when people arrive to work, when they leave from work basically trip generations. We count on that being the typical standard when we approve it. Certainly, you could have an office occupation where the hours are twelve midnight to six p.m. There is very little we could do about it.

Mr. Suozzi stated and a yoga class they offer classes after work so to speak. A person might have a class at six o'clock or five thirty that might last for an hour and a half.

Rich Williams stated and there are exercise classes,

Mr. Suozzi stated that is why I said eight o'clock would be the latest parameter.

Rich Williams stated and there are exercise classes that do start five, six o'clock in the morning.

Mr. Suozzi stated that is not what she asked.

Rich Williams stated she is probably the type of person that does not like getting up in the morning.

Mr. Suozzi stated it could be but she told me no earlier than nine o'clock.

Board Member Cook asked Anthony, have you had time to review Mr. Marwell's memo and everything.

Anthony Molé stated yes I have.

Board Member Cook stated I mean there is like a whole host of points that he brings up.

Anthony Molé stated without over simplifying it I think it basically boils down to the fact that the Board does have the authority to grant the application if it wishes to grant the application if the Board feels that the impacts are sufficient. What it really boils down to the soul issue as to whether the Board feels the impact would be detrimental to the area in accordance with what the Board previously approved or does it change the circumstance of something that would allow for approving something else. It is really a consideration for the Board. I think a lot of your letter went to the fact that the Board does have the authority to do it and I agree I think the Board does have the authority to do it.

Board Member Pierro asked in having that authority, my only concern is and I needed to hear that we don't have the ability to limit hours of operation but if this does become successful, you have thirteen hundred square feet and you pack ten or twelve,

Anthony Molé stated I think that was part of my questioning is I am picturing a yoga facility in my mind and obviously people can't be shoulder to shoulder. I assume there is only a certain number of people that can physically be there and conduct the yoga class because of the space. That is kind of what I was leaning towards. If it is going to be used for yoga and they have a certain number of square feet I could imagine that they can only fit a maximum number of persons in there to do that.

Rich Williams stated that is why I asked the square footage. I intend to do a little bit of research on what is appropriate for the number of people.

Vice Chairman Montesano asked with that in mind, we allow this particular thing to come in is that going to open up the door where they don't have to appear anymore before us and then can have the barber shop come in or the beauty parlor, etc. If we open up this building now to personal services is there anyway,

Anthony Molé replied you would not be opening the building to personal services you would be opening up one unit to personal services.

Board Member Pierro stated one unit.

Mr. Suozzi stated one use.

Anthony Molé stated one unit encompassing that amount of square footage.

Mr. Suozzi stated and this use also wouldn't have trucks delivering things. There is no loading and unloading just people coming there.

Board Member Pierro stated we will digest that a little bit.

Vice Chairman Montesano asked how do you feel folks. Do you want to review this further.

Board Member Pierro replied I want to see a memo from the Planner after he has had opportunity to further digest this and we will react to it at next meeting.

Vice Chairman Montesano asked Charlie.

Board Member Cook stated okay by me. Basically, Mr. Marwell's letter you just change hair salon, beauty salon, whatever to yoga studio everything applies.

Board Member Pierro stated it remains the same.

Vice Chairman Montesano stated thank you.

Mr. Marwell stated sorry to drop this on you at the last minute. We are in a real time situation.

Board Member Pierro stated it is okay we understand.

Mr. Marwell thanked the Board.

## 10) CIPRIANO SITE PLAN

Mr. Steve Miller, Badey & Watson was present representing the Applicant.

Mr. Miller stated good evening, I am Steve Miller with Badey & Watson. I am here representing Mr. Cipriano this evening.

Mr. Miller stated the last time we were before the Board was in March and at that time there was some minor concerns but one major concern was how we were going to deal with the entrance to the site and how we were going to deal with the realignment of the intersection of Old Road and the existing Route 22. In my memo to the Planning Board it indicated that in June we met with Rich and Gene, Mr. Williams from the Highway Department and a Representative from New York State DOT. We looked at some alternatives and essentially came up with a plan whereby we abandon a portion, the existing intersection of Old Route 22, realign Old Route 22 intersection and then took the entrance to the nursery site off of that. The Highway Superintendent was concerned about snow removal. We are going to be providing him with an area here where he will be able to push snow into. There will be appropriate traffic controls to allow traffic coming in to either go up Old Route 22 or to come into the site and then upon exiting the site there will be a through pass out of the site but there will be a Stop sign on Old Route 22 in order to make a left-hand turn. There were some minor other revisions that we made to the site plan. We have finally narrowed down an area for septic and lined out an area for stormwater detention. We have had the septic areas tested and witnessed by the Health Department. We are in the process of putting together a Stormwater Pollution Prevention Plan. We have revised the lighting plan based on comments from the Town Engineer. At this point, we would like to get a feeling from the Board as to whether or not we have enough information that they would be in a position to give us at least some verbal acknowledgement as to the layout of the site at which point we would prepare final detail of building plans, layout plans and associated other details for review.

Board Member Pierro asked Steve, you had mentioned that Charlie Williams had some question about where he was going to pile snow.

Mr. Miller replied correct.

Board Member Pierro asked where was it determined that he would put that snow.

Mr. Miller replied he determined that he would like to be able to drive a plow down the road here (referring to the plan). This is the existing Route 22 and be able to push snow across the intersection into an area that we are going to reserve here for him.

Board Member Pierro asked as part of Old Route 22.

Mr. Miller replied as part of Old Route 22, correct.

Board Member Pierro asked what about the remainder of that portion of Old Route 22 what is going to be done with that.

Mr. Miller asked this section here.

Board Member Pierro replied yes.

Mr. Miller replied we are proposing to abandon that, request that the Town abandon that at which point the Town would release half the area to Mr. Cipriano and half the area to this formerly Griese parcel here. We would essentially close this intersection here. We discussed it with the State DOT Representative, he was very anxious to see us close that intersection.

Board Member Pierro stated I agree with closing the intersection whole heartily but my question I guess is basically to Rich Williams and maybe to Charlie, isn't there another use for that old roadway bed that we could have or dream up like placing for snow or an emergency parking area.

Vice Chairman Montesano asked why.

Board Member Pierro stated I would hate to see it totally abandoned is what I am saying there may be a beneficial use to having that section there.

Vice Chairman Montesano stated it will become a taxable piece of property.

Board Member DiSalvo stated you don't want to encourage the people there.

Vice Chairman Montesano stated this has always been a nightmare.

Board Member Pierro stated I agree with closing this off Mike. I agree with closing this off it is this interior portion wouldn't there be some advantage to having it. Would it make this lot buildable.

Rich Williams replied no it would not make that lot buildable. It would not really affect that lot at all one way or the other.

Vice Chairman Montesano stated if that occurs and this person can do that rather than have the Town own a section and the liability would continue, etc on a piece of a road,

Board Member DiSalvo stated they drive down because it is a dead end.

Vice Chairman Montesano asked what happens when a guy comes down and bounces into it.

Rich Williams stated Dave, there is only two uses that I can think of for that piece of property that the Town could keep it. One, is stormwater and it really does not lend itself to putting a practice in there that is going to give really good treatment. If we were going to do something like that for Old Route 22 we may want to consider the area that the Applicant is currently using or proposing for his stormwater and maybe work out an agreement where we could discharge into there and expand the facility if we were thinking about treating stormwater in that way. The only other thing I could think of is putting a billboard there and I don't think anybody is going to do that.

Mr. Miller stated I am sure that Mr. Cipriano would be more than happy to move his billboard from here over to there.

Rich Williams stated we would like to see Mr. Cipriano move that billboard.

Mr. Miller stated not just move it remove it.

Rich Williams stated move it someplace out of Patterson yes.

Board Member Pierro asked is the roadbed surface going to be pulled up.

Rich Williams replied well that has to be discussed but yes I would anticipate that we would tear it up and restore the surface to some sort of vegetated surface.

Board Member Pierro asked who would be responsible for that Rich.

Rich Williams replied I would assume it would be the Applicant but again we haven't gone down that road yet.

Board Member Cook asked Rich, who owns Old Route 22, the Town.

Rich Williams replied we would have to research it but I would suspect, I could get myself in real trouble with Steve, I would expect it is a road by use. Do you know.

Mr. Miller replied no what I believe is that it was originally taken by the County for State purposes. The County took highways. The County before 1946, the counties took title to land that the State built state roads on. When this new Route 22 came through, the State abandoned and the County abandoned their rights to this road to the Town. I believe that is the way it is going, if you research it that is the way that will wind up being.

Board Member Pierro stated we hope. We hope the County does not put a cabash to this whole movement that we are doing here.

Rich Williams stated we probably shouldn't even get into this here. Old Route 22 was the Old Drovers Lane from 1700's on. Why would you think that the County had acquired interest at some point.

Mr. Miller stated if in fact that you are correct and it was an existing road when the State highway system came into affect you could be correct. Normally, between 1900 and 1946 the County took title for State roads. If in fact and I have no reason to think you are not,

**Ms. Molberg** stated Rich is correct we just researched the history of Patterson, (unable to hear no mic).

Board Member Pierro stated sorry to take us off track here.

Mr. Miller stated currently it is maintained by the Town. Certainly, we have to do some investigation to see who actually had title. If it was a user road,

Rich Williams stated it makes it a little easier.

Mr. Miller stated once it was abandoned it makes easier because then the title once it is abandoned the title releases to the adjoining owners.

Mr. Miller stated before all is said and done we will confer with the Town Attorney and the Highway Superintendent to determine title and how it should be released.

Board Member Pierro asked that triangular piece labeled Griese next to the stormwater practice.

Mr. Miller stated Mr. Cipriano has made some effort to contact this Griese company and his Attorney has also and we have been unsuccessful to contact them to discuss their perhaps conveyance of that property to Mr. Cipriano which makes things somewhat easier. In more than a year's worth of work on Mr. Cipriano's part he has been unable to get anybody to return a call or contact him in relationship to this.

Board Member Pierro asked Griese that is the billboard company correct.

Mr. Miller stated the mailing address is Griese Company in care of Outdoor Advertising.

Vice Chairman Montesano asked is that the one up in Poughkeepsie.

Mr. Miller replied not that is Highway Displays.

Board Member Pierro stated I may have some records in my files at home from my former life where I had an action against these folks. I will dig them up and see if I can find anything.

Vice Chairman Montesano asked does anyone have any other questions.

Board Member Pierro replied no.

Board Member Pierro stated I could see us getting done with this whole thing and they come in and put some steel posts in the ground and we have another outdoor advertisement.

Rich Williams stated they need a sign permit.

Mr. Miller stated what we would like to request is to get a feeling from the Planning Board if after this length of time there is enough of a affirmation from the Planning Board that the layout is somewhat acceptable and we will continue with providing the Town Engineer and Planner with some more details.

Board Member Pierro stated I think it would be important at this time to get further details so that we could completely review the parking lot designs.

Gene Richards stated he is just looking for something from the Board,

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

Mr. Miller stated quite frankly I don't want to spend my client's, ten thousand dollars with my client's money to do a bunch of details and then come back and say we really don't like these two buildings here. We would like you to only have the one.

Board Member Pierro stated I am comfortable,

Mr. Miller stated really we are looking for the number of the buildings, the parking layout and a general consensus or where we have got stormwater.

Vice Chairman Montesano stated we need opinions from the three of us. Charlie would like to go out and look at the site because he has not been aware of it until tonight.

Board Member Pierro stated I am comfortable with the project at this point and I am looking forward to seeing further design.

Board Member DiSalvo stated so am I.

Vice Chairman Montesano stated the consensus right now is,

Board Member DiSalvo stated but when you do go out with Charlie I would like to go again so I can get an idea of the proposed Town road and the intersection and new entrance would be.

Vice Chairman Montesano stated that is no problem.

Board Member Pierro stated the re-design of that entrance would be a safety, (too many talking at the same time unable to transcribe).

Board Member Cook asked Rich where it says proposed Town road I mean that is obviously agreeable to the Town and it meets the Town requirements for a road.

Rich Williams stated it is certainly agreeable to the Highway Superintendent, we met with him, the Town Board is not aware of this proposal it is one of the next steps that we are going to have to take is show this to the Town Board. Everybody recognizes the poor geometry of the Old Route 22, Route 22 intersection.

Board Member Cook asked they would have to do some formal I don't know the word.

Rich Williams replied there would be two actions I believe. One, would be an abandonment proceeding on the Old Route 22 section and the other would be an offer of dedication, correct Anthony.

Rich Williams stated Anthony says yes.

Anthony Molé asked is there going to be some sort of title search on the road to find out who owns it.

Mr. Miller replied I am sure the Town is going to require us to do that.

Mr. Miller asked is the Board in a position to declare itself Lead Agency for SEQRA.

Board Member Pierro stated say yes.

Rich Williams stated you are going to circulate notice for your intent to assume Lead Agency status.

Board Member Pierro made a motion in the matter of Cipriano Site Plan that the Planning Board declares their intent for Lead Agency. Board Member DiSalvo seconded the motion.

Vice Chairman Montesano asked all in favor:

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

Motion Carried by a vote of 4 to 0.

Rich Williams stated Steve I am going to need however many involved agencies there are plus three of the basic site plan, EAF and application form.

Mr. Miller stated very good, thank you.

**11) BURDICK FARMS SUDDIVSION**

Mr. Vinny Condito, Applicant was present.

Vice Chairman Montesano asked do you want to introduce yourself please.

Mr. Condito stated my name is Vinny Condito of Vista Development. I wrote a letter to the Chairman where I spent a lot of time making sure his name was spelled correctly. In that letter I asked for a conditional final approval.

Board Member Pierro stated this isn't his letter.

Board Member DiSalvo stated this isn't it. Did we get a copy of.

The Secretary stated you should have.

Board Member Pierro stated I think that is where Rich went running to, to get the letter.

Board Member Pierro asked did we get a copy of Mr. Condito's letter.

The Secretary stated I gave it to you Rich when it came in I put it on your desk.

Rich Williams replied I thought that was my copy.

The Secretary stated I said that I put the letter there but I didn't make copies.

Rich Williams stated I am out for two days the beginning of this week, I come back and

Board Member Pierro stated I will read it into the record.

Board Member Cook asked can we get copies.

Rich Williams stated I can go make copies.

The Secretary stated I can go do it.

Board Member Pierro stated (jokingly) it happens Rich. I understand this is not a perfect world. I am writing this down in my book. This is number three where Rich Williams made a mistake.

Vice Chairman Montesano stated he didn't make the mistake he wasn't here. You wasn't here so how could you make the mistake.

The Secretary handed the Board the copies of the letter.

Board Member Cook asked Mike may I address Richard.

Vice Chairman Montesano replied yes be my guest.

Board Member Cook asked Rich, we have letters one that we received at the last meeting from Mr. Bruce Einstein. Do you remember that. Then we have a letter from Mr. Pape from CBA. Now, don't we have to respond to these letter or at least a response from the Planning Board.

Rich Williams stated if the Planning Board feels it is appropriate for us to develop responses, I can work with the Town Attorney and Town Engineer and develop a memo which you can review and we can respond but in general they are issues dealing with the subdivision and construction plans and we forwarded them on to Kellard for him to address.

Board Member Cook asked excuse me who was that.

Rich Williams replied the Project Engineer.

Board Member DiSalvo asked do we know if he has responded.

Rich Williams replied I would imagine he is not going to get you a written response point by point with the letters but if it is anything that is applicable or requires changes to the plans that (unable to hear). For example one of the issues raised by CBA is the fact that there is (unable to hear) Stormwater Pollution Prevention Plan (unable to hear).

Mr. Conditto stated as I mentioned in my letter my intent is to finalize this project at the pleasure of this Board so whatever it takes to do that we will go ahead and do that.

Board Member Pierro asked Rich for the record the Town has a signed contract or letter of intent to acquire the property offered by Mr. Conditto.

Rich Williams replied I believe contracts have been signed.

Board Member Pierro stated my question to you Rich and to Anthony are there any issues outstanding that would prohibit this Board from granting conditional final at this time.

Anthony Molé replied from a legal standpoint no.

Rich Williams replied from a procedural standpoint I don't believe so but the Board should be aware that Gene and I have not finished our review on the Stormwater Pollution Prevention Plan or the final plat drawings and there may be substantial engineering issues, which still need to be addressed.

Vice Chairman Montesano stated with that note Shawn is also not here and since Shawn is among the four of us that have been involved in this for the longest time I would like to wait for his opinion to be added in to this decision not taking away from Charlie but he has not been involved with this.

Anthony Molé stated here is a brief comment that I think that I have to make just based on some of the language in the letter. There is some language in the letter regarding a potential lawsuit against the Town from one of the people who spoke out against the project, of course when and if the Board grants final approval has no basis on the fact that someone may sue the Town. It is based on the merits of the application and when you feel it is appropriate to grant final approval or conditional final approval. I just wanted to state that for the record because there is something stated here that maybe we should grant final approval because there is a lawsuit pending. That is not even a consideration of the Board.

Vice Chairman Montesano stated my thing is I would like to have Shawn here since he has been involved with it. I would like to get his opinion before we give an okay one way or the other.

Mr. Conditto stated okay.

Vice Chairman Montesano stated I appreciate your situation but I don't want to step on him because he has been here for this whole ride.

Mr. Conditto stated that is fine and by that time we should have your reviews by then and we should have the plan pretty well finished.

Vice Chairman Montesano stated thank you very much.

Board Member Pierro stated thank you Vincent.

## 12) OTHER BUSINESS

### a. Forest View Apartments

Mr. Jay Hogan, Attorney was present.

Mr. Hogan stated folks I am basically here to give you a little bit of an update and ask for a little bit of an extension. We got a conditional final approval from the Board for a site plan for an additional two buildings, twelve units each at Forest View Apartments, which is off Farm to Market Road. The access is the Town of Southeast but the property is located in the Town of Patterson. We have been before the Board of Health for quite awhile. I had a discussion with Mike Budzinski, at the Board of Health two days ago he said they will have their final review complete by tomorrow and we should have their comments by the middle of next week. The DEP would not take any review of final without the Board of Health's comment. Hopefully we are getting much closer to the end at this point. So, what I am requesting from the Board is 90 day extension from today so that we can maybe get our thing finalized perhaps before Christmas.

Board Member Pierro made a motion 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 DiSalvo	-	aye
Board Member Cook	-	aye
Vice Chairman Montesano	-	aye

Motion Carried by a vote of 4 to 0.

**b. Rosewood Subdivision**

Vice Chairman Montesano stated we have a memo.

Board Member Pierro stated it is an older than old project.

The Secretary stated a recommendation for a bond release.

Board Member DiSalvo made a motion in the matter of Rosewood Subdivision that the Planning Board recommends to the Town Board that the \$50,000.00 Performance Bond currently being held by the Town be released. Board Member Pierro seconded the motion.

Vice Chairman Montesano stated before we vote on it, Gene is there any other.

Gene Richards replied I know nothing.

Rich Williams stated if I could jump in on this, I worked with Tom McGinn on this. The issue came up this is a very old project. The work was actually done sometime ago. We got a letter from the bonding company requesting the status, which prompted Tom going out and reviewing and finding it all was done.

Vice Chairman Montesano stated okay a motion has been made and seconded for a recommendation to release the \$50,000.00 bond.

Vice Chairman Montesano asked all in favor:

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

Motion Carried by a vote of 4 to 0.

**c. Clover Lake Congregate Care Facility Site Inspection**

Board Member Pierro asked Rich, this Clover Lake site inspection does this refer to the old horse barn.

Rich Williams replied right this refers to the site walk that the Planning Board conducted out there. I was not part of that at that time so I just threw it on there to acknowledge that there was a site walk and see if the Board had any comments.

Board Member Pierro stated my only comment was that I thought the lot line where they were going to split off that parcel where it wrapped around the bottom of the parking lot I didn't understand the reasoning for that. Was there any bulk area requirement.

Rich Williams stated it had nothing to do with bulk area. I don't know what it was.

Board Member Pierro stated I would rather see that parcel remain attached closer to the Clove Lake building itself so that they could use that for some reason in the future then taking it off and putting it on what is going to be an industrial or commercial parcel in the future. I am sure it will be. I don't see the need for cutting that all the way down around the driveway down into that slope there. That is only for the future.

Vice Chairman Montesano stated the confusion was with the road being cutoff the way it is now when we were there we had a young lady that had walked up from the home and was sitting there apparently waiting for bus and to have that road cutoff like that. I would rather see them keep that property where they can make like a sidewalk affect from one side to the other.

Board Member Pierro stated that is it for that issue

### **Putnam County National Bank - Thunder Ridge**

Board Member Pierro stated I have one issue Mr. Chairman.

Vice Chairman Montesano stated go ahead.

Board Member Pierro stated Rich, generated a letter that we spoke briefly about in the meeting prior to coming out here about whether there was a response to it and that is a letter addressed to Wayne Ryder, Putnam County National Bank relative to soil degradation, the stream corridor of Steven's Brook. There is a two page memo on it dated October 20<sup>th</sup> and I had asked Rich prior to the meeting if he had had any response and I would like to just get that on the record that we made those observations and that there are violations of the Town's Wetland Law, the Town's Erosion Control & Sediment Law and violations of New York State Conservation Laws as well as the Clean Water Act relative to Steven's Brook. I would like Rich's response on the record for what has been agreed to so far.

Rich Williams stated sure both myself and Ted Kozlowski met with Wayne & Dean Ryder out there yesterday. We did discuss the issues, we did tour the site, the Ryders were very amenable to our suggestions. There are some issues. We think we can tighten up the way things are done up on the site. We agreed that they were going to generate a letter back to us outlining their proposal for addressing a lot of the issues. Ted and I also discussed that I was going to generate a memo or a work on a memo with Ted that would go back to the Ryders again, giving some helpful suggestions on how to eliminate erosion coming off of that site.

Board Member Pierro asked what about the, and this is a question for Ted so I am glad you are taking the mic, what about any remediation because as we saw and as mentioned in this letter there is three and a half feet of sediment in that stream corridor that wasn't there eighteen months ago. What about remediation as far out to Route 22. Is anything going to be done with that. Is remediation going to make the problem worse.

Ted Kozlowski stated just to back up with what Rich just said, they were very concerned with the situation and they have agreed to act on it immediately. We gave them some suggested conservation measures to take right now which they agreed to which is some seeding, some improvements to the road, crowning, some diversions, things like that. We walked away very satisfied that they are meeting these issues, or addressing them. I have known Dean Ryder for a long time on the Forest

Practice Board and he is pretty much a man of his word so I feel comfortable he is going to address them. It also should be noted that there is no current violations going on. It only occurs when it rains so that is what we are trying to address now.

Vice Chairman Montesano asked did he give us a time limit or anything that when he would attempt to get this done.

Ted Kozlowski replied some of these things were immediate. We also suggested some future things when the ski area is in operation to not have the parking right on top of the stream like it has and they agreed to put some barriers up so that the cars won't tear up the turf, which leads to erosion problems and sediment problems. It was almost a two hour meeting. We went all over the site. They were very cooperative which is a change.

Vice Chairman Montesano stated thank you. Any other comments.

### **New England Equine Center**

Board Member Pierro asked what about the Lepler, the reason that this whole thing started was with the incursion or the problem with the bridge crossing over at New England Equine.

Ted Kozlowski replied Joe Buschynski from Bibbo Associates is currently working on a restoration plan and those folks, I forget the two names of the owners they also have been very cooperative. Rich and I had a very long meeting with them more than a week ago and we were very satisfied walking out of that meeting too. I think those two gentlemen are very sincere on their efforts at that Equine Center. I can see the effort that they put into the building. I think it is also going to be equal in the field out there. I think there is a light at the end of the tunnel here with regards to Steven's Brook and both sites.

Ted Kozlowski stated I am keeping my fingers crossed I have been burned before, it could change but right now we are on the right track.

Vice Chairman Montesano stated thank you.

Vice Chairman Montesano asked what do you need Edie.

**Edie Keasbey** asked what is the stream classified as, isn't a

Ted Kozlowski replied CT.

**Edie Keasbey** asked a CT or CTS.

Rich Williams stated a CTS.

Ted Kozlowski stated I assure you there are no trout in that stream.

**Edie Keasbey** stated not with all that sediment there are no eggs.

Ted Kozlowski stated there is nothing in that stream.

14) MINUTES

Vice Chairman Montesano asked do you want to clean up the minutes.

Rich Williams stated let's talk about the minutes real quick because I added one thing on the agenda and that was the minutes from August 31, 2006. At the last Planning Board Meeting, there was a motion and a second no vote.

Board Member Pierro asked for what dates Rich.

Rich Williams replied for August 31<sup>st</sup>.

Board Member Pierro made a motion that the Planning Board approves the minutes for August 31, 2006. Board Member DiSalvo seconded the motion.

Vice Chairman Montesano asked all in favor:

Board Member Pierro	-	aye
Board Member DiSalvo	-	aye
Board Member Cook	-	abstain
Vice Chairman Montesano	-	aye

Motion Carried by a vote of 3 to 1.

The Secretary stated the October 5<sup>th</sup> was just placed into your bins.

Board Member DiSalvo stated we didn't read that yet so we will hold off.

Vice Chairman Montesano stated so we won't do the 5<sup>th</sup>.

Board Member Pierro stated and we won't do the 28<sup>th</sup> because I did not get through those. I did September 7<sup>th</sup>.

The Secretary asked that is all you did. You had better done the September 12<sup>th</sup> and the 13<sup>th</sup>, the Patterson Crossing.

Board Member Pierro replied yes I did those.

Board Member Pierro made a motion to approve the Planning Board minutes from September 7, 2006. Board Member DiSalvo seconded the motion.

Vice Chairman Montesano asked all in favor:

Board Member Pierro	-	aye
Board Member DiSalvo	-	aye
Board Member Cook	-	abstain
Vice Chairman Montesano	-	aye

Motion Carried by a vote of 3 to 1.

Vice Chairman Montesano asked are you going to do this on an individual for each one.

Board Member Pierro stated I am going to hold off because I didn't get a chance to finish.

The Secretary asked what about Patterson Crossing's.

Board Member Pierro replied Patterson Crossing I did.

The Secretary stated the dates have to be changed to the 13<sup>th</sup> and 14<sup>th</sup>.

Board Member Pierro made a motion that the Planning Board approves the minutes of September 13<sup>th</sup> and 14<sup>th</sup>, 2006. Board Member DiSalvo seconded the motion.

Vice Chairman Montesano asked all in favor:

Board Member Pierro	-	aye
Board Member DiSalvo	-	aye
Board Member Cook	-	abstain
Vice Chairman Montesano	-	aye

Motion Carried by a vote of 4 to 1.

Board Member Pierro stated I will hold back on the 28<sup>th</sup> and October 5<sup>th</sup>.

Board Member Pierro made a motion to adjourn. Board Member DiSalvo seconded the motion. All in favor and meeting adjourned at 9:15 p.m.