

TOWN OF PATTERSON
PLANNING BOARD MEETING
November 5, 2009

AGENDA & MINUTES

	Page #	
1) Anthony Boniello – Wetlands/Watercourse Permit	1 – 4	Public Hearing opened and closed. Negative Determination of SEQRA granted. Wetlands/Watercourse Permit granted.
2) John T. Mayfield – Wetlands/Watercourse Permit	4 – 7	Public Hearing opened and closed. Negative Determination of SEQRA granted. Wetlands/Watercourse Permit granted.
3) Tom’s Barber Shop Site Plan – Public Hearing	7 – 23	Public Hearing opened and closed. Negative Determination of SEQRA granted. Site Plan Approval granted with conditions.
4) Indinsumr Tat2 – Sign Application	23 – 38	Discussion of sign size, design, font colors and graphics. Held over until 12.3.09 meeting.
5) Clocktower Frame Shop – Sign Application	38, 82 – 84	Applicant did not appear.
6) Patterson Wines and Spirits – Sign Application	38	Approved at 10.29.09 Work Session
7) American Red Cross – Request for Waiver of Site Plan	39	Waiver granted at 10.29.09 Work Session
8) O’Mara Wetlands/Watercourse Permit Application	39 – 48	Discussion of house and buffer location. Discussion of site walk.
9) NRA Wetlands/Watercourse Permit Application	48	Applicant did not appear
10) Ice Pond Estates Subdivision – Continued Review	48 – 57	Discussion of property, lot sizes, accessory structure locations and septic areas.
11) Quaker Manor Re-Subdivision – Initial Application	57 – 58	Public Hearing scheduled for 12.5.09.
12) Watchtower Education Center DEIS	58 – 61	Discussion of document.
13) Other Business		
a. Winding Glades	61 – 62	Discussion of Site Walk
b. Tractor Supply Performance Bond	62 – 81	Discussion of Site Plan deviations, changes granted.

c. Frantell Site Plan – Request for Extension	81	Extension granted at 10.29.09 Work Session.
d. Barjac Site Plan – Request for Extension	81	Extension granted at 10.29.09 Work Session.
e. Steger Zoning Amendment	82	Extension granted at 9.24.09 Work Session
f. Martins Subdivision – 90 Day Extension	84	Discussion
14) Minutes	85	September 24 th , September 29th & October 1 st Approved.

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**TOWN OF PATTERSON
PLANNING & ZONING OFFICE**

ZONING BOARD OF APPEALS

Howard Buzzutto, Chairman
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Gerald Herbst

PLANNING BOARD

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

**Planning Board
November 5, 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 14 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.

Board Member DiSalvo stated what is that, a phone.

Chairman Rogan stated I don't know, I please ask anyone who has a cell phone, please turn them to vibrate or turn them off please.

1) ANTHONY BONIELLO – Wetland/Watercourse Permit Public Hearing

Mr. Michael Boniello was present to represent the application.

Chairman Rogan stated first item on the agenda is the Boniello Wetlands/Watercourse Permit public hearing, can I ask the Secretary to please read the notice.

The Secretary read the following legal notice into the record:

NOTICE IS HEREBY GIVEN by the Town of Patterson Planning Board of a public hearing to be held on Thursday November 5, 2009 at 7:30 p.m. or as soon thereafter as may be heard, at the Patterson Town Hall, 1142 Route 311, Patterson, Putnam County, New York to consider an application entitled “**Anthony Boniello Wetlands/Watercourse Permit Application to allow various residential activities within the 100’ wetland buffer. The property is located at 2190 Route 22,**” Patterson, New York. All interested parties and citizens will be given an opportunity to be heard in respect to such application.

Chairman Rogan stated we have Michael Boniello here tonight for the application. Could you just very quickly give us an overview, actually the audience an overview of what the project entails, why this application is necessary.

Mr. Boniello stated it’s just re-directing some of the water around the house, [he is] getting some water in around the house and...

Chairman Rogan stated so it’s a curtain drain going in and...

Mr. Boniello stated yes.

Chairman Rogan stated okay, Ted, where are you.

Ted Kozlowski stated right here.

Chairman Rogan stated you want to speak to this application, any questions, comments, concerns.

Ted Kozlowski stated you want me to further expand upon. This is has been a long process with Anthony as you know, he has the Empire Tools next door and he moved into the house next door to Empire Tools and started a family, that stream and wetland that separates his home from the business, is within a hundred feet of his home. He wishes to clean out an area that is over run with pretty much evasive plants for a little area for his kids to play, that he is going to fence in, is that correct. The other thing is the big slope that is behind his house, drains, he’s got a tremendous drainage problem in his basement and the surrounding of his house which is not wetland. He wants to do a curtain drain to take that out to a drainage ditch along Route 22.

Chairman Rogan stated okay.

Ted Kozlowski stated some of that work is within the hundred foot buffer of the stream wetland but it isn’t effecting functions of that stream or wetland. It is basically lawn, so, I don’t think it’s a big intrusion at all on the wetlands or on the functions of those wetlands and so I don’t really have issue with this from an environmental standpoint.

Chairman Rogan stated okay. Questions, comments or concerns from anyone in the public, if so you’ll have to come up and please state your name for the record. Going once, going twice, no.

Board Member Montesano stated motion to close the hearing.

Board Member DiSalvo seconded the motion.

Chairman Rogan asks for all in favor:

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

The motion carries by a vote of 5 to 0.

Chairman Rogan stated okay, we'll entertain a motion on the wetlands permit, anybody.

Board Member Pierro stated in the matter of Anthony Boniello and Michael Boniello, what is the address.

Mr. Boniello stated 2190.

Board Member Pierro stated I don't have my paperwork.

The Secretary stated 2190 Route 22.

Chairman Rogan stated he just said it.

Board Member Pierro stated 2190 Route 22, make a motion that the Town of Patterson Planning Board grants a wetlands/watercourse permit to do the maintenance and construction around the stream corridor adjacent to the residential property.

Chairman Rogan stated can I have a second.

Board Member Montesano seconded the motion.

Chairman Rogan asks for all in favor:

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

The motion carries by a vote of 5 to 0.

Board Member Pierro stated do we need SEQRA on that.

Chairman Rogan stated not on a wetlands.

Board Member DiSalvo stated I would, go.

Board Member Pierro stated in the matter of Anthony Boniello, Route 22, Patterson, I make a motion that we grant a negative determination of SEQRA.

Chairman Rogan stated can I have a second.

Board Member Montesano seconded the motion.

Chairman Rogan asks for all in favor:

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

The motion carries by a vote of 5 to 0.

Chairman Rogan stated thank you.

Mr. Boniello stated thanks very much.

Chairman Rogan stated tell Anthony we said thanks for his patience.

Mr. Boniello stated thank you.

2) **JOHN T. MAYFIELD – Wetlands/Watercourse Permit Public Hearing**

The applicant did not appear.

Chairman Rogan stated okay second item on the agenda is Mr. Mayfield, also wetland/watercourse permit application. I don't see anyone here for Mr. Mayfield, actually we told him that we had already covered these items and we just needed to codify this by having a public hearing and finish the paperwork portion of this. So I will ask the Secretary to please read the public notice.

The Secretary read the following legal notice into the record:

NOTICE IS HEREBY GIVEN by the Town of Patterson Planning Board of a public hearing to be held on Thursday November 5, 2009 at 7:30 p.m. or as soon thereafter as may be heard, at the Patterson Town Hall, 1142 Route 311, Patterson, Putnam County, New York to consider an application entitled **“John T. Mayfield Wetlands/Watercourse Permit Application to allow the construction of 750 square foot garage and parking area. The property is located at 305 Farm to Market Road, Brewster, NY,”** Town of Patterson, New York. All interested parties and citizens will be given an opportunity to be heard in respect to such application.

Chairman Rogan stated Ted, if you would be so kind.

Ted Kozlowski stated is anybody here for the Mayfield [Application].

Chairman Rogan stated that makes it a little simpler.

Ted Kozlowski stated yes it does. Tyrone Mayfield, this has been another long, drawn out process, Tyrone Mayfield lives on Farm to Market Road. He has several acres, most of the back portion of his property is within a wetland, State and Town Regulated stream and associated wetland. Tyrone, whether intentionally

and accidentally put in an access driveway in that area and this past spring, I issued a stop work order and had him come in and file the proper wetland permit and go through the process. Tyrone has been very cooperative, the only things as Shawn said, the process of getting the paperwork all dotted and crossed, has taken a long time and Tyrone is quite a fine individual. So he has complied, we got him to agree not to do that, to restore the wetland that he damaged and we are allowing him to put in a small parking pad that is just outside the buffer, it's probably within in the buffer which is basically lawn and that is where we are.

Chairman Rogan stated okay.

Ted Kozlowski stated Edie, you're looking at me, what question do you have.

Chairman Rogan stated good evening Edie.

Mrs. Keasbey stated hi.

Chairman Rogan stated how are you.

Mrs. Keasbey stated good, thank you.

Chairman Rogan stated good, any questions or comments from anyone in the audience, no. Motion to close the public hearing.

Board Member Montesano stated motion to close the public hearing.

Board Member DiSalvo seconded the motion.

Chairman Rogan asks for all in favor:

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

The motion carries by a vote of 5 to 0.

Chairman Rogan stated can I have a motion on this, please.

Board Member Pierro stated go ahead Charles.

Board Member Cook stated I make the motion that the Planning Board approve the watercourse permit application of Mr. Tyrone Mayfield, 305 Farm to Market Road.

Board Member Montesano seconded the motion.

Chairman Rogan stated all in favor.

Rich Williams stated excuse me.

Chairman Rogan stated yes.

Rich Williams stated within this resolution or within this application, there are some issues that need to be addressed, such as restoring the site, getting the item four out, do you want to put some time frames on that.

Chairman Rogan stated you want to put it, we are going to have to give spring on some of that don't you think.

Rich Williams stated I would think so, yea.

Chairman Rogan stated six months.

Ted Kozlowski stated June 1st, I would say.

Chairman Rogan stated June 1st, just roll that June 1st into the time frame for completing the items that we had addressed through the application process, just roll it in.

Board Member DiSalvo stated a condition of the permit.

Board Member Cook stated so moved.

Chairman Rogan stated can I have a second.

Board Member Montesano seconded the motion.

Chairman Rogan asks for all in favor:

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

The motion carries by a vote of 5 to 0.

Chairman Rogan stated and then a SEQRA process on this.

Board Member Cook stated move that the Planning Board determine this a negative determination with no impact on the area.

Board Member DiSalvo seconded the motion.

Chairman Rogan asks for all in favor:

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

The motion carries by a vote of 5 to 0.

Chairman Rogan stated okay, thank you.

3) **TOM'S BARBER SHOP SITE PLAN – Public Hearing**

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

Chairman Rogan stated Tom's Barber Shop, we have a public hearing tonight for that, can I have the secretary read the public hearing notice please.

Board Member Pierro stated Michelle.

The Secretary stated yes.

Board Member Pierro stated Mr. Chairman I recuse myself from the application because I was involved in the transfer.

Chairman Rogan stated okay, thank you.

The Secretary read the following legal notice into the record:

NOTICE IS HEREBY GIVEN by the Town of Patterson Planning Board of a public hearing to be held on Thursday, November 5, 2009 at 7:30 p.m. or as soon thereafter as may be heard, at the Patterson Town Hall, 1142 Route 311, Patterson, Putnam County, New York to consider an application entitled **Tom's Barber Shop Site Plan Application to allow the construction of a rear parking lot to allow for additional parking.** The property is located at 1116 Route 311, Patterson, New York. All interested parties and citizens will be given an opportunity to be heard in respect to such application.

Mr. Sanok stated good evening.

Chairman Rogan stated good evening, could you please stated your name for the record sir.

Mr. Sanok stated my name is James Sanok with Sanok Design Group.

Chairman Rogan stated great James, could you just please give a quick overview of the project for the audience.

Mr. Sanok stated Tom's Barber Shop would like to develop a parking lot system in the rear of the property by demolishing an existing wood barn/shed in the back and create a curb outline and stripe out for parking. The finished product is intended to be asphalt but we are planning on putting item four down now with the cobblestone curbing and then it would conditioned hopefully to pave it, somewhere around the month of June (inaudible).

Chairman Rogan stated okay, questions, comments from the audience, if so please come up and use the microphone, please state your name for the record.

Frank Grady stated I'm Frank Grady and I own the property next to Tom's Barber Shop.

Chairman Rogan stated can you point to your property please, Frank.

Frank Grady stated where is the shed.

Board Member DiSalvo stated (inaudible) the garage.

Mr. Sanok stated the shed would be right here.

Frank Grady stated so this is me.

Mr. Sanok stated correct, I believe that is it.

Frank Grady stated this is my property right here.

Chairman Rogan stated okay, that is your sidewalk right here.

Frank Grady stated right here is my sidewalk.

Chairman Rogan stated shown on the, okay.

Frank Grady stated here is the door to my house.

Chairman Rogan stated okay.

Frank Grady stated I'm concerned about people, they are parking there now from the bar because they can hide and sit out there and drink and you know, I don't need that.

Chairman Rogan stated okay, so your concern is the use of this parking lot in a manner...

Frank Grady stated well its being used now.

Chairman Rogan stated but with the proposal that is parking for the barber shop, your concern isn't so much with parking for the barber shop but illegal use of that lot for Burke's Pub.

Frank Grady stated yea.

Chairman Rogan stated okay, okay.

Board Member Cook stated sir, has this been going a long time.

Frank Grady stated yea, even when it wasn't, when it was grass they were parking there, on the grass.

Chairman Rogan stated Carl, is that something that is within the purview of this Board or should be directed.

Carl Lodes stated its enforcement.

Chairman Rogan stated its something that maybe we should direct to the Sheriff's Department.

Board Member DiSalvo stated oh.

Chairman Rogan stated Rich, can you draft a letter from the Planning Board to Sheriff Smith, just requesting that or letting him know that the Planning Board was made aware of a parking issue from the bar on private property. Granted that this is not the owner here but just letting him know that we were made aware of this situation, please.

Board Member DiSalvo stated shouldn't it have to come from the land owner, the letter, making the complaint.

Board Member Montesano stated well we are getting it on a public hearing, so.

Chairman Rogan stated we can do it as just a comment noted...

Board Member DiSalvo stated okay.

Chairman Rogan stated but it would be probably better coming from the property owner, correct.

Rich Williams stated yea.

Carl Lodes stated it would be better from the property owner, (inaudible – too far from microphone).

Chairman Rogan stated yea but once we are made aware of it, I think its good that we at least let...

Frank Grady stated after they tear the garage down, can they put up a nice fence.

Chairman Rogan stated that's what we are hoping about.

Frank Grady stated not a chain link fence.

Chairman Rogan stated initially...

Frank Grady stated something that looks like.

Chairman Rogan stated initially Frank, we spoke about a decorative fence...

Frank Grady stated yea.

Chairman Rogan stated and we will continue talking about that tonight before a decision is made, I know there has been some concerns expressed about snow removal and pushing into that, so will hear a lot of that discussion tonight but your point is well noted, we discussed that when we were on the site walk and that is part of our ongoing discussions tonight. Any other concerns that you want to talk about or you're all set.

Frank Grady stated no.

Chairman Rogan stated okay.

Board Member DiSalvo stated how would you feel about the applicant, once the site is done and the parking is in, would you feel favorably about the applicant putting a chain across the parking lot, so people still can't access it at night.

Frank Grady stated there are tenants that are going to...

Chairman Rogan stated its going to be for the tenants.

Frank Grady stated have to take the chain down when they leave.

Board Member DiSalvo stated but you're still going to have the same problem if it's not really enforced, people are still going to park back there.

Rich Williams stated you may also have issue that there is an apartment in the building.

Frank Grady stated two.

Rich Williams stated there are two, that's what I thought but the application only says one.

Board Member DiSalvo stated I think there is just one.

Frank Grady stated two.

Mr. Sanok stated I think I put an apartment.

Frank Grady stated a legal one.

Rich Williams stated yea.

Mr. Sanok stated I'm not aware of an illegal apartment.

Board Member Cook stated when we were out at the site...

Rich Williams stated we'll check with the Building Department.

Board Member Cook stated it was commented about one apartment and one office space.

Board Member DiSalvo stated right.

Chairman Rogan stated it's possible that they converted some space to an office.

Board Member DiSalvo stated the ground floor.

Frank Grady stated they are living in there.

Chairman Rogan stated have you been in the place.

Frank Grady stated no but somebody just moved in and there is an apartment up on top.

Chairman Rogan stated okay, we'll confirm.

Board Member DiSalvo stated upstairs or...

Rich Williams stated I'll confirm it with the Building Department tomorrow what the number of apartments legally should be there.

Chairman Rogan stated okay.

Frank Grady stated and what about the parking lot, he has fuel tank right there in the parking lot.

Chairman Rogan stated we are discussing that as part of this application, some bollards.

Frank Grady stated you're going to have a barrier around it, how come everybody else has to have a tank.

Chairman Rogan stated it's a home heating tank, isn't it.

Frank Grady stated yea but still if somebody punctures that.

Chairman Rogan stated I think that is the idea behind the bollards.

Frank Grady stated they aren't going to stop a puncture.

Board Member Montesano stated the latest things now, is they are doing above ground.

Chairman Rogan stated yea.

Board Member Montesano stated I don't know if Fire Code is insisting on it now, to avoid rotting.

Chairman Rogan stated you mean that they be above grade.

Frank Grady stated it is above grade.

Chairman Rogan stated I don't know but that doesn't concern this application, so.

Board Member Montesano stated okay.

Chairman Rogan stated okay, thank you, any other questions or comments from anyone in the audience.

Board Member Montesano stated move to close the public hearing.

Board Member DiSalvo seconded the motion.

Chairman Rogan asks for all in favor:

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

Chairman Rogan - aye

The motion carries by a vote of 4 to 0.

Chairman Rogan stated okay, so to the specific concerns that were raised and I know we have a couple of conversations to have about parking number and et cetera.

Mr. Sanok stated to address the fencing we've got incorporated at this point, six foot high, black coated vinyl chain link fence. The idea behind that is if snow is being pushed around, the fence will give us some flexibility instead of breaking.

Chairman Rogan stated with slats.

Mr. Sanok stated with slats...

Chairman Rogan stated slats between the...

Mr. Sanok stated with slats to make it completely dense, you can't see it through but the idea behind of putting wood fence or ornamental fence, I'm certain in time its going to get damaged and not readily fixed.

Chairman Rogan stated the question I would have is that the area of the fence that runs parallel to this gentleman's property, you wouldn't have the room to push snow at it, you would have to come into that lot and push parallel to it.

Mr. Sanok stated correct, you would push it to this, so part of it would get.

Chairman Rogan stated and the area adjacent to the property that we were just talking about also, we were talking about a change in grade if I'm not mistaken from the sidewalk to the existing sidewalk, six inch...

Mr. Sanok stated correct, there is a six inch, correct.

Chairman Rogan stated so you have a little bit of, you can't push right past that six inches.

Mr. Sanok stated correct.

Chairman Rogan stated so really the snow removal concern is one of the right side of the plan.

Mr. Sanok stated its really in the corner here, where the plow pushes it in and starts to pile it up, it's the corner that's getting it, its not just going to be the one side, all going to be pushed to that.

Chairman Rogan stated and is the fence proposed to be on the property line.

Mr. Sanok stated it is proposed to be adjacent to the property line, I show it maybe a matter of three inches away.

Board Member DiSalvo stated in a little.

Chairman Rogan stated so on the property line.

Mr. Sanok stated its on the property line.

Chairman Rogan stated so if its pushed, it would force the snow on to somebody else's property.

Mr. Sanok stated you're right.

Chairman Rogan stated it would beg the question, are we paving too far up to the property line on this because of this reason. We already know we are tight on space for five spots...

Mr. Sanok stated yea.

Chairman Rogan stated that I don't think anyone would argue but I mean, certainly the site is going to look a lot better then what it currently does, we all agree on that. Rich, you have any thoughts on this...

Rich Williams stated because of the change in grade, you're not going to pushing snow on somebody else's property.

Chairman Rogan stated right.

Rich Williams stated that was not a concern that we identified.

Chairman Rogan stated well anyone on the Board, have any other thoughts on this.

Board Member DiSalvo stated hmmm.

Board Member Cook stated now, the apartment or apartments, let's, we were told one, let's just stay with one for now. The people that are going to be living there, shouldn't they be attuned to illegal parkers on that site, to help out the next door neighbor, relative to illegal parked cars. I would think that you know, if they live there they should have, even if they are renters just flat out renters, they should have some responsibility to ensure that or, I think we have to go back to what Maria said and think about maybe a chain going across or something so cars don't park there illegally.

Board Member Montesano stated well the barbershop is going to be open a certain amount of hours, a chain across there with a certain amount of hours, a chain across there with a combination lock, it may a little annoying but it shouldn't be that difficult to open it, drop it and then because its also going to help the tenant in keeping his car from being smashed up by some of the people that are wandering around at that time of night, so to speak.

Chairman Rogan stated I go back to the enforcement issue, if the neighbor, if Mr. Grady sees that there are people parking there that are clearly, I mean let's face it if somebody parks there and goes to the bar and the owner doesn't object to it and that is all they're doing, then there is nothing illegal going on. If they hang out in this parking and they are drinking or doing something else, Mr. Grady calls the police and says there is something going on here and they investigate it.

Board Member DiSalvo stated I think the owner of the property has to post it, you know, no outside parking or...

Chairman Rogan stated yea, I tend to agree with what Charlie is saying, that the policing of this lot, because these people that are renting here are going to have a sense of ownership to these spots because

they are convenient for them, they are going to rather park there than on the street. So, I agree that there is a certain self policing going on in this case.

Board Member DiSalvo stated oh sure.

Chairman Rogan stated Bruce.

Bruce Major stated Bruce Major, 166 Somerset, Patterson.

Chairman Rogan stated yes sir.

Bruce Major stated in many communities and if you've been to Boston, you'll see it as well, you can require him, I believe to from 7 o'clock at night, parking by permit only okay, so there would have to be signs posted that parking is only permitted by permit holders, all others will be towed and he can make an arrangement with the tow company to go over there and pull the cars out.

Chairman Rogan stated sure, that's a good idea.

Bruce Major stated okay.

Chairman Rogan stated thank you, thanks for that help.

Mr. Sanok stated we would happy to post any signage, just give me some of that verbage and...

Chairman Rogan stated that seems reasonable.

Mr. Sanok stated okay.

Chairman Rogan stated I think everybody has the same intent here so anyway we can come up with a reasonable way to resolve it, sounds great.

Mr. Sanok stated sure.

Chairman Rogan stated can we go back to the fence issue, since we started on that and try to nail that down. Initially when we discussed this application we had requested a more decorative style fence.

Board Member DiSalvo stated right.

Board Member Montesano stated yes.

Chairman Rogan stated I still would prefer that and I understand the snow issue but I think we are just going to have to be a little more careful and see what happens there. Also, given the number of spots and the lack of room in here, you may never be able to plow this lot, it might be something that these guys go out an shovel, just from the standpoint of, they'll have to pull all the cars out, you know. I think its going to be a little difficult.

Mr. Sanok stated okay, sure.

Board Member Montesano stated eventually...excuse me, if it gets paved, if the guy knows how to operate his plow.

Chairman Rogan stated when it gets paved.

Board Member Montesano stated when it gets paved, you're going to be able to pull in, drop your blade and back it out. So a decorative fence at least on that side...

Board Member DiSalvo stated Frank is saying no, back there.

Frank Grady stated where are you going to put the snow.

Chairman Rogan stated make it all the same.

Board Member Montesano stated that is going to be...

Chairman Rogan stated Frank, do you not want a fence, I mean, we are trying to get a different, what would you like.

Board Member Montesano stated we're trying to get it.

Frank Grady stated when they pull the snow out, where are they going to put.

Board Member Montesano stated against that fence or they are going to shove it through, what would you prefer it.

Chairman Rogan stated they can put it on the septic area.

Frank Grady stated on my sidewalk.

Mrs. Grady stated that's our yard.

Frank Grady stated he's going to push it on my sidewalk...

Board Member Montesano stated so if there is a solid fence there...

Chairman Rogan stated let's wait a second, first of all, not to cut you off or anything but I realized I'm not doing my job here, if you want to talk from this point forward, just please come up and use the mic. I understand your concern but Michelle has a tough job here to get all the minutes here and I don't want her mad at you or me, all right. The guy does have area that is not paved that is septic area, we can't pave over it but we can certainly pile snow on it, so that is an option, okay. Again, if the guys starts pushing snow into the road and creating a hazard, like any other homeowner in the Town of Patterson that might do that, they should be, that is an enforcement issue. If there is a concern about pushing snow against the fence, we are going to have to work out a way that they don't break their fence. Our goal from the on set of this was to have a decorative fence that the neighbors would find attractive, that would make the site look attractive and that would keep any litter in the site or from other people's yards coming in, to be honest. We kind of wanted to close out the site, I'm not a fan of the chain link fence idea with the slats, initially when we spoke to the owner, I think he was receptive to the idea doing a decorative fence, if we can nail that one down...

Mr. Sanok stated he is.

Chairman Rogan stated if we can nail that one down and move on to another issue.

Mr. Sanok stated well we can, what we would like to do in place of the chain link fence that is develop a six foot high, wood privacy fence, the bottom ten inches would be solid, six inch slats and then we would do a decorative on top.

Chairman Rogan stated perfect, does that sound nice to everybody.

Mr. Sanok stated with four by four posts.

Board Member DiSalvo stated I'd say so.

Chairman Rogan stated beautiful.

Mr. Sanok stated I'll provide a detail and a revised drawing.

Chairman Rogan stated thank you for that, there was a concern from our Town Engineer, Andrew and also by the Town Planner that we thought that probably four spots were going to work real well on this and that five were probably too tight. I know that you were saying that your client was saying that this is difficult project to do, that it's a balance of what we are getting out of it and what we are putting in, having said that, Andrew or Rich, do you want to speak to that issue on the microphone.

Rich Williams stated sure.

Chairman Rogan stated thank you.

Andrew Fetherston stated the Board is aware that five feet don't, I don't think four fit by Code with the aisle and the spaces. I guess my concern is more for the end user and the vehicles that are out there, damaged by maneuvering vehicles of course and as damage to the fence you're speaking, I think no matter what its made out of, if its chain link fence, the posts, there is no curb couple of feet fence, its fence right on the end, that is going to make it another obstacle, another difficulty, something for the homeowner to be concerned about and also the neighbors that are speaking up, if the fence is pushed over or damaged, I'm sure that is their concern as well, its very tight, a very tight site, a very difficult site.

Chairman Rogan stated yea.

Board Member Cook stated Andrew, can four spaces fit there per Code.

Andrew Fetherston stated well, you could, no, no, they can't. They will fit better than five.

Chairman Rogan stated sure.

Andrew Fetherston stated backing out is probably half of what we normally put in an aisle, aisle would normally be twenty-four, twenty-six feet, its half of that, its very tight. You have to be a talented driver, you really do.

Board Member DiSalvo stated and not drive a pick up truck.

Chairman Rogan stated Mike, you know what we might be able to do on this, we are not paving this lot nor striping it until six months from now. We have six months of trial on this basically to really get a sense of whether or not four is even going to work, so prior to, can we put this as a condition in the resolution that prior to the final striping being done that the Town Planner...

Mr. Sanok stated I'm not sure if my, I mean what's happening now is there are five spaces that they park in.

Chairman Rogan stated you're saying they are parking over the septic area right now.

Mr. Sanok stated currently what they are doing right now is they park up on the street edge. That condition is more favorable to him than losing a spot, so Tom's thought is why would I invest all this money cleaning it up and trying to get it as tidy and neat as I can...

Chairman Rogan stated I understand...for just that reason.

Mr. Sanok stated if we are losing a spot.

Chairman Rogan stated he still has the stop but you're saying he's parking over his septic area.

Mr. Sanok stated yea, I mean he's encroaching on the septic area here, these are proposed conditions so we are eating more into the parking area. Right now he has two laterals that go into here which don't infringe on the way he parks.

Chairman Rogan stated okay.

Mr. Sanok stated but they do squeeze them in there and you know just in speaking with Tom, doing his final submission, he said why am I doing this, I have five spots.

Chairman Rogan stated yea.

Mr. Sanok stated but ultimately he wants to look good in his location.

Chairman Rogan stated and he's done a good job with that so far, we were very impressed with what's he's done on site.

Board Member Montesano stated as you stated previously, we have until June.

Mr. Sanok stated I don't know how Tom (inaudible).

Chairman Rogan stated let me ask you, I'm going to put you on the spot though as a professional, do you think five spots, would you be able to hang your hat on the safety factor or the maneuverability of this site for five spots.

Mr. Sanok stated it is an extremely tight site is what I have been stressing to Tom from the beginning but it does work, it does allow five cars to park.

Chairman Rogan stated maybe compact, small Hondas or something.

Mr. Sanok stated yea, I mean there is going to compromise in some sense with some people but it does clean up the site and it does allow him to utilize the space instead of letting it go to waste and letting it look like it does now.

Board Member DiSalvo stated I like what Shawn is proposing about a trial, I mean once...

Chairman Rogan stated with the five spots.

Board Member DiSalvo stated once that garage comes down, that opens up that site more and maybe people will feel more comfortable about parking there and being able to get out, you know, once that garage is down (inaudible) the picture.

Chairman Rogan stated tell you what we do and maybe Rich can help us with this. What about we do an approval on the five spots with a six month time frame that we are going to go back out and we'll witness with the owner five cars parked out there and maneuverability in June or May or whenever, before they stripe it. They can be paved but before they actually final stripe it.

Rich Williams stated my suggestion and kick it also back to Carl...

Chairman Rogan stated yea.

Rich Williams stated is that you simply approve the site plan with no parking layout, subject to the applicant submitting and getting a final parking layout approved by the Planning Board...

Chairman Rogan stated that's fine.

Board Member DiSalvo stated (inaudible) the striping.

Rich Williams stated prior to the parking lot being paved, that will give us the winter to see if there are any incidents out there. That also requires the fence to be put up now...

Chairman Rogan stated of course.

Board Member DiSalvo stated yea.

Rich Williams stated so if you don't, there is going to be...

Chairman Rogan stated that seems very simple.

Mr. Sanok stated to be very honest, I'm not sure Tom would entertain the idea in investing that much money and he's still one spot less.

Chairman Rogan stated I think that Tom though if you explain and his experience with this Board, we've been pretty darn reasonable.

Mr. Sanok stated sure no, yea.

Chairman Rogan stated no one is looking to hurt this poor guy, he's done a fantastic job with site, I think it looks great, I don't think anybody would disagree with that, so I think if you can convey that message, we can do that approval, it doesn't mean he has to follow through with the approval.

Mr. Sanok stated and that is what I going to ask you, if he decides for now...

Chairman Rogan stated absolutely and if he has any, he can certainly come in and talk to Rich...

Mr. Sanok stated sure.

Chairman Rogan stated I think the intent can be, you know clarified with him.

Board Member Montesano stated excuse me, I was listening.

Chairman Rogan stated Rich, Andrew, any other items that we haven't addressed that you have that aren't, you know, Charlie.

Board Member Cook stated I just want to mention on the site plan that we have, some of the space in the building, the first floor space is labeled office.

Mr. Sanok stated sure.

Board Member Cook stated comment on it is the second floor is the apartment, one apartment, one office, that is what's getting approved.

Chairman Rogan stated right.

Mr. Sanok stated what I'll do is I'll go back to Rich's comments to go back and recalculate and identify all the different spaces and it will be on the final plan.

Chairman Rogan stated okay.

Board Member Cook stated do we want to approve this tonight or should we allow him to go back and speak to Tom and...

Mr. Sanok stated well I'm fighting the weather.

Rich Williams stated if you don't approve it tonight, then you are pushing it further off into December.

Board Member Cook stated okay.

Rich Williams stated and then we are talking about trying to struggle to get some of these improvements completed before the ground freezes.

Chairman Rogan stated okay, so the resolution to be clear that we have, we are just changing the idea of the fence to be a decorative fence that the gentleman has spoken about tonight and the approval not including a parking lot and that will be done at a later date.

Board Member DiSalvo stated (inaudible).

Board Member Montesano stated that its only one apartment that we are approving.

Board Member Cook stated but the comment, I mean the note in that resolution that was prepared for us says that certain things have to be done within 62 days, now we want to change that to by...

Rich Williams stated there is also a subsequent note...

Chairman Rogan stated right.

Rich Williams stated that note is related to meeting the conditions of the site plan, if making the changes and submitting that back to us, there is a subsequent note under special conditions, which addresses that all approvals need to be installed by June 30th.

Chairman Rogan stated June 30th.

Board Member Cook stated okay.

Chairman Rogan stated item four.

Board Member Cook stated thank you.

Chairman Rogan stated okay.

Rich Williams stated one last comment on the parking, do you want to make it clear within the resolution that the applicant has to return to the Planning Board, excuse me, for approval of a final parking layout prior to installing the pavement and prior to June 30th.

Chairman Rogan stated got it, thank you. June 30th and paving. Charlie is getting it all down, yes, no.

Board Member Cook stated hold on, what was the comment on the fence again.

Board Member DiSalvo stated it was supposed to be decorative.

Chairman Rogan stated that we are changing the design to the decorative wood slat.

Rich Williams stated four foot ten. Four foot, ten inches high wood slat fence with a decorative top.

Chairman Rogan stated total is six foot high.

Mr. Sanok stated total is six foot high.

Chairman Rogan stated perfect.

Mr. Sanok stated hunter green.

Chairman Rogan stated perfect.

Mr. Sanok stated I actually consulted (inaudible).

Chairman Rogan stated (inaudible) here tonight.

Mr. Sanok stated and the fence will be finished also.

Chairman Rogan stated thank you, it will look nice.

Board Member Cook stated do something like that.

Chairman Rogan stated okay, we'll be there. Yes sir.

Board Member Cook stated whereas the Planning Board has considered the application of Tom Salinas, pursuant to Chapter 154 of the Town Code Final Site Plan entitled Tom's Barbershop prepared by Sanok...

Mr. Sanok stated Sanok.

Board Member Cook stated Design Group dated June 18, 2009, last revised October 21, 2009 and Whereas the Planning Board opened a duly noticed public hearing on the subject application and final site plan at its meeting on November 5, 2009 and closed the public hearing on the same night after receiving comments from the public. Now therefore be it resolved in the application of Tom Salinas 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 the requirements of the Town law and Chapter 154 of the Town Code and hereby grants final site plan approval, subject to the applicant's compliance with 5 general conditions, 4 special conditions within 62 days of the date of this resolution. This also to be included as part of this approval is that the applicant has to return to the Planning Board prior to final paving of the parking lot and that a...

Chairman Rogan stated and prior to June 30, 2010.

Board Member DiSalvo stated 2010.

Board Member Cook stated prior to June 30, 2010.

Board Member DiSalvo stated 2010.

Chairman Rogan stated to resolution says 09 for the dates.

Board Member Cook stated I got it. And also with a decorative fence with a maximum height of six feet, be installed on the perimeter of the property.

Chairman Rogan stated that sounds like about it.

Board Member Cook stated excuse me.

Chairman Rogan stated that sounds like about it.

Board Member DiSalvo stated you want to talk about parking.

Board Member Montesano seconded the motion.

Chairman Rogan stated you did the parking, that you did first.

Board Member Cook stated you get the part about the decorative...

Mr. Sanok stated yes.

Board Member DiSalvo stated paving, did you want to put in about reviewing the number of spaces.

Chairman Rogan stated well that is the parking plan that he was talking about, he said that didn't he.

Board Member DiSalvo stated okay.

Board Member Cook stated yea.

Board Member DiSalvo stated all right.

Board Member Montesano stated we covered everything we've spoken about.

Chairman Rogan stated okay, Mike has second.

Chairman Rogan asks for all in favor:

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

The motion carries by a vote of 4 to 0.

Chairman Rogan stated SEQRA Determination please, on this application.

Board Member Cook stated make a motion that Planning Board find a Type II action.

Rich Williams stated oh, I'm sorry, you're correct.

Chairman Rogan stated it's a Type II.

Rich Williams stated I was wrong, yea it is.

Chairman Rogan stated good for you Charlie.

Board Member Cook stated Type II action.

Rich Williams stated we're done.

Chairman Rogan stated no further review is required.

Board Member Cook stated no further review required.

Chairman Rogan stated okay, Mike second on that.

Board Member Montesano seconded the motion.

Chairman Rogan stated Type II, it's pretty straight forward.

Chairman Rogan asks for all in favor:

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

The motion carries by a vote of 4 to 0.

Chairman Rogan stated okay, if Mr. Salinas has any concerns please have him come in and talk to the Town Planner.

Mr. Sanok stated I most certainly will.

Chairman Rogan stated we will relay his, the information from tonight.

Mr. Sanok stated thank you again.

Chairman Rogan stated thank you very much.

4) INDINSUMR TAT2 – Sign Application

Ms. Ginamarie Scores and Mr. Dominick Dallo were present to represent the application.

Board Member Pierro rejoins the Board.

Chairman Rogan stated we have IndinSumr Tat2 sign application, who is present, would you come up please. Hi, can you state your name please.

Ms. Scores stated Ginamarie Scores.

Chairman Rogan stated I'm sorry.

Ms. Scores stated Ginamarie Scores.

Chairman Rogan stated Ginamarie Scores and who is this with you this evening.

Ms. Scores stated this is Dominick.

Mr. Dallo stated Dominick Dallo.

Chairman Rogan stated hi Dominick.

Mr. Dallo stated hi.

Chairman Rogan stated we have an application for a sign, this is the, this is in front of the old Daniel J's, this is the little building that sits out there.

Ms. Scores stated correct.

Chairman Rogan stated we know there is a sign frame that is existing that you want to utilize.

Ms. Scores stated behind the mailbox, yes.

Mr. Dallo stated there is actually.

Chairman Rogan stated on the building.

Ms. Scores stated yes, in front of, two existing.

Chairman Rogan stated out away from the site.

Mr. Dallo stated there are two, one is mounted on the building and one is directly in front of the building.

Chairman Rogan stated okay, I'm sorry, Michelle, let the record show that Dave has rejoined the Board for this application. The...go ahead, I'm sorry.

Mr. Dallo stated they are both pre-existing.

Ms. Scores stated pre-existing structures.

Chairman Rogan stated and we know that there are some changes going on with the restaurant, whenever we have changes and if we, if there are non-conforming situations if we can bring them closer to our Code requirements, we try to do that.

Mr. Dallo stated okay.

Chairman Rogan stated in your instance, the size of the sign, correct me if I'm wrong Rich, as proposed is a little bit larger than what would be allowed.

Rich Williams stated correct.

Chairman Rogan stated but I think you have the area within that sign to bring it within Code and not impact on...

Ms. Scores stated I don't understand that because if it's a pre-existing structure, I was informed when I leased the building that because they are pre-existing structures...

Chairman Rogan stated by whom.

Mr. Dallo stated by the owner.

Ms. Scores stated by the owner and lawyer at the closing that they were pre-existing structures. How much are you talking about, I mean, I'm here to conform, I'm here to conform but I mean...

Mr. Dallo stated our question is...

Chairman Rogan stated I understand.

Mr. Dallo stated the box is metal, is existing.

Ms. Scores stated and its fluorescent bulbs and they are twelve foot, I don't know to reduce it, I don't know what's involved in that, I mean.

Mr. Dallo stated the sign is pretty much the whole length of the building.

Chairman Rogan stated not the sign.

Board Member DiSalvo stated the sign frame.

Chairman Rogan stated not the sign frame, your sign within that frame.

Mr. Dallo stated oh, all right, in other words.

Chairman Rogan stated not modifying the actual structure of the box.

Ms. Scores stated the box.

Mr. Dallo stated so the actual wordage.

Board Member Pierro stated wording.

Chairman Rogan stated yea.

Ms. Scores stated but he has to cover the box.

Chairman Rogan stated the box is a certain size.

Mr. Dallo stated right the box (inaudible).

Chairman Rogan stated let's just say that the box is too big...

Mr. Dallo stated right.

Chairman Rogan stated now you take your sign...

Ms. Scores stated and now what do I have, do I have an unfinished product on the outside of my building.

Chairman Rogan stated no, you add a blank space to it so its...

Board Member DiSalvo stated it will still be illuminated.

Mr. Dallo stated how much room are we talking.

Chairman Rogan stated well the building mounted sign that you're proposing it looks like its 58 square feet, which based on the, what did we figure on that, was it 50 feet, is that what we are saying.

Ms. Scores stated so I have to take four foot off each side.

Rich Williams stated it was approximately 50 or 45, actually its 45.

Chairman Rogan stated 45.

Mr. Dallo stated its 45.4 feet.

Rich Williams stated but the new Code as it relates to the building is basically one to one.

Chairman Rogan stated so in essence what we are saying, based on the length of the building, the current Code allows you to have up to 45 square foot of signage and you're proposing 58, so to bring it down to 45, you would have to pull it...

Mr. Dallo stated halve the sign.

Chairman Rogan stated no not half the sign, 58 to 45 is a difference of 13 feet.

Mr. Dallo stated the sign itself, the sign itself is almost sixteen, eighteen inches wide, so it is almost half the sign...

Chairman Rogan stated wait, wait, the sign it...

Ms. Scores stated it's already structured, I've got fluorescent bulbs in there and I have a light box, what do I do with all that.

Chairman Rogan stated you're saying that the size of the sign you're proposing is 29 feet and, I'm sorry.

Ms. Scores stated I'm just trying to fit it in the existing space.

Chairman Rogan stated ma'am I understand.

Mr. Dallo stated hold on, the sign itself now, is approximately 45 feet long and it's approximately 16 to 18 inches wide. That is existing, even before the owners now have had it and it's been there forever.

Chairman Rogan stated okay, Rich let me ask you a procedural question, just to clarify. If the Planning Board wanted to approve a sign that was larger than what the Code required, does that have to go to Zoning or is that something that...

Rich Williams stated yes it would need...

Chairman Rogan stated okay.

Rich Williams stated well again, there is this issue about pre-existing, non-conforming versus what our Code requires now. This could essentially be considered...

Ms. Scores stated grandfathered.

Rich Williams stated you know, either way, it could be considered pre-existing non-conforming because the sign box is already there or it could be considered you know, a new sign. If the Board says we don't want a light box up there, you have to remove it, of course that would mean, automatically assume that it's a new sign. In this case, there is already an existing light box...

Chairman Rogan stated right.

Rich Williams stated they are just changing out the front face of it.

Mr. Dallo stated the Plexiglas is basically what we are replacing.

Ms. Scores stated that's it.

Rich Williams stated so.

Chairman Rogan stated understood, so we have a box that basically doesn't meet the current requirements, your attempt is to get this, put our new sign into the same dimensions as what was there.

Mr. Dallo stated all we want to do is get a couple sheets of Plexiglas with our wordage on it and that's it, basically. We do have two decals that we would like put on there, we know those are an issue too [laughs].

Chairman Rogan stated I saw those, part of obviously what we are doing here and you saw this already tonight is compromise.

Mr. Dallo stated yes.

Chairman Rogan stated we do compromise with people all the time, its not just what we want.

Mr. Dallo stated we do have a question, we know it is an issue with the skull and the dagger in the heart. Now the skull, now the dagger in the heart maybe I can see it's a little...

Ms. Scores stated no its not.

Mr. Dallo stated I can see it's a little.

Ms. Scores stated it's an antiquated stereotype of judgment.

Chairman Rogan stated of what.

Ms. Scores stated judgment.

Chairman Rogan stated okay.

Board Member Pierro stated I understand that Gina but we have a very specific in the other part of the Hamlet, this location isn't within the Hamlet...

Ms. Scores stated where is the Hamlet.

Board Member Pierro stated the Hamlet is the area, the business district in the Town of Patterson further out on [Route] 311, we have tried very hard as a community to bring a lot of signs that were non-conforming, to bring them into conformance and to use the same colors and the same kind of New England-y type feel to it. The great thing about our Country is that we are all from different ilks and colors and races and creeds and likes and dislikes...

Ms. Scores stated exactly.

Board Member Pierro stated one of the things that is a little outlandish about the skull and the knife going through the heart, it offends people sensibilities.

Ms. Scores stated that is so...that is so...I think that is a personal opinion, totally think that is a personal opinion.

Mr. Dallo stated I don't understand how, I could see if the skull had blood, flames coming out it, blood coming out it, that could be maybe taken as offensive but it's a top hat, it's a skull with a top hat.

Ms. Scores stated it's a heart, it's a memory.

Board Member DiSalvo stated he looks like he's a drugs on something, smoking a butt or something.

Ms. Scores stated no, no, I wouldn't know what a blunt is honey.

Board Member DiSalvo stated a butt, I said a butt, a cigarette.

Ms. Scores stated I thought you said a blunt, I wouldn't know what that is and it's a cigarette butt.

Board Member Montesano stated she wouldn't...

Board Member DiSalvo stated I wouldn't know what that is.

Chairman Rogan stated so you do know what it is.

Board Member Pierro stated so you know what a blunt is.

Ms. Scores stated I have kids, I have teenagers, I've grown.

Board Member Pierro stated oh okay.

Board Member DiSalvo stated this looks like something you would see on a non-smoking advertisement for somebody that's going to get cancer, I mean, you know.

Ms. Scores stated I'll take the cigarette out of its mouth, I'll put roses, tell me how to dress it up.

Board Member DiSalvo stated did you come up with any alternatives, can you use something a little more passive, like beautiful you know...

Ms. Scores stated skulls are...

Board Member DiSalvo stated other artwork that you would do.

Ms. Scores stated skulls are my signature; I've been into skulls forever and ever. To take away that takes away my self expression. To tell me that I can't put a skull on my business, to promote my business, I think that is discrimination.

Board Member Pierro stated it's not only...

Board Member Montesano stated then we can close up doing (inaudible).

Board Member Pierro stated it's also...

Ms. Scores stated as a tattoo shop, it's beautiful totally clean, up to Code.

Chairman Rogan stated one second, one second.

Ms. Scores stated place, run professionally, I have six shops in Westchester.

Board Member Pierro stated I'm aware of the requirements to operate under New York State Licensing for a tattoo shop...

Chairman Rogan stated I'm sorry Michelle.

Board Member Pierro stated I understand that the skull is your brand just from the buckle you're wearing tonight.

Ms. Scores stated we all have one.

Board Member Pierro stated but the sign...

Board Member Montesano stated yea some are empty.

Ms. Scores stated we all do.

Board Member Pierro stated the sign in itself is offensive, you may not find it offensive but other people may find it offensive, Indians, people of Indian decent maybe find that offensive too.

Ms. Scores stated my son bought this ring at, my son bought me this ring at Zale's...

Board Member Pierro stated that's wonderful.

Board Member Montesano stated so.

Ms. Scores stated go into any department store, Kohl's, kid's candy stores, I mean skulls...

Board Member DiSalvo stated and look at the shirt you have on, what do you have, a flower in the middle...

Ms. Scores stated where did I get this...

Board Member DiSalvo stated that, I mean, are those flowers.

Ms. Scores stated I'll put flowers around his neck.

Board Member DiSalvo stated you kind of made it a little more passive.

Ms. Scores stated I have a bunch of designs, I'm willing to work with you but you have to give me something here.

Board Member Pierro stated I would, yea well...

Chairman Rogan stated well, what was your first name again...

Ms. Scores stated Gina.

Chairman Rogan stated Gina, we started off talking about the size of the sign...

Ms. Scores stated I'll take the cigarette out of its mouth.

Chairman Rogan stated we started off talking about the size of the sign and you've already gotten a sense of some compromise from this Board. Hey, you know what, maybe if we can make a little progress on the symbols, that maybe we'll, if we can consider this pre-existing, non-conforming grandfather it in, he's rolling his eyes but...

Ms. Scores stated the zoning...

Mr. Dallo stated I'm not, I'm not.

Chairman Rogan stated I think at the end of the day we are trying to allow you to have the sign that you'll be happy with, we'll be happy with and you'll be open and people will be able to drive by and know that it's a tattoo shop. I'm actually surprised, the font of the lettering that you used, it doesn't seem like something you would be able to read as you drive by.

Ms. Scores stated no, no, no, the font is, this is just something that I came up with like, within like 12 hours. I just had one of my artists just sketch it out rough, of course the sign person is going to put a different font to it.

Board Member Pierro stated as of late, I've seen a lot of, I have younger daughters and I've seen a lot of their friends with tattoos with filigree and lacy stuff and you know, i.e. things like that...Eddie show them your tattoo, will you.

Chairman Rogan stated oh come on.

Audience laughs.

Mrs. Keasbey stated not in public.

Board Member Pierro stated all right, I think that there is some place that you can take this...

Ms. Scores stated I offer senior citizens discounts too, all the time. Some of my best customers are senior citizens and they come in and they want that Yankee emblem on their shoulder Raggedy Anne and Andy that they never could get, you know.

Board Member Pierro stated but I think that you could show off your talent a little bit better by putting something more current, something...

Ms. Scores stated what is not more current than a skull.

Board Member Pierro stated you know, this would be fine in Washington Heights.

Ms. Scores stated go to Macy's, no, no, no, walk into Macy's, you can't go anywhere, everything is skulls.

Board Member Montesano stated I can't afford Macy's.

Ms. Scores stated all the designers...

Board Member Pierro stated basically what I'm asking...

Ms. Scores stated I used to have to get my clothes made, now everybody sells skulls.

Chairman Rogan stated wait a second.

Board Member Pierro stated Gina, we are willing to work with you, basically what we are asking is for you to go back to the drawing the Board...

Ms. Scores stated and eliminate the skull.

Mr. Dallo stated how about....

Board Member Pierro stated yea.

Ms. Scores stated I can't, I can't eliminate...

Ms. Dallo stated if I was going to ask you...

Chairman Rogan stated yes sir.

Ms. Scores stated tell me how to dress it, it's my signature.

Mr. Dallo stated what if we were to dress up the skull a little bit with the flowers and stuff like you said...

Ms. Scores stated I'll put the roses.

Mr. Dallo stated with the roses...

Ms. Scores stated don't take away my skull.

Mr. Dallo stated this way she gets her skull.

Board Member Montesano stated we are going to put Gina's picture on it, because that's a skull and you can have it sitting right up there and that might be within reason.

Mr. Dallo stated would that be within reason, if we were to....

Ms. Scores stated I have a picture of two skulls that make a heart, I mean, you know... that's.

Board Member DiSalvo stated bring your book in, your tattoo book.

Mr. Dallo stated I mean...

Board Member Montesano stated right now, can I ask a question, these are not the letters you're going to use, you're going to have someone make something else up.

Ms. Scores stated yes, yes.

Board Member Montesano stated so how can we approve something...

Chairman Rogan stated we would have to (inaudible).

Ms. Scores stated I will definitely, just don't tell me I can't put a sign up until December.

Board Member Montesano stated well if that's not the lettering, then how do we approve it.

Board Member Cook stated we can't approve this.

Chairman Rogan stated you're right.

Ms. Scores stated wait, where is the original...

Mr. Dallo stated that is the original.

Chairman Rogan stated yea.

Board Member Montesano stated these are the two we have and they are both the same, here.

Ms. Scores stated then we'll go with them.

Board Member DiSalvo stated is that eye catching for someone driving by.

Chairman Rogan stated do you pronounce because I didn't mean to mispronounce the name of your place.

Ms. Scores stated Indian Summer.

Chairman Rogan stated it is Indian.

Mr. Dallo stated yes.

Board Member Montesano stated Indin.

Ms. Scores stated Indian Summer, its new wave, its retro.

Chairman Rogan stated okay.

Board Member Montesano stated new wave.

Ms. Scores stated we're shortening.

Board Member Montesano stated the skull looks the same as the old wave.

Ms. Scores stated exactly, that is exactly what it is.

Board Member Montesano stated but you just said this is new.

Ms. Scores stated this a vintage design that is like 40 years old, you know.

Board Member Montesano stated okay.

Board Member DiSalvo stated from the 60's.

Mr. Dallo stated we'll get rid of the cigar and put some roses in there, would that work, or no.

Board Member Pierro stated I think if we were to poll the audience...

Chairman Rogan stated we're not polling the audience.

Board Member Pierro stated they would ask you what I'm asking you, to go back to the drawing board.

Ms. Scores stated they would.

Board Member Pierro stated to come up with something a bit more gentle and maybe you can find a way to wiggle your skull into the building, into a light or something inside but I don't see it necessary being on the sign outside.

Ms. Scores stated you don't see it necessary, its not your signature.

Chairman Rogan stated you, it's not what.

Ms. Scores stated his signature, that's like my signature...

Chairman Rogan stated when you walk into the shop, you're going to have your signature all over the place, I'm assuming right. So people really need to know the name of your business as they drive by and when they get in there they are going to see examples of your signature and your artwork and all those other things, right.

Ms. Scores stated the whole inside of my shop is totally contemporary, there is nothing like wild crazy, no daggers, no nothing, it's just the skull is on my sign pretty much. Skulls are incorporated in my theme, it's my theme.

Board Member Cook stated so you're saying that...okay, so skulls are your theme, so you can do alternatives to this.

Ms. Scores stated absolutely, whatever is acceptable, take the cigar out, the cigarette, whatever.

Board Member Cook stated what's your first name again.

Mr. Dallo stated Dominick.

Board Member Cook stated you're the heart man, is that it, on the sign here.

Mr. Dallo stated I don't understand what you mean.

Chairman Rogan stated good question, I agree.

Ms. Scores stated the Grateful Dead symbol is a skull with a rose in his teeth and how long does that go back.

Board Member DiSalvo stated I never followed their music, I don't know.

Ms. Scores stated me either, I don't care for them but I know I've seen it.

Chairman Rogan stated we need to, let's get this to a conclusion.

Board Member Cook stated okay.

Mr. Dallo stated after this.

Board Member Cook stated maybe we're set, you know that we don't like this.

Ms. Scores stated understandable.

Board Member Pierro stated I have a question.

Chairman Rogan stated let Charlie go first.

Board Member Cook stated you're going to come back with something first and if the skull is your signature or whatever, you know guys, this is kind of goes like where other applicants say, this is the type of building we have because this is the corporate logo or you know...

Chairman Rogan stated yea.

Board Member DiSalvo stated that Verizon store.

Board Member Cook stated the sign, the way the colors are because that's the corporate sign.

Chairman Rogan stated I agree with you.

Board Member Cook stated this business owner has skulls as the signature, then I think that we should work with the applicant along those lines and with the applicant understanding that this is like an ...

Ms. Scores stated is unacceptable.

Board Member Cook stated okay.

Mr. Dallo stated it will not be distasteful.

Board Member Cook stated okay.

Ms. Score stated I didn't think that one was but I will certainly work with you, whatever way I will surely work with you.

Chairman Rogan stated thank you.

Board Member Cook stated does this heart have to have a dagger in it.

Ms. Scores stated it doesn't have to have a dagger in it...I, how about if I put...

Board Member Cook stated you can't tell me that is your signature because the skull is your signature.

Ms. Scores stated how about if I put a Valentine arrow through it, you're taking the edge off.

Mrs. Keasbey stated just say no.

Board Member Cook stated why don't you think about that when you're thinking about the skull, think about two hearts or...

Board Member DiSalvo stated two hearts together, I've seen that tattoo.

Board Member Cook stated instead of Big Joe and, what is that.

Mr. Dallo stated okay.

Ms. Scores stated just out of curiosity, just for feedback, what is so offensive about that.

Board Member Cook stated I'd rather see it say mom or something like that.

Ms. Scores stated I'll put mom in it. It actually says Big Joe in it, that is my son's late father.

Rich Williams stated can I make a suggestion here, I'm hearing different things.

Chairman Rogan stated please do.

Rich Williams stated one is what I'm hearing from the Board, is you're not comfortable with the sign in the appearance, you're looking for the applicant to resubmit a new design, maybe a couple of options just in case.

Chairman Rogan stated I was thinking a couple.

Rich Williams stated the other thing I'm hearing is the applicant is interested in getting a sign as soon as possible because they are interested in opening relatively soon.

Chairman Rogan stated yea.

Ms. Scores stated (inaudible) outdated.

Rich Williams stated can I suggest that the Board approve a temporary sign...

Chairman Rogan stated the name on the sign.

Rich Williams stated a temporary sign, with just the name, not to exceed 30 square feet that they can put up over the face of the existing opaque so they have some sort of sign so they can open.

Ms. Scores stated decal.

Mr. Dallo stated that would be great, absolutely.

Chairman Rogan stated that sounds reasonable, that sounds like a great idea.

Ms. Scores stated thank you, that would be a solution.

Chairman Rogan stated sometimes it takes an outside idea.

Board Member Pierro stated I'm throwing a wrench into this, Rich, in light of the recent memo we got from the Building Department, for the lack of C.O. for the main building, can we react to this application.

Rich Williams stated okay, you know in talking to the Building Department about this particular business opening, the Building Department did not feel the necessity in tying the two buildings together and issued a building permit to do the renovations within the buildings, my understanding is they were prepared to issue a C.O.

Mr. Dallo stated I'm also working with Nick in order to push the owners over there into complying with their violations. So we are all working together on this.

Chairman Rogan stated good luck.

Board Member Montesano stated we've been trying for years.

Chairman Rogan stated I meant that sincerely.

Board Member Pierro stated we're been trying to work together for five years.

Mr. Dallo stated I've heard that too.

Ms. Scores stated that was a valid...

Mr. Dallo stated now we have a little leverage because we are his tenants...

Chairman Rogan stated sure.

Mr. Dallo stated and if this affects us, it's going to affect him.

Chairman Rogan stated you're right.

Mr. Dallo stated Nick also has some leverage by using us, which seems to be working out good for him.

Chairman Rogan stated good.

Mr. Dallo stated because it seems like the owners are starting to do what they need to do over there.

Chairman Rogan stated good, good, you want to react to the idea that Rich had which I think was a great idea which was to approve a building mounted sign, I guess this is in the form of a motion, a building mounted sign not to exceed 30 square feet with just the name of the business listed on the sign.

Board Member Montesano stated just the lettering.

Chairman Rogan stated just the lettering, just the name of the business in lettering.

Board Member DiSalvo stated any colors at all.

Chairman Rogan stated prior to having the sign made, run a copy over to Rich and say Rich, this seems like what we were talking about right, so that we get a nod on it.

Board Member Montesano stated and then (inaudible).

Board Member DiSalvo stated black and purple the sign, you're going to keep the lettering that color.

Chairman Rogan stated the lettering can stay the color that is was proposed, black and purple.

Ms. Scores stated it's pretty much just the outline, its not colored in.

Board Member DiSalvo stated and the background is white.

Mr. Dallo stated yes.

Board Member Montesano stated it's a lighted sign.

Chairman Rogan stated so moved.

Board Member DiSalvo seconded the motion.

Chairman Rogan asks for all in favor:

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

The motion carries by a vote of 5 to 0.

Chairman Rogan stated okay, just please make sure you see Rich and then come back in with something on the design and other elements and I promise you we will try to be as reasonable as we can.

Mr. Dallo stated thank you very much.

Chairman Rogan stated all right, thank you.

Board Member Montesano stated (inaudible) duet.

Ms. Scores stated thank you.

Board Member Cook stated thank you.

Ms. Scores stated what.

Board Member Montesano stated a duet.

Ms. Scores stated guns.

Chairman Rogan stated thank you for making it light hearted though, we appreciate it.

5) CLOCKTOWER FRAME SHOP – Sign Application

Applicant did not appear.

Chairman Rogan stated is anyone here for Clocktower Frame Shop. Clocktower Frame Shop, no, well if they come in later we'll...

6) PATTERSON WINES AND SPIRITS – Sign Application

Chairman Rogan stated number six on the agenda is Patterson Wine and Spirits, the Board reacted to that application at its meeting last week at the work session and approved a building mounted sign there.

7) AMERICAN RED CROSS – Request for Waiver of Site Plan

Chairman Rogan stated number seven, the American Red Cross had requested a waiver of site plan to place two metal storage containers at the old Town Hall, the Lawlor Building for use in their emergency preparedness efforts to store things like cots and blankets. That waiver of site plan was approved at the work session.

8) O'MARA WETLANDS/WATERCOURSE PERMIT APPLICATION

Mr. Harry Nichols and Mr. Patrick O'Mara were present to represent the application.

Chairman Rogan stated we have O'Mara Wetlands/Watercourse Application, is anyone here from O'Mara. Mr. Nichols.

Mr. Nichols stated good evening.

Board Member Cook stated good evening.

Mr. O'Mara stated good evening.

Chairman Rogan stated good evening.

Mr. O'Mara stated I'm Patrick O'Mara, this is Harry Nichols, my engineer, how are you doing.

Chairman Rogan stated we're met Harry once or twice.

Mr. O'Mara stated a couple times.

Mr. Nichols stated once or twice.

Board Member Montesano stated jump Harry, jump, a little exercise.

Board Member DiSalvo stated it isn't that high.

Mr. Nichols stated we did receive the memo from the Board but we did not, it mentions a memo from the Wetland Inspector, are there other comments that we...

Board Member Montesano stated sorry Harry.

Chairman Rogan stated they are talking about Ted's memo right here.

The Secretary stated hang on one second.

(Side 1 Ended – 8:27 p.m.)

The Secretary stated you're back on.

Chairman Rogan stated thank you.

Mr. Nichols stated thank you.

Chairman Rogan stated okay so Harry take us through this application, we are basically looking to building a single family home.

Mr. Nichols stated yea, a single family home on, lot number five...

Chairman Rogan stated this is an old subdivision lot.

Mr. Nichols stated this is a subdivision that was filed back in...

Board Member Montesano stated 1981.

Mr. Nichols stated 81.

Chairman Rogan stated 81.

Mr. Nichols stated 81 I think this is probably the last lot that was not built on yet.

Rich Williams stated there's one more.

Board Member Montesano stated wonder why.

Mr. Nichols stated there's one more.

Mr. O'Mara stated the one at the end.

Rich Williams stated yes.

Mr. Nichols stated ours looks better than that one.

Chairman Rogan stated Michelle, did Ted leave.

The Secretary stated I don't know, I will go look for him.

Chairman Rogan stated can you look outside and see if he's there, please.

Board Member DiSalvo stated (inaudible).

Chairman Rogan stated okay.

Mr. Nichols stated did I do something wrong.

Chairman Rogan stated Ted always leaves at the best time.

Mr. Nichols stated did I do something wrong.

Board Member Montesano stated as soon as you come in, everybody leaves.

Mr. Nichols stated going through the memo here, just a couple questions I have here, I understand that re-zoning has recently, an upgrading of the zoning has recently taken place in the Town, July of this year, is that correct.

Rich Williams stated we are constantly amending the zoning but...

Chairman Rogan stated as it relates to this application, no.

Rich Williams stated not the setbacks, if that is what you're referring to.

Mr. Nichols stated no, I'm talking about setbacks, the zoning, the whole one, one sixty now.

Rich Williams stated its still R-4.

Mr. Nichols stated its still R-40.

Rich Williams stated 4, it's been R-4 since 2005.

Mr. Nichols stated 4, okay.

Mr. O'Mara stated submitted the changes with similarities of the zoning code.

Rich Williams stated it didn't effect anything that you have on this lot.

Mr. O'Mara stated okay.

Mr. Nichols stated as far as the setbacks go, I read the comment on the elevations in the front and that is an easy fix, we will take care of that by adjusting the grade in the front, that is not a problem. We are meeting all the other side yard setbacks and rear yard setback.

Rich Williams stated I would imagine you're still going to need a porch to get into the front door.

Mr. Nichols stated well that can be accomplished with the design of the house, we will not exceed that setback that is shown on the plans, obviously.

Rich Williams stated we're heard this before, we would rather have you approach it as, in a manner that is typical of house construction, try to relieve something on...

Mr. O'Mara stated (inaudible – too far from the microphone).

Chairman Rogan stated sir, can you speak up, because they do (inaudible).

Mr. O'Mara stated I was wondering about the set back, there is road alignment and the road taking which was done, there is a 50 foot right of way and my property actually goes up to the rock wall and is probably about ten feet from the rock wall to the end of the right of way and the road taking. Do we start at the rock wall where my property ends or...

Rich Williams stated you start at where the subdivision plat shows the reservation strip starting.

Mr. O'Mara stated even though the Town didn't take that part of the road...

Rich Williams stated there was an irrevocable offer of dedication and regardless there is a statute within highway law that says the Town has control over a certain distance, so...

Mr. O'Mara stated does that still mean that the setback would be from the rock wall going back, I would actually have more I would have maybe 50 feet.

Rich Williams stated again you are going to draw that setback line from wherever the property line is shown on the subdivision map that was filed which a surveyor will identify for you.

Mr. Nichols stated I don't think I got a clear understanding of that answer. Are we to go to the taking line or to the real, the existing property line.

Rich Williams stated you are not to include the reservation strip.

Mr. Nichols stated not to include the reservation strip.

Rich Williams stated correct.

Mr. Nichols stated okay, we can address that.

Chairman Rogan stated why don't we take a look at getting a site walk out there, we've never been on the site.

Mr. Nichols stated we've done our soil testing with both the City of New York DEP and the County Health Department. Matter of fact we have an application and a plan, currently before them for review and they are holding in abeyance until the wetland permits are resolved.

Chairman Rogan stated okay.

Mr. Nichols stated and that is there practice, the whole, we have satisfied the requirements for the percolation tests and the size of the system, we are asking for waivers based on not going into the buffer area with any part of the septic system, either the expansion or the primary.

Board Member Montesano stated how about the house.

Mr. Nichols stated the house yes, we have the house going into the buffer, that is part of our request, we also have an application in to New York State DEC for that very reason, going into the buffer, that plus the, we do show a limit of disturbance line that goes twenty feet further into the buffer from the back of that house, we have included that in our disturbance area and that is currently being reviewed by the DEC.

Board Member DiSalvo stated (inaudible).

Board Member Montesano stated bar-be-ques, fence and everything else that gets approved.

Chairman Rogan stated I'm sorry.

Board Member DiSalvo stated (inaudible).

Chairman Rogan stated not at...

Mr. Nichols stated I see some suggestions in here for establishing a 30 foot wide buffer of grass cement, is this, that's, what's that a tall grass.

Ted Kozlowski stated I didn't come up with that.

Mr. Nichols stated is this something...oh okay.

Rich Williams stated that was my suggestion, recognizing the proximity with, actually the distance between the rear of the house and the actual wetland line and what you are going to do in the backyard...

Chairman Rogan stated sure.

Rich Williams stated and the reality is, if you are going to allow a house on the site, you have to allow a reasonable use of the property which would include a rear yard and how do you want to start managing that buffer area that is now going to be rear yard.

Chairman Rogan stated yea.

Rich Williams stated my recommendation is you allow a certain distance behind the house as lawn area, followed by an additional certain distance between the edge of the wetland coming in as a different vegetative target type so you've got an enhanced buffer that is not just lawn. Again, that would be tall grasses, you know maybe some shrubs, maybe some trees but at least tall grass.

Chairman Rogan stated Rich it looks like...Rich it looks like by the existence of the old stone wall on the plans that even the farmers knew to stay enough out of the muck.

Rich Williams stated I would say so.

Chairman Rogan stated we may want to look at that line and then come off of that for the plantings you're talking about, so let's take a look at this, I think we have to get on the site to know.

Rich Williams stated and (inaudible).

Mr. Nichols stated okay, that line we had flagged by New York State DEC and Ted went out and looked at the line and we made a further adjustment including up to the wall on the south side of the property, as being part of the local wetlands. There is a small area in there that is local wetland and not State wetland...

Chairman Rogan stated okay.

Mr. Nichols stated in other words, the local wetland is larger than the State wetland.

Chairman Rogan stated okay.

Mr. Nichols stated I don't know if you've seen the plan, you have any problems with what we are showing...

Ted Kozlowski stated should I come up.

Chairman Rogan stated please.

Ted Kozlowski stated the Board must have gotten my memo, no.

Board Member Cook stated yes.

Chairman Rogan stated we did, yes.

Board Member Montesano stated we do.

Ted Kozlowski stated yea, half the house is in the buffer and as Rich said, if someone is going to move into this house then they have to have a reasonable amount of use of that land and unfortunately that is all in buffer and right on top of the wetland and we've had this issue in the Town many times before. It's a nice idea Rich about a savanna but is a homeowner with kids and deer ticks and all the other stuff, going to really adhere to that and then it becomes an enforcement issue. The Board really has to look at this site to see how reasonable property is usable there...

Chairman Rogan stated right.

Ted Kozlowski stated plus its on a pretty good slope as I remember, it's been a couple of years since I've been out there which leads me to my big point in my memo to you, as part of the wetlands application we need a functional analysis on this one because there is such an impact to the buffer and potentially to the wetland we need to know what is going to happen when this is all removed and I'm pretty sure the DEC is going to require that as well and that hasn't been addressed Harry and we need to address that.

Mr. Nichols stated right, we have no problem we will address it.

Ted Kozlowski stated and the Board really needs to go out there and see this site, the lay of the land.

Chairman Rogan stated absolutely.

Ted Kozlowski stated it, you know it looks like one thing on the page but when you're out there in the field, it looks completely different.

Chairman Rogan stated sure, okay.

Board Member Cook stated I think we need the house staked.

Mr. Nichols stated okay.

Chairman Rogan stated four corners.

Mr. Nichols stated four corners.

Board Member Cook stated four corners.

Board Member Montesano stated and the wetland buffer...

Ted Kozlowski stated as Rich alluded to, it has to be a front entry, is it going to be a patio, deck, is there going to be a garage.

Chairman Rogan stated right.

Ted Kozlowski stated is there going to be a pool, right now I see a house but most homeowners have accoutrements to that house and anything this property owner does because the septic is going to be in front of the house to the northeast or whatever. Anything this person does is going to be within the wetland and is going to be affecting it even further so the Board really has to understand the full impact here and I don't mean to sound this way but we've been down this road before and it has become enforcement actions to an unknowing future homeowner and we just have to really fully understand the impacts here.

Chairman Rogan stated okay.

Mr. Nichols stated we are showing a garage under on the plans.

Ted Kozlowski stated okay.

Mr. Nichols stated no plans (inaudible).

Chairman Rogan stated Harry, can we follow through with letting Rich know when this get staked out, like we were just talking about and we can get out there and do a site walk.

Mr. Nichols stated yes.

Chairman Rogan stated everybody will have a much better idea at that point, we can start to talk from a sense of understanding the site better, we will start to figure out where that line is going to be in the sand and we will work backwards from there, I think.

Mr. Nichols stated when will be the next site walk date that you would have.

Chairman Rogan stated can you have it staked tomorrow morning.

Board Member Pierro stated when you can get it staked.

Mr. Nichols stated tomorrow morning.

Board Member Montesano stated too late then you have to wait six months.

Chairman Rogan stated let us know and we'll coordinate it. I would say that you are probably looking at an afternoon site walk or, I'll tell you what its probably going to be an afternoon site walk some time in early December, realistically. Our Board has expressed a significant concern about not doing site walks on Sundays which I agree with and I know Saturdays for the next couple of weeks I am going to be doing flu clinics, so my Saturdays are kind of spoke for, so I have a feeling that it will be a week night.

Mr. Nichols stated five o'clock it's already dark.

Chairman Rogan stated no we go, we usually meet at 4.

Board Member Montesano stated I would like to have the buffer zone or at least some kind of reference point with the house.

Board Member Pierro stated the house is in the buffer.

Board Member Montesano stated I realize that, I want to see how deep it is...

Chairman Rogan stated you mean the hundred foot offset line, makes sense, that's a good idea.

Board Member Montesano stated right.

Chairman Rogan stated okay, thank you gentleman, I'm sorry go ahead.

Rich Williams stated go ahead.

Mr. O'Mara stated you go first.

Rich Williams stated just so I'm clear, you want the house site staked.

Chairman Rogan stated four corners of the house, the hundred foot buffer line because it looks like it goes through the house, which is what Mike was talking about.

Rich Williams stated it does.

Chairman Rogan stated the wetland is already flagged, correct.

Ted Kozlowski stated well has it been refreshed Harry because its been a couple years.

Chairman Rogan stated well bottom line is, it comes to the edge of the wall.

Mr. Nichols stated well (inaudible).

Chairman Rogan stated it doesn't matter, we'll use the wall as the...

Ted Kozlowski stated the wall is pretty much the defining line as I recall.

Rich Williams stated anything else, the driveway entrance.

Board Member Montesano stated the driveway entrance would be beneficial, so we can see...

Mr. Nichols stated centerline of driveway...

Board Member Montesano stated yes.

Mr. Nichols stated okay.

Rich Williams stated just at the entrance.

Chairman Rogan stated drive real close to the corner.

Mr. Nichols stated all right.

Chairman Rogan stated okay, thank you.

Mr. O'Mara stated just one other question.

Chairman Rogan stated you had a question...

Mr. O'Mara stated you mentioned the lot width on R-4 is 250 and I think we have 157.

Rich Williams stated lot frontage, correct.

Mr. O'Mara stated yea, lot frontage, does that require me to go to the ZBA or is this pre-existing, non-conforming.

Chairman Rogan stated could it be.

Rich Williams stated yes.

Mr. O'Mara stated I know if some towns you don't have to do that because if it's pre-existing, non-conforming, they just sign off on it like in Southeast.

Rich Williams stated we recognize pre-existing, non-conforming in regards to lot area and average lot width but those are the only two dimensional requirements, everything else would need to go to the ZBA for a variance.

Mr. Nichols stated lot area too.

Mr. O'Mara stated okay.

Rich Williams stated I said not lot area...

Mr. Nichols stated okay.

Rich Williams stated unless there is some other trigger, not lot area and not average lot width.

Mr. Nichols stated okay.

Mr. O'Mara stated the average lot width take the square footage of the lot divided by the length of the lot, okay...

Rich Williams stated you will need a variance.

Chairman Rogan stated having said that though, you have...

Mr. Nichols stated for the frontage...

Mr. O'Mara stated for frontage.

Chairman Rogan stated having said that though, he does have a lot stronger case being that this is a previously approved subdivision lot.

Rich Williams stated absolutely.

Chairman Rogan stated I don't want to say its more formality but its more formality.

Mr. O'Mara stated I think they have a like a balancing act that they have to balance and test that they sort of have to follow.

Chairman Rogan stated yea, we look forward to going out and taking a look, thanks.

Mr. O'Mara stated great, thank you very much.

Chairman Rogan stated we appreciate your time.

Board Member DiSalvo stated good night.

Mr. Nichols stated good night.

Board Member Pierro stated is pretty straight forward, is just the....

9) NRA WETLANDS/WATERCOURSE PERMIT APPLICATION

The applicant was not present.

Chairman Rogan stated is anyone here from Zarecki for NRA Wetlands/Watercourse Permit. Zarecki Associates, NRA...

Rich Williams stated no.

Chairman Rogan stated no one here, we'll move along and come back to them if they come in.

10) ICE POND ESTATES SUBDIVISION – Continued Review

Mr. Chris Fisher of Cuddy & Feder, Mr. Joseph Buschynski and Mr. Rick LaMontagne of Bibbo Associates and Mr. Steven Wise were present.

Chairman Rogan stated Ice Pond Estates Subdivision, Joe.

Ted Kozlowski stated Joe...

Chairman Rogan stated he's coming, we haven't seen Joe in a long time. I was thinking that, six months, they brought the whole team.

Board Member DiSalvo stated yea.

Chairman Rogan stated good evening.

Mr. Fisher stated good evening.

Chairman Rogan stated how are you.

Mr. Fisher stated these guys are coming in to put the plan up. Chris Fisher from Cuddy & Feder, here on behalf of the project applicants, I'm just going to get started. It's been a little while since we've been here...

Chairman Rogan stated it has been awhile.

Mr. Fisher stated maybe what would be helpful is an overview and then we can obviously have a discussion on where we hope to go procedurally with the next steps. This particular project, as you know, is Ice Pond Estates, it's a project that involved three parcels currently, they are aggregated for purposes of subdivision, total of a little over 150 acres, the project as originally conceived and as sketch plan reviewed by your Board was 30 lots. We've had a number of conversations during that period of time and we had submitted a preliminary plat last year that included those 30 lots, since we were here the last time, we heard your comments and obviously from your Town Planner and others, we had a chance to go back, do some additional work on the subdivision plat itself, do additional engineering and I would just like to take you through some of those details, if I could. One of the comments that we heard obviously was the density itself at 30 lots and the site and some of the topography as you know and some of the other environmental sensitive features on the property including wetlands areas and trying to come up with development parcels that, for lack of a better word, made some sense and would fit within this particular setting. What we have come back to you with is a revised preliminary plat that is down to 25 lots so we have been able to increase the actual square footage on these parcels, they are plus or minus closer to an acre and half on average now, each of the parcels, widen them up and we've laid them out. The roadway infrastructure for the most part from a conceptual point of view, stays the same coming in off of Ice Pond [Road], the two branches with cul-de-sacs. Some of the other things that you had mentioned in our dialogue last year was actually that you have a situation where a number of buyers, once these lots are developed come back looking for pools or other types of structures so we did take the liberty of putting on the plan, pools, you know kind of a full build that we could envision. We are not as a project sponsor necessarily saying that we think everybody is going to want a pool, we just put them on the parcels so we could address that as a Planning measure, right up front. 21 of the 25 lots do show pools, there are others where they are just going to be capable to be built. Some of the other details that you have asked us to look a little bit more closely at, including the wetlands areas here off of Ice Pond and some of the lots that actually butt up against that area, we've taken an approach, I know we talk a lot about and heard from obviously your consultants about enforcement and making sure that there is notice but what we've done in this particular instance is because there is a lot of rock on the site so when we go to develop we think we will be able to do it very nice, somewhat natural but actual delineated line of boulders that will be along that actual buffer area to physically separate development areas on the parcel, yards, pools, homes from the buffer area itself and try to maintain it in it's natural state, so that is the approach we took. A couple other things to highlight for purposes of our re-submittal for SEQR purposes, we submitted first and foremost, I can just take you quick through a traffic study, as you can imagine, the additional 25 lots don't generate traffic significant for SEQR purposes, we

have evaluated some of the intersections, included [Route] 312 a little bit further down where Ice Pond [Road] intersects so some of the ongoing development, some of those intersections are performing at levels of D or E, once those additional developments are brought online but we are not going to add materially to that so there is no traffic impact from this site. We also have Tim Miller's group do a threatened and endangered species review, none of the site characteristics indicate any habitat that would support Bog Turtle or Indiana Bat, so nothing came back on a Federal level from that stand point. He also did do a site specific survey, apparently there was plant material, the name escapes me, that was identified as possibly in the area, he did a study along the site for that and he didn't find any evidence of that, so from threatened or endangered species or specific flora that might be on the site, there is really no impact that we are anticipating from this project in that regard either. What else, we also submitted a Phase I archeological, that if you recall primarily the focus was, there is a, close to where the entrance is proposed, there is an old what used to be a farm site and there is a foundation that's there, fascinating reading, if you get through all 20 pages, real good historic, history for this area, in a nutshell, there is nothing historically significant about that foundation or the barn, the barn was demolished it seems somewhere between the 20's, the house, I'm sorry, the 20's and 40's. The consultant said maybe do a I B, which we are prepared to do, which would really be cataloguing any particular artifacts if we find them, associated with that old homestead but we don't see that as SEQR issue per se.

Board Member Montesano stated what about the well that used to be there, has that finally been covered over.

Mr. Fisher stated the well, you guys might know more about that, the outside well, if that was.

Mr. LaMontagne stated it is right next to the foundation...

Board Member DiSalvo stated it is still open.

Board Member Montesano stated it used to be.

Mr. LaMontagne stated and it will, the other plan shows it better but it is, you've been to the site and you can clearly see it, it will be covered over, filled in and covered over, definitely.

Board Member Montesano stated during this time of year, I would have suggested that you cover it over a lot sooner than later.

Mr. LaMontagne stated we can certainly do that now...

Board Member Montesano stated it may be someone who is connected with this that may decide to go out...

Mr. LaMontagne stated right we didn't want to do anything to it...

Chairman Rogan stated no, I would...

Rich Williams stated I think what they are suggesting is maybe a heavy metal plate or a sheet of plywood.

Chairman Rogan stated we're not saying to backfill it but we're saying to make it safe.

Mr. Fisher stated yes.

Chairman Rogan stated can I just ask Ron, hey Ron.

Mr. Taylor stated yea.

Chairman Rogan stated have you had a chance, have you had the opportunity to read the document this gentleman was just referring to.

Mr. Taylor stated I've read some of it, yes.

Chairman Rogan stated some it, okay.

Mr. Taylor stated and I think I am going to recommend a I B.

Chairman Rogan stated which is what I think they were referring to.

Mr. Fisher stated yes and the I B, we should talk about that somewhat as related to SEQR, our perspective on it is that the literature review that was done didn't indicate any historic significance whatsoever to the site, so its not really a SEQR issue but what we, obviously our own consultant said a I B because once you move things around you might find some artifacts that are worthy of preservation.

Chairman Rogan stated it sounds like more of a Town issue than an environmental issue, it's a historical issue which is something that is important to this Town. I agree with the SEQR analysis.

Mr. Fisher stated so typically what we would do is, we are agreeing that we will undertake that re-development of that particular lot before we go and grade everything out, we are going to have to and do that recover any materials that we might find that are archeologically significant, excuse me.

Chairman Rogan stated it might pay for the road, you never know.

Mr. Fisher stated I think...

Board Member Montesano stated as long as the police (inaudible).

Mr. Fisher stated I think from a practical standpoint that hits the highlights, so we feel like we've come back with a plan that at least addresses a lot of what we heard from you, no doubt there are nuts and bolts that need to be addressed on the preliminary plat...

Chairman Rogan stated sure.

Mr. Fisher stated our objective would be that we refer this out of SEQR, Lead Agency purpose and come back in front of you in January because its going to take 30 days obviously for a SEQR Determination and my objective in that regard tonight would be simply to find out if there is anything else you need from us for SEQR purposes.

Chairman Rogan stated understood, Joe, you have anything you want to add, good. I know Andrew, you have mentioned in your e-mail on this application something that we had noted before you were on board here with some of the layouts of the septic areas were kind of, odd shaped so we wondered.

Andrew Fetherston stated I thought the Health Department would look at it.

Chairman Rogan stated we have seen stranger things of course but I think we previously noted that some of the lot lines were also, they had some interesting doglegs and things that seemed to be kind of a nightmare and it looks some of those have been straightened out on this application. Andrew, anything you want to speak about tonight on this.

Andrew Fetherston stated the attorney mentioned the boulders...

Chairman Rogan stated can you use a microphone please.

Andrew Fetherston stated I'm sorry.

Chairman Rogan stated thank you, I'm trying Michelle.

The Secretary stated thank you, I appreciate it.

Andrew Fetherston stated the attorney mentioned the boulder demarcation along the wetlands in this area, we just noted that it could also be done on lot 25, likewise just...I think our biggest engineering comment is possibly the vertical geometry of the roadways, there are no tangents on a good portion of the roadway, a long portion of the roadway where its giving kind of a wavering effect, I think possibly going by the Town Code and having those hundred foot tangents at the very least or trying to strike a straighter tangent might smooth out those dips and those hills. We also mentioned that I thought this intersection was going to be greater than 3 percent where it was position; the Code says 3 percent at the intersection, so something has to be done.

Chairman Rogan stated okay, Rich.

Rich Williams stated I agree with the applicant that they had submitted the information previously requested, you know, we are in a position to move forward with SEQ. R.

Chairman Rogan stated any questions or comments from anyone on the Board.

Board Member DiSalvo stated can you just go over where the fire suppression tanks will be located, you're proposing two.

Mr. LaMontagne stated the tanks, there are two 30,000 gallon water tanks, one of them is positioned about two thirds the way up, on the right hand side of road A in the area of lot 10 and the second is about a third in on road B, on the right hand side of lot 23.

Chairman Rogan stated this current plan, you'll remember one of the comments and this go more to historical preservation comments, was the stonewall that runs parallel to Ice Pond Road, the one that, it's a section that we noted which was incredibly wide, it seems like you were able to work that into your plans a little. I appreciate that because its not only interesting but significant the way that stonewall was construction.

Mr. LaMontagne stated that is now a property line...

Chairman Rogan stated thank you.

Mr. LaMontagne stated and with the proper buffers to the wall for any building or any activity really.

Chairman Rogan stated they are not getting through that wall too easy, its about fourteen feet wide or something, I don't know, its huge.

Mr. LaMontagne stated as far as the Health Department goes, we were out there finishing up testing today and I ran that by them about the odd shapes and as long as the fields fit in the proper manner, they have no problem with it.

Chairman Rogan stated but I think the question we have though back the last time we met with you or quite awhile ago was the odd shape derived because you have ledge sticking out of the ground. What is causing some these odd shapes that you've got.

Mr. LaMontagne stated steep slopes or setbacks from structures.

Chairman Rogan stated okay.

Mr. LaMontagne stated its not in any way, the Putnam County Health Department will not allow us to you know, put a septic if there is ledge sticking out of the ground, anywhere near it and if there were, we would have to dig and prove that it's a big boulder.

Chairman Rogan stated understood.

Mr. LaMontagne stated and we did that.

Chairman Rogan stated Charlie, Dave, Maria.

Board Member Pierro stated Rich, do you have any concerns about the fire suppression tanks being on somewhat smaller size lots.

Rich Williams stated well it was an issue that I raised in the memo that I, you know, my opinion is that utilities belong on utility lots, not on somebody's residential lot. I would always prefer to see those you know, in place, typically when they are located in the areas they are, included within the road right of way, if possible.

Mr. LaMontagne stated we can do that, yea.

Rich Williams stated and you know, I had also spoken to the Fire Inspector, we talked about providing better access to them. He did do a review on the location of the fire tanks and the quantity of the water and he was fine with it, he provided some additional guidance that we are going to be looking for when you get down to the final plat, certainly as far as you know connections into the system.

Chairman Rogan stated okay.

Mr. Fisher stated what I was going to say is on the fire suppression, we saw that comment and one of the things that we did do, not exactly knowing how that would be treated, these areas where the fire suppression tanks are. They can be parceled out, included in the right of way or on their own and it doesn't actually doesn't affect the calculations on zoning compliance for the lots where they are located so...

Board Member Pierro stated okay.

Mr. Fisher stated we have a lot of flexibility on that.

Board Member Pierro stated very well.

Mr. LaMontagne stated which would the Town prefer, included in the right of way or a separate little lot.

Rich Williams stated it makes it easier if you include them in the right of way...

Mr. LaMontagne stated okay.

Mr. Fisher stated okay.

Rich Williams stated rather than have these own little tiny lots hanging out there.

Chairman Rogan stated okay, so procedurally we are looking for Lead Agency intent and circulation with this current plan. Can I have a motion on that, anybody.

Board Member Pierro stated in the matter of Ice Pond Associates, Estates Subdivision, I make a motion that the Patterson Planning Board declares its intent to be lead agency.

Board Member Montesano seconded the motion.

Chairman Rogan stated Mike on the second, I think he beat you Maria.

Chairman Rogan asks for all in favor:

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

The motion carries by a vote of 5 to 0.

Chairman Rogan stated okay.

Mr. Fisher stated we will get the packages obviously for circulation, I assume we will just be back on the January agenda and we will keep on working on some of the other technical comments in the mean time.

Chairman Rogan stated I know Rich has been out several times on the site, if it's, I'm assuming its okay but some point between now and January I would like to take the current plan and get back out, we were on the site for about three hours the first but it's a big site.

Mr. LaMontagne stated you didn't see the whole thing, correct.

Chairman Rogan stated I definitely didn't see all of it but seeing the way this lays out and thinking about it for the last year just kind of, I think its good to get back out, now all the leaves are down and it's a little easier to see. If I get a chance I would like do that.

Mr. Fisher stated sure.

Chairman Rogan stated hopefully if that's okay.

Mr. Fisher stated absolutely.

Chairman Rogan stated thank you.

Board Member Cook stated thank you.

Mr. Taylor stated can I go on that walk too.

Chairman Rogan stated you know that is a great question, I want you on that walk. We wanted you on a walk most recently...

Board Member Montesano stated do you have any objection to having our historical...

Mr. Fisher stated not at all.

Chairman Rogan stated Ron, I will coordinate with you.

Mr. LaMontagne stated can you coordinate with us, also.

Chairman Rogan stated well of course, absolutely.

Board Member Montesano stated yea because we have to make it okay for him to be with us.

Mr. Fisher stated yes.

Mr. LaMontagne stated okay.

Chairman Rogan stated I'll tell you what, again, it won't be in the next few weeks but we'll look towards the better beginning part of December.

Board Member Montesano stated we are not going in hunting season, sorry.

Mr. Fisher stated okay, that's good.

Chairman Rogan stated through Rich, I will coordinate with your guys to give you a date that we will be on site, so that its noticed. That would be great.

Mr. LaMontagne stated okay.

Mr. Fisher stated thanks very much.

Chairman Rogan stated thank you for your time. Joe, its nice to see you, you were awful quiet though tonight. Rich, before we move on to the next item and since Carl is here. For one of the site walks we were looking to get Ron out, what was the result on that, what was the whole issue with that.

Rich Williams stated I was notified at the very end of the day that it was okay by the applicant, I never really got back...

Chairman Rogan stated but from the Town's perspective.

Rich Williams stated well I'll let Carl address it.

Carl Lodes stated its not really an issue for the Town, it's an issue for the applicant.

Chairman Rogan stated okay so because he's a...

Carl Lodes stated (inaudible).

Chairman Rogan stated branch of the Planning Board but actually an official branch.

Carl Lodes stated he's not part of the Town.

Board Member Pierro stated no.

Chairman Rogan stated no but he is something that we have been referring plans to and asking for input from on a number of applications as of the last few years now.

Board Member Montesano stated just get a letter from the applicant...

Board Member DiSalvo stated like a copy of a letter.

Chairman Rogan stated I was just making sure that by having him along say if the Planning Board went on a site walk I think its great to have Ron there for the walk, that we weren't creating any liability that they weren't going to say you did the wrong thing.

Carl Lodes stated I don't think you are.

Chairman Rogan stated okay.

Carl Lodes stated because I think it's more an issue for the applicant, should he fall on the property or whatever.

Board Member DiSalvo stated right.

Chairman Rogan stated okay, great.

Board Member Montesano stated all we need is a letter from the applicant authorizing him, giving him permission to go on the property.

Chairman Rogan stated because Ron, I think on some of these projects it would be fantastic to have you there early on.

Mr. Taylor stated it would be easier than looking at the plans.

Chairman Rogan stated the plans aren't any fun and this site is very interesting. Okay, we'll coordinate that, you and I.

Mr. Taylor stated great.

Chairman Rogan stated we'll talk to the applicant.

Mr. Taylor stated thank you.

Chairman Rogan stated thanks.

11) QUAKER MANOR RE-SUBDIVISION – Initial Application

Rich Williams, Town Planner represented the application.

Chairman Rogan stated Quaker Manor Re-Subdivision Initial Application.

Rich Williams stated this is going to be me.

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

Rich Williams stated my name is Rich Williams, I am the Planner for the Town of Patterson. What this is, is back in the mid-19...I want to say mid nineteen hundreds, 1990's, the Planning Board approved a subdivision of a number of lots, I believe there are seven lots fronting on what was then created as an easement for access.

Board Member Pierro stated you got that right, you were the Chairman of Planning Board at that time.

Rich Williams stated I was the Chairman of the Planning Board at that time.

Board Member Pierro stated it was back in the nineteen hundreds, Carl did the research.

Rich Williams stated yes, okay, well I know I'm getting up there but I have a few years left in me. The property owners have petitioned the Town to take over the road, the Town has expressed interested, the Highway Superintendent has found the concept acceptable; he is at this time willing to waive some of the road requirements that we have and accept the road. As part of that whole proceeding for the Town to take this road over, we actually have to subdivide that road out onto its own lot...

Chairman Rogan stated okay.

Rich Williams stated and we've prepared an initial survey, we need to make some revisions to that survey put some notes on it, get some signature blocks on it but for all intents and purposes you have an

application before you, the next step in the process would be to set a public hearing on the application. Assuming that the Board is going to do an uncoordinated review, which would be my recommendation.

Chairman Rogan stated that would make sense, can we set the public hearing on this application for the next scheduled Planning Board meeting in December.

Board Member Montesano stated so moved.

Board Member DiSalvo seconded the motion.

Chairman Rogan asks for all in favor:

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

The motion carries by a vote of 5 to 0.

Chairman Rogan stated wonderful, that was the best application yet.

12) WATCHTOWER EDUCATION CENTER DEIS

Mr. Rich Eldred and Mr. Enrique Ford were present.

Chairman Rogan stated okay we have Watchtower Education Center Draft Environmental Impact Statement, continued review, back to you guys now.

Rich Williams stated yea.

Board Member Pierro stated you're not carrying any new books.

Board Member Montesano stated they couldn't...

Mr. Eldred stated we have them in the box.

Chairman Rogan stated one my shoulders is still a little lower than the other.

Board Member DiSalvo stated everything is in there.

Board Member Montesano stated I'm going to have that to my retirement.

Chairman Rogan stated good evening Mr. Eldred, how are you sir.

Mr. Eldred stated both Enrique Ford and myself are doing good.

Chairman Rogan stated awesome, very nice.

Board Member Montesano stated who carried the books.

Mr. Ford stated we had a friend, that is why we can still walk.

Chairman Rogan stated Charlie was not at our meeting as you'll recall, the special meeting that we had. Charlie I know that we had said about making sure the minutes were available so you could look through them, did you see anything that jumped out at you that we didn't cover.

Board Member Cook stated no.

Chairman Rogan stated okay, that's good, that means we covered some of your comments anyway.

Board Member Montesano stated we're learning, the hard way.

Board Member Cook stated no, what it means is that I did a good job in giving you the comments.

Chairman Rogan stated I think you did an excellent job. I appreciate the Cliff's Notes, those are the Charlie Notes.

Board Member Montesano stated thanks Dad, we appreciate that.

Board Member Pierro stated oh boy.

Chairman Rogan stated Rich and Andrew I think it comes back to you gentlemen, do you have any additional things that you need addressed in their Draft Environmental Impact Statement.

Rich Williams stated Andrew, do you want to start.

Andrew Fetherston stated we went through the document thoroughly, we found it to be rather complete, found some, as we had discussed, I think the memo we prepared pretty much sums it up.

Chairman Rogan stated okay, great and you've received copies of Mr. Fetherston's memo.

Mr. Ford stated yes, we have received it.

Mr. Eldred stated right we received it.

Chairman Rogan stated Rich, you're up.

Rich Williams stated I also completed a review of the DEIS for the purposes of whether the document is complete and ready for circulation to the public and other involved and interested agencies. Again, I concur with Andrew that it is a very complete and well done document, there are some areas that I did identify that I feel there should be additional information or clarification prior to the releasing of that document.

Chairman Rogan stated for public review.

Rich Williams stated I think at this point if there are any questions if you would like to set up a meeting to go through any of those comment or questions for either Andrew or I, we would certainly be willing to meet with you to discuss those further. I apologize for getting my comments out late today, it's just been a whirlwind as of late but we did get through it.

Mr. Eldred stated and we appreciate you're going through it, it's a rather lengthy document as we can all agree and we look forward to probably sitting down and going through it, some of the comments we should be able to clarify as we go through, others we'll probably have to do some written response and additional design consideration. Some of the comments, Andrew's seem to be a further along site plan review comments but we can appreciate that you want some clarification on some of those areas. I think Rick here had a couple of questions that he was hoping to raise.

Mr. Ford stated yes, I guess I will be getting an additional memo with the Town Planner's comments but would it be possible to ask some questions on the document we received already or do you prefer that we do that...

Chairman Rogan stated do it with these gentlemen because I imagine that...

Rich Williams stated they are on your desk.

Chairman Rogan stated I would prefer you do it directly with these gentlemen because their comments I think at this point are going to be more technical than what this Board probably needs to be involved with.

Mr. Ford stated okay, very good.

Chairman Rogan stated we will save you some breathe.

Mr. Ford stated thank you, just so I understand what does the Board envision as our next step in the process then.

Chairman Rogan stated correct me if I'm wrong Rich but the next step is deeming the Draft Environmental Impact Statement complete and putting it out for public review and comment to involved agencies, as well as general public.

Mr. Ford stated okay.

Chairman Rogan stated is that a document that we are going to get put out on our website.

Rich Williams stated (inaudible) will be posted on our website yes.

Chairman Rogan stated okay, well they probably have it ready to go.

Board Member Pierro stated PDF.

Rich Williams stated yea.

Chairman Rogan stated okay.

Mr. Ford stated so is the Board envisioning that we address these comments before that point.

Chairman Rogan stated either address them or give these gentlemen the answers that they are confident that either their questions have been answered within the document or you just have to add in some information.

Mr. Ford stated okay.

Rich Williams stated and I think, I go back to my suggestion that maybe you want to sit down with Andrew and I and go through the comments...

Chairman Rogan stated that's a great idea.

Rich Williams stated and we can address that at that time, whether they really need to be addressed now or we can push them off until either the DEIS or the FEIS or even later on.

Mr. Ford stated perfect.

Chairman Rogan stated I think when this Board gets the nod from these two gentlemen that we are ready to go ahead then that is where we will be.

Mr. Ford stated excellent, so we'll just have appointments with you.

Andrew Fetherston stated right, come to Rich's office and we'll finish up.

Rich Williams stated well Andrew has an office here now, so.

Chairman Rogan stated okay, thank you gentlemen.

Mr. Eldred stated thank you.

13) OTHER BUSINESS

a. Winding Glades

Mr. David Cooper of Zarin & Steinmetz was present.

Chairman Rogan stated Theresa I see you sitting there patiently, for the next item Winding Glades, I think we are really just going to state that we did a site walk last weekend on this application...oh, I'm sorry you're not Winding Glades Theresa, I apologize. I'm thinking of Taggart but you are here, how are you sir.

Mr. Cooper stated good, good evening. Mr. Chairman, David Cooper from the law firm of Zarin & Steinmetz.

Chairman Rogan stated as you are aware, as I was saying...

Mr. Cooper stated yes.

Chairman Rogan stated we did a site walk last Saturday on the site, we have issued site walk comments on this and the one exception was that we had mentioned that Ted Kozlowski was on that site walk and he was not, he was playing hooky, so we will just modify that one item on there.

Mr. Cooper stated that's fine.

Chairman Rogan stated is there anything that you need from us tonight.

Mr. Cooper stated no, I have received both memos as well as a memo from Rich...

Chairman Rogan stated okay.

Mr. Cooper stated we want to respond to that before (inaudible).

Chairman Rogan stated okay.

Mr. Cooper stated look for that response in a couple weeks.

Chairman Rogan stated I'm sorry that you came all this way tonight, just to get that.

Mr. Cooper stated I didn't come to the site visit so I deserve it.

Chairman Rogan stated yea, you know, everybody was in rain gear.

Mr. Cooper stated yea, I've heard.

Board Member Cook stated he was with you Ted.

Chairman Rogan stated you were both playing hooky.

Board Member Montesano stated everyone went ticking along, it was wonderful.

Mr. Cooper stated that's what I've heard, I know it was an interesting day I'm sure.

Chairman Rogan stated it was an interesting site walk, very neat site, very cool, thank you.

Mr. Coop stated well thank you, have a good night.

Chairman Rogan stated we have Tractor Supply.

b. Tractor Supply Performance Bond

Mrs. Theresa Ryan from Insite Engineering, Mrs. Kay Covert of Manager of Tractor Supply and Mr. Thomas Raveson of Tojant Corp. were present.

Chairman Rogan stated Theresa, you're here for that. Good evening, how are you.

Mr. Raveson stated good...

Chairman Rogan stated moving forward.

Mr. Raveson stated we are moving forward, I brought tonight with me is Kay Covert, she is the manager...

Chairman Rogan stated hello.

Mr. Raveson stated you did that, not me, so she's working real hard at the store...

Chairman Rogan stated it looks fantastic from the road, I haven't been in any further but I'm looking forward to it.

Board Member Montesano stated fine.

Chairman Rogan stated so we have a couple little issues to clarify and we'll get the ball rolling.

Board Member Montesano stated we're going to get a picture of the Planning Board and the Town Board and hang it up right next to the bovine display.

Chairman Rogan stated okay Theresa, we'll let you start.

Mrs. Ryan stated I want to go over some items on Andrew's memorandum.

Chairman Rogan stated let's go over the items that, I know there were a number of issues that were already discussed, I think it came down to just a few that the Board needed to take an action on, there were quite a few that, I'll say that the ones that have kind of already been resolved, let's just, I know there is one about the dumpster issue and the trees. Let's go through the ones that the Board has to take an action on to get passed, so you can start on either...

Mrs. Ryan stated I guess number one would be...

Chairman Rogan stated sounds good.

Mrs. Ryan stated some of the junipers were relocated...

Chairman Rogan stated very good.

Mrs. Ryan stated thank you.

The Secretary stated thank you.

Chairman Rogan stated I knew she spoke softly but I didn't, I can't hear the microphone...

Mrs. Ryan stated we'll go through Andrew Fetherston's memo...

Chairman Rogan stated sure.

Mrs. Ryan stated and we'll just touch on the items that the Board needs to take, address. Number one was relocation of some junipers, they were relocated to another place on the site where Tom thought they were serve better, I think was around a sign...

Mr. Raveson stated maybe I can explain, the number of junipers that were required on the plan, have been planted but we moved three of them off an area where there was a high density to put some ground cover at the base of the sign. That is basically the sum of it.

Chairman Rogan stated okay.

Mr. Raveson stated and it looks much better, I mean the sign, we had forgotten I guess in the planning process to plant things around the sign and I felt it was necessary to do that.

Chairman Rogan stated okay, correct me if I'm wrong, we are talking about the junipers not about the evergreens right now, right.

Rich Williams stated we are talking about some landscaping that our recommendation was that there is no impact.

Chairman Rogan stated great, no impact, we don't need to talk about that one.

Mrs. Ryan stated okay.

Mr. Raveson stated okay.

Mrs. Ryan stated wood fence was another item, it got located further away from the buffer, closer to the developed part of the site.

Mr. Raveson stated yea.

Mrs. Ryan stated that was really something that Ted had asked for, so it is protecting more of the buffer than it was intending to.

Mr. Raveson stated my recollection was that the intent, the purpose of the fence was to discourage people from going into the wetlands, so by placing up on top of the berm, it not only had a visual impact which I think it quite positive but it didn't change the, it's purpose, its original purpose. So, again it was a field change which I had discussed with Rich and Theresa and we went ahead with it.

Board Member DiSalvo stated that's the post and rail fence, it looks nice.

Mr. Raveson stated right, the wood fence.

Mrs. Ryan stated and another item is the location of the spruce trees on the east side of the building, we have them cluster in two different spots and they were actually planted side by side right behind the guiderail on the east side of the site.

Mr. Raveson stated the intention here was again I thought we...the purpose of these large trees was to provide a visual shield to the building. The cluster on the south end was actually not accomplishing anything you know because the view shed is from the east from Route 22, so I moved all the trees in a line and we got beautiful trees, I don't know if you saw them but they really are exceptional.

Board Member Pierro stated I saw them today.

Mr. Raveson stated so we lined them up to maximize the view shed for the protection of the site of the view...

Chairman Rogan stated from the 22 side.

Mr. Raveson stated from Route 22 right.

Chairman Rogan stated now Rich, are these the trees that were planted on the top of the slope.

Mr. Raveson stated yea.

Chairman Rogan stated okay, so Rich's contention in this was that they were going to be short lived, correct.

Mr. Raveson stated right.

Chairman Rogan stated okay.

Mr. Raveson stated and you know, we just have to see, if the roots take hold then that might not be the case but in any event what we thought we could do, in discussing this with Rich, if we planted a sea of white pines down at the bottom and I'm just talking about really seedlings, they would grow in the next seven years to the point where we protect them from the deer over the seven years but by the end of seven years, they would be substantial so even if these trees did come down or didn't survive, we would have fall back position that would be quite attractive.

Chairman Rogan stated so if they survive you have a double row, you get more protection.

Mr. Raveson stated exactly.

Chairman Rogan stated if they don't survive, these trees will take their place.

Mr. Raveson stated precisely, the trouble is the elevation of that planting is about, I'd say about 8 feet lower then where the trees are planted so to have them accomplish something we planted the trees high up on the berm. They do look very good and we hope that they will survive.

Chairman Rogan stated the size of the trees you planted are how tall...8 foot.

Mr. Raveson stated at least 8 feet.

Chairman Rogan stated a couple inches in diameter.

Mr. Raveson stated yea and very, very tall.

Chairman Rogan stated okay and the, what's a, a white pine, a three year transplant, is that like a three foot tree, a two and a half foot tree.

Rich Williams stated a three year transplant is about 18 inches.

Chairman Rogan stated 18 inches, so you're looking at something a little bit bigger than though. Is that bank something that gets mowed or weed whacked or something.

Mr. Raveson stated well what we would do is put chicken around it because the deer would eat it...

Chairman Rogan stated sure.

Mr. Raveson stated as a sapling to protect it through its early period.

Board Member DiSalvo stated yea.

Chairman Rogan stated yea, especially in the wintertime.

Ted Kozlowski stated you would have to do weed control too.

Chairman Rogan stated yea. Any thoughts, comments from anyone on the Board.

Board Member Montesano stated I have no problems with it.

Chairman Rogan stated I think we were just talking about the size of the transplants, they are 8 feet lower than the trees that are existing so...

Rich Williams stated (inaudible).

Chairman Rogan stated in order to achieve the same view shed protection that you are currently getting with the existing trees...

Mr. Raveson stated right.

Chairman Rogan stated your trees have to grow 16 feet high from where you need to plant them, so it kind of seems like we should start with slightly larger trees than just seedlings because now you're talking to get to a 16 foot height, you're probably talking 12 years, 15, 12, 14 years.

Ted Kozlowski stated white pine does grow relatively fast provided the right conditions...

Chairman Rogan stated the right conditions.

Ted Kozlowski stated and that somebody is taking care of them...

Board Member Montesano stated mine...

Ted Kozlowski stated seedlings traditionally, you know they have to be babied...

Chairman Rogan stated yea.

Ted Kozlowski stated they are not, you can't just pluck them in the ground and expect them...

Chairman Rogan stated I put in 2000 seedlings on my property upstate, 11 years ago, some of them are 8 feet tall and ten feet away and some of them are only 18 inches tall and they are the same age trees and the

same site and it must be just a slight change in the amount of sunlight they get because they are highly variable on the site. It's almost unbelievable to see the difference, to see and to know they were planted the same day and from the same box.

Board Member Montesano stated that one that sits in my front yard by the road, its never grown smaller, that thing is tremendous, it just sits there and it eats salt and everybody's garbage, it's a great collector.

Chairman Rogan stated what do you say Mr. Raveson, that we compromise and do about half the height of what's existing...get some stock in there.

Mr. Raveson stated half the what.

Chairman Rogan stated half the height of that plants you put in, you put in 8, put in something that is like a 4 foot tall seedling.

Mr. Raveson stated all right.

Rich Williams stated three to four.

Chairman Rogan stated sure that would be reasonable.

Rich Williams stated how many.

Chairman Rogan stated what was previously...one for one for what's currently planted.

Mr. Raveson stated we have eight.

Chairman Rogan stated there are only eight.

Mr. Raveson stated yes.

Rich Williams stated there's not a lot.

Chairman Rogan stated yea, so.

Mr. Raveson stated you could also look at it a different way which is the way I see it, the building is actually quite acceptable as a from Route 22, it doesn't look shabby so we, you know...

Chairman Rogan stated be careful because during the whole review you said we wouldn't see this from [Route] 22, so.

Mr. Raveson stated oh no, no, you remember on my pictures.

Chairman Rogan stated I'm just teasing you.

Mr. Raveson stated I can swallow that, I mean, all right, I can do that.

Chairman Rogan stated it's only eight trees.

Mr. Raveson stated fine, okay.

Chairman Rogan stated if you want to go up to my property, you can get eight of them, any size you want, you can dig them out and have them.

Mr. Raveson stated all right good.

Chairman Rogan stated its' three hours away.

Mr. Raveson stated okay great...

Chairman Rogan stated great.

Mr. Raveson stated so that's eight at 4 feet.

Chairman Rogan stated okay.

Mrs. Ryan stated the next item I...

Chairman Rogan stated yes sir.

Andrew Fetherston stated if I could, I just wanted to mention that I was up in the area today for a couple of different projects and Rich and I went out on the project today to observe most of the items have been taken care of...

Chairman Rogan stated fantastic.

Andrew Fetherston stated we did a checklist very quickly through the site and many of the items were addressed.

Chairman Rogan stated great.

Andrew Fetherston stated with the trees, while I do agree with Mr. Raveson having them up on the bank, it gives you much quicker coverage of screening for the building, some of that bank is very steeply sloped, we were concerned about the roots, as you were saying...

Mr. Raveson stated yea.

Andrew Fetherston stated if they take, that will be great but there is a lot going on right there, I don't know what's involved in the roofing process of the building that section, just quickly as I admire not using drain pipe and using the surface, I think it's a great way to go, I admire that design. On that particular location, there is a lot going on, guiderail, bank, trees, swale, berm, drops down again wetland, there are a lot things going on down there. Probably, one thing, I was drafting a memo this afternoon in my new office but the one thing I was concerned about was the, that I was going to put Theresa, is the capacity of that swale. We were looking at the check dams, while a good idea, the height of the capacity of that swale, it is not a big swale, it is less deep than a bathtub and I was just concerned with water not going into the stormwater basin as it is proposed and permitted but hitting that check dam and going over...

Chairman Rogan stated short circuiting up and over.

Andrew Fetherston stated and also the trees were planted right in that steep slope, the water is running right there, that erodes, the concern of a tree coming down, certainly not today because the damage is not there but in the future with the swale right there and the proximity of the slope.

The Secretary stated hang on Andrew.

Chairman Rogan stated you're good Andrew.

(Side 2 Ended – 9:22 p.m.)

Andrew Fetherston stated capacity of the swale and the steepness of the slope right now is a concern. I think the trees up on the top are giving you the best bang for the buck but that swale capacity I'm questioning.

Mrs. Ryan stated I can give you a calculation on that what happened was during the building construction, the roof drains got relocated they were, one of them was originally going to that swale, they all got located to the back so that swale is seeing a lot less water than it was originally designed for...

Andrew Fetherston stated okay.

Mrs. Ryan stated so I can give you a calculation on that swale.

Andrew Fetherston stated okay.

Mr. Raveson stated I should also say that Tractor Supply has been very, very cooperative in responding to my interests and maintaining the site in a really upgrade manner. I actually put together the parameters of the maintenance contract for them, which includes fertilizing in both spring and fall and a lot of site maintenance which is built into making sure, new mulch and whatever, you can expect that that site will continue to look top grade the whole time. Another approach if you want it, what we could do is if the trees should come down, we can replace it with a large tree, I mean rather than, if you're concerned about the complexity of that area and I understand why you are and we don't know how they are going to grow because of the elevations and the wetlands and whatever but we could simply require in our, as a deed restriction that those trees are maintained to provide that shield from [Route] 22. That might be a more effective way of doing it then planting you know a sand down eight feet in a wet area.

Rich Williams stated I think there is sufficient room in there to get the white pines and you know, you could ask Ted as well, I've got years in the business and I saw the spruce trees in that bank and they are not going to survive there. They may do well for four or five years, we get a year with a drought, it going to start turning them and even if they do survive they are so close to the driveway, long term they are going to be a problem for the store and are going to need to be removed and replaced at a time when they are finally getting big enough to accomplish what the Board was looking for.

Mr. Raveson stated how's about if we put those white pines between the existing eight trees, the same number.

Rich Williams stated I would not recommend that you put anything on that bank.

Chairman Rogan stated they are on the top...

Mr. Raveson stated no.

Rich Williams stated you really don't want to plant trees on the bank simply because you know, again it's too close to the driveway, you're going to have problems with the branches growing into the driveway and the bank is not going to encourage a good root structure that is going to be susceptible to (inaudible) and it going to be, the trees are going to be subjected to (inaudible).

Ted Kozlowski stated Richie is right on this. Spruce trees and pines, more so spruce need a little more soil and they are shallow rooted trees, traditionally they don't grow on sites like this and what is going to happen is they are going to get bigger and they become big wind sails, you don't have a lot of roots over there, they are going to topple over. Plus they are along a driveway where road salts are going to be used and other things, they are going to have a tough go. The trees really should be planted below that into a moderately moist area where they can spread themselves out and get established, right now you've got, an immediate impact it looks great but over time. That is a big mistake people make with berms, you put a big berm up, you see this all over the place, you see it on Long Island, you see it in Westchester, they put berms up and then they put these big evergreens and they don't last because genetically they are not programmed to grow on dry slopes...

Chairman Rogan stated where they would normally grow.

Andrew Fetherston stated where the approved plan showed them, it might have been twenty-five or thirty feet off of the pavement, that would put them almost on the berm, not the berm coming down from the, you have the berm coming, not a berm, the slope coming down to the pavement, the ditch then the berm separating the swale from the wetland, would they do better on that.

Ted Kozlowski stated they would do better where their roots can fan out where they get you know, average soil moisture. When you're on a berm you have to go out there and make sure it gets, you water that and that water is going to run off, that water has to soak in there, you can't rely on natural rain, those things have to establish and now you planted them in the fall, you go into the winter with poor soil moisture and you have the wind blowing, you're going to get winter burn and all this other stuff. It happens, I'm not trying to be negative but that is a fact.

Rich Williams stated having been out to the site, the quick answer is yes, it would be better out there.

Andrew Fetherston stated not to cause a problem, just to get them in the right place, really.

Mr. Raveson stated we'll put them where we agreed...

Andrew Fetherston stated you don't have the height...

Chairman Rogan stated yea.

Andrew Fetherston stated from where they are placed, you have the great height, you don't have that same...

Chairman Rogan stated let's switch gears to this dumpster issue, let's move along, all right.

Mr. Raveson stated okay.

Chairman Rogan stated right now we don't have a dumpster in the approved location, we still have a roll off container still on site, I'm assuming.

Mrs. Covert stated for a few more days and then it will be taken away.

Chairman Rogan stated and what is the, what would be your choice for this.

Mr. Raveson stated yea let me give you some background on that, the architect that I had hired to do the original design of the building placed the or overlooked the fact that we had put a, we, Insite, had positioned a container on the other side enclosed which is what the Town's normal preference is. In addition to that, we had also had a retaining wall that was on the outside of the truck loading dock and when looked at the elevations carefully, there was no good reason for keeping that retaining wall because all that did was make snow removal near impossible and also we could have a natural drain system without the retaining wall, so we removed the retaining and after consulting with our engineer, the Town Engineer and Rich, it is much, much better. So that was a field change...

The Secretary stated Mr. Raveson; I need you to use the microphone, please.

Mr. Raveson stated that was a field change that we had implemented.

Chairman Rogan stated I'm sorry.

Mr. Raveson stated as far as the dumpster is concerned, as Kay mention the roll off is there for only a few days and then after its going to be much smaller dumpster, right. Tractor Supply at all their stores puts that dumpster right next to the stairs, its four feet down to the ground because its at the bottom of the loading dock so there is not visual impact what so ever, from a functional point of view, it makes life a lot easier for them because when the trucks back up to the loading dock and they unload and all the packaging materials are there, they can just dump the packaging materials right into the container, so they also have lids on the containers which they can lock. So, it also discourages people from trying to use that container when they are not supposed to when its not their property to use. So that is really the background of that, now you've been the manager both in Amenia and in Highland, two different stores and you've also worked over in New Milford, maybe you can comment about how the containers are positioned over there.

Chairman Rogan stated ma'am you just need to use the microphone please.

Board Member Montesano stated Kay, we got you, you're on TV.

Mrs. Covert stated basically it's the same concept, its, have you been, since we moved the roll off.

Chairman Rogan stated I have not been to the site at all.

Mrs. Covert stated oh, okay, in the back we have a loading dock with a flight of stairs and right next to this is right where we have our roll off container on a cement pad and again the roll offs are just temporary because we have so much trash going out right now.

Chairman Rogan stated right.

Mrs. Covert stated we are coming to end of that and then it will switch to an 8 cubic yard with the flip over lid on the sides.

Chairman Rogan stated okay and this area is a secure area.

Mrs. Covert stated oh yea.

Mr. Raveson stated yea, its not visible, you don't see it [Route] 22.

Chairman Rogan stated no, no, that's not my point I know at one time we were talking about putting the future garbage location, what you're talking about in the outdoor storage area, is this part of that area or not, Theresa can I see you set of plans please. So this dumpster would just be sitting in the loading dock area, does it take up part of where the loading dock is or does it take up a space.

Mrs. Covert stated well it takes up a space.

Chairman Rogan stated so are you short on loading spaces now.

Mrs. Covert stated no.

Mrs. Ryan stated the dumpster location was approved outside, just outside the pavement in the back...

Chairman Rogan stated okay.

Mrs. Ryan stated and where they want to put it now is this set of stairs right here, right next to the building, they want to put it right here.

Chairman Rogan stated okay.

Mrs. Ryan stated between the stairs and the depressed loading dock.

Chairman Rogan stated correct me if I'm wrong Rich, it always seems like the thought is more clear when we say this at work session but we were talking about the potential for approving the use of what they are stating but leaving the approved location on the plans so that it's still a possibility if there is a problem in the future. So that if the Town decided that this location just isn't working for a number of reason, either there aren't enough loading spaces or the garbage is getting all over the place or something that we still have an approved location on the plans and it wasn't construction to be something else, it wasn't whatever, so we still had that option to push that issue. That was my recollection.

Rich Williams stated you could do that if you so desire. There is one more glitch in all this, I believe you had a walk through tonight with the Fire Department and the Fire Inspector...

Mr. Raveson stated yea.

Rich Williams stated apparently he didn't talk, he was with me earlier and we talked a little bit about the building and he conveyed to me that by Fire Code, you can not have the dumpster within fifteen feet of the building.

Chairman Rogan stated okay.

Rich Williams stated there are two loading spaces side by side which means you could not have the dumpster in the closest loading space, you would have to have it in the loading space that is farthest away, I imagine that would meet the fifteen foot, if the Board is okay with having it that way.

Chairman Rogan stated does that functionally still perform the same task for you being close at hand.

Mrs. Covert stated that would still be close at hand, I mean, it is still doable.

Board Member DiSalvo stated then what would you have to do, come down from the steps from the loading dock and walk the garbage into and throw it over the top.

Mrs. Covert stated to close it up at night, yes.

Chairman Rogan stated (inaudible),

Mrs. Covert stated to close it up at night and to open it up in the morning, yes.

Mr. Raveson stated but Maria...

Chairman Rogan stated but it would not be up against the building.

Mr. Raveson stated the dumpster is right up against the loading dock...

Board Member DiSalvo stated instead of putting it here, like (inaudible).

Mr. Raveson stated so to dump into it, they don't have to go down to put it up.

Chairman Rogan stated (inaudible).

Board Member DiSalvo stated but if you have to move it 15 feet from the building.

Rich Williams stated well let's talk about that, our Code requires that dumpsters have lids and the lids be closed specifically for the purpose of blowing trash because open dumpsters, you throw some cellophane in there and it blow right out. So, you know, you still, even though its close, you still would probably have to walk down open the lid and put the material in.

Mr. Raveson stated or you could tie a rope to the top of it...

Rich Williams stated you can get creative, absolutely.

Mr. Raveson stated and they would because it would be a pain in the neck to walk down to open the lid, whatever, I'm sure we can find a way easily...

Chairman Rogan stated it seems thought that being 15 feet away from the building that that dumpster is going to continually migrate back to the location, I mean that is just human nature, why do we have it all the way over there let's put it back here. People aren't going to remember that's Fire Code that we have it, I would think human nature is to put it where its most convenient until the Fire Inspector has a problem and then move it away and then say okay the guy is gone and move it back.

Board Member DiSalvo stated how did you do it at the Amenia store, you have it attached close to loading dock in the back and does it meet the Fire Code in that Town...

Chairman Rogan stated its the same Fire Code isn't it.

The Secretary stated its New York State Fire Code.

Rich Williams stated I'm not the Fire Inspector so I am just conveying a conversation I had with Mr. Raines today.

Chairman Rogan stated okay.

Board Member Montesano stated the problem we have, its going to be moved in there, so the only way I can see if you put some kind of bollard between the building and box so it can't be easily moved and what I'm afraid of...

Rich Williams stated I wouldn't recommend that at all, you want the flexibility to have that area open...

Board Member Montesano stated what I'm looking at is the truck, the truck is going to come in and take a bollard...

Rich Williams stated if, let me...

Board Member Montesano stated let me finish my thought before you correct me...

Board Member DiSalvo stated it's a long way.

Board Member Montesano stated if you put a bollard in there and you boxed it in, the driver of that truck is going to come in and sooner or later he's going to get annoyed and just take it out and it will cost a new dumpster, so what we've got to try and do is come to a conclusion. If it's State Fire Code, we can't supersede the State Fire Code that I know of...

Rich Williams stated I'm just...my purpose for relaying this conversation is so the Board recognized if you say its okay to be back there in the loading area, it may not be in the loading area closest to the building because the Fire Inspector may say it can not stay there, it's got to move to the next one over.

Chairman Rogan stated true.

Board Member Montesano stated sure.

Rich Williams stated If they move it back, its still a Fire Code issue, he's going to go out and tell them they have to move it, if he has a chronic problem out there, he will take stronger action I'm sure but it really comes down to him enforcing him Codes.

Chairman Rogan stated but are we, realistically, though are we setting up the Fire Inspector for a problem by approving something that's going to, where as we have an approved location on a plan that clearly won't be moved because its an established dumpster are...Andrew.

Andrew Fetherston stated we had not redesigning the site, not doing something that would be against Tractor Supply Corporate but we thought in the loading dock, its taking up one of the loading bays by Code, it's supposed to have two loading docks. Where its approved, no issue but you have to trudge out there with the garbage, that's a problem, the third possible place was the expanse of concrete that is on the west side of the building behind the chain link, I don't know if Tractor Supply needs every square inch of that for the display out on the west side, if they need every inch of that then they can't put the garbage there. Can you get a truck there to take that and not hit the fence, it was the only other, all I saw was wow what a big expanse of concrete so, you know, is it going to work with everything else, it was a third option, so...

Chairman Rogan stated understood.

Mr. Raveson stated that's a problem because for the truck to pick up the dumpster it would have to come in and negotiate parallel to the fence so it would not, it would intrude on that little bit of area, it would also be that access to that would be considerable.

Andrew Fetherston stated sure absolutely.

Chairman Rogan stated Rich, procedurally, can we approve the dumpster for the loading dock area, contingent of course upon meeting State Uniform Fire Code situation but do it for a one year period so there is some reevaluation of this a year from it being utilized, a year from the opening date so that then the, because we still have the option of the approved location, so if at that time the Fire Inspector says look, there have been four instances, I've been out there the dumpster has been in the wrong location, there have been problems here, there's been problems there, at that point we say look you got an approved plan with an approved location, construct it.

Rich Williams stated it could but my recommendation would be you treat it similar to how you've treated a parking area that isn't actually constructed but could be constructed.

Chairman Rogan stated show it as future.

Rich Williams stated it's shown as a future area for a dumpster.

Chairman Rogan stated so what is the impetus then to use that area in the future, who drives that train.

Rich Williams stated the Planning Board.

Chairman Rogan stated upon notification from the Fire Inspector that there have been four instances of problems out there, I want you to have them construct the, shown on the plans, future dumpster location that we...

Rich Williams stated I wouldn't want to limit the scope so narrowly, simply as we've done with the parking, you know upon thirty days notification to the applicant by the Planning Board for cause, the applicant would be required to install the dumpster location as shown on the approved site plan.

Chairman Rogan stated I am totally comfortable with that...

Board Member Montesano stated I have no problem...

Chairman Rogan stated that's fine, that is reasonable, you get it now and you do it properly you can keep it, if you don't then we have an approve location we can revert back to and they have to carry and you can say to your employees, you screwed up, you have to now walk outside...

Mrs. Covert stated so I'm moving (inaudible).

Rich Williams stated well I would check with Dave to be sure...

Chairman Rogan stated no...

Mr. Raveson stated we'll talk with Dave, he drives the bus, if he finds problems, then you're going to have to deal with him but the idea is to avoid problems...

Chairman Rogan stated okay...

Mrs. Covert stated oh yea.

Mr. Raveson stated so yea, we can work within that.

Chairman Rogan stated okay, the dumpster change, we do that in the form of a motion.

Rich Williams stated I don't know that you don't want to do a motion to accept all the changes...

Chairman Rogan stated okay.

Rich Williams stated as per Maser's memo, dated...

Andrew Fetherston stated well, yea...

Board Member DiSalvo stated October 26, 2009.

Andrew Fetherston stated I have, we have this memo but we were out today...

Chairman Rogan stated so you have a different memo.

Andrew Fetherston stated I wrote a memo, I haven't completed it yet because...

Chairman Rogan stated that's okay.

Andrew Fetherston stated I also have the as-built which I haven't looked at yet.

Chairman Rogan stated all right.

Andrew Fetherston stated so I wanted to have, I wanted to issue a new, I was going to speak to you about it...

Chairman Rogan stated okay.

Andrew Fetherston stated we had this meeting which was very helpful, I'm going to now correct that memo...

Chairman Rogan stated that's fine, Rich is there anything, if the Board can't take an action tonight because we don't have all the information, does that hold up the C of O.

Rich Williams stated if the Board doesn't accept the site plan as it is tonight then Nick really by Code can not issue a C.O. and we don't have the Tractor Supply opening November 13th.

Chairman Rogan stated just to add a little bit of pressure.

Board Member Montesano stated if we proceed to...

Rich Williams stated there's no pressure here guys.

Chairman Rogan stated right.

Board Member Montesano stated if we proceed to on a temporary basis, allow the box to be located 15 feet from the building in zone...

Chairman Rogan stated whatever, loading zone.

Board Member Montesano stated lot one of whatever, it's a temporary thing, he can still get his C.O. and we can further adjust from there.

Rich Williams stated the way the Code reads, the Board needs to accept the improvements to site plan have been reasonably completed so that a C.O. can be issued, you can do that with conditions, if you so choose.

Andrew Fetherston stated I think the Board is making a reasonable request that you know by Fire Code.

Chairman Rogan stated that one I'm not even concerned about that, that one we can do a motion on that one specific condition, it's the items that have not yet been expressed in your forth coming memo...

Andrew Fetherston stated well...

Board Member Montesano stated include...

Andrew Fetherston stated I think the memo removed more, many more items off this...

Chairman Rogan stated you haven't created any new ones...

Andrew Fetherston stated today's site walk removed more things, it did not create new problems.

Chairman Rogan stated okay, so if we refer to the old one, we are being more restrictive.

Andrew Fetherston stated yes.

Chairman Rogan stated fair enough.

Andrew Fetherston stated my memo was very positive.

Chairman Rogan stated okay, so then that is fair enough...

Board Member Montesano stated so we can't use the October 26th one.

Andrew Fetherston stated I don't...I mean I can tell you from my mark-up's here, I don't have that, I don't have the memo ready.

Chairman Rogan stated doesn't matter because if we approve based on a memo but some of the things have been completed then they are completed, it doesn't really...

Rich Williams stated let me try to do this one more time...

Chairman Rogan stated thank you.

Rich Williams stated Mike suggestion was that you take Maser's memo and you accept the changes that are outlined with Maser's memo, as corrected by the recommendations and subject to the planting of the white pines and the issue with the dumpster, not limiting it to 15 feet just saying allowing a dumpster within the loading area, which conforms to Fire Code and subject to the applicant installing the dumpster pad in the correct location upon 30 days notice by the Planning Board.

Board Member Montesano stated so moved.

Chairman Rogan stated I'll take it.

Board Member Pierro seconded the motion.

Chairman Rogan stated can we roll that into that motion, since you did such great job with it.

Rich Williams stated sure.

Andrew Fetherston stated he didn't speak into the mic though.

Chairman Rogan stated he didn't but Michelle wrote it all down.

Rich Williams stated wait, she knows me well, where is it pointed.

Chairman Rogan stated yea.

Chairman Rogan asks for all in favor:

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

The motion carries by a vote of 5 to 0.

Mr. Raveson stated thank you.

Board Member Montesano stated done.

Chairman Rogan stated that was the intent of what we were looking to do.

Board Member DiSalvo stated so many skulls tonight.

Chairman Rogan stated November 13th or 14th.

Board Member DiSalvo stated Friday the 13th.

Chairman Rogan stated its Friday the 13th.

Board Member Montesano stated Friday the 13th.

Mr. Raveson stated the 13th.

Chairman Rogan stated I apologize, I was really looking forward to it but I'm not going to be in Town.

Mr. Raveson stated you got your invitations.

Chairman Rogan stated I did but I'm not going to be in Town but I'll be back as soon as I get it...

Board Member Montesano stated do I bring the chainsaw, Friday the 13th.

Mrs. Covert stated no problem.

Board Member Montesano stated to be repaired of course.

Andrew Fetherston stated you have to buy a new one, you can't bring it.

Board Member Montesano stated I can use theirs.

Chairman Rogan stated in fairness to this gentleman whose sitting in the back of the room being exceptional patient, are you here for a particular application...

Mr. Raveson stated that is Kay's husband.

Chairman Rogan stated who.

Mr. Raveson stated her husband.

Chairman Rogan stated that man deserves at least ice cream or something for hanging in there.

Mr. Raveson stated definitely.

Chairman Rogan stated okay.

Mrs. Covert stated he tolerates a lot.

Mr. Covert stated its my job tonight to get her home safe, she's been up since four o'clock this morning.

Chairman Rogan stated I bet.

Board Member Montesano stated couldn't you leave her alone for five minutes.

Mrs. Covert stated no.

Board Member Montesano stated its your neighbors...

Chairman Rogan stated what did you say, you get along wonderfully.

Mr. Raveson stated this is their vacation.

Chairman Rogan stated thank you everyone.

Mr. Raveson stated wait, there's more.

Chairman Rogan stated no, we're done, go open your store.

Board Member Montesano stated I don't know Tom, you got everything you needed, what do you want.

Mr. Raveson stated no, one more thing, the bond thing.

Chairman Rogan stated the bond reduction, which we understand we reasonably should release because everything that's bonded has been done.

Board Member Montesano stated so moved.

Chairman Rogan stated correct.

Board Member DiSalvo stated recommendation to the Town Board...

Board Member Montesano stated recommendation to the Town Board to release the bond for Tractor Supply.

Board Member DiSalvo seconded the motion.

Chairman Rogan stated Andrew, discussion.

Andrew Fetherston stated the white lines that were on the plan, were not painted at the site, we didn't think they were necessary.

Chairman Rogan stated okay.

Andrew Fetherston stated we thought there could possibly be an icing condition on your exit driveway, it's built according to the plan but we noticed it later on, if a problem comes up because the drain of the water right down a pipe to the side, it may come up during the wintertime, we'll have to see.

Chairman Rogan stated its in the memo.

Board Member DiSalvo stated yea.

Andrew Fetherston stated it's in the memo, yea.

Chairman Rogan stated great, so that's part of it.

Board Member Montesano stated do the memo.

Rich Williams stated Andrew, do you feel the site is fully stabilized.

Andrew Fetherston stated yes.

Rich Williams stated I concur.

Chairman Rogan stated okay.

Chairman Rogan asks for all in favor:

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

The motion carries by a vote of 5 to 0.

Chairman Rogan stated thank you.

Mrs. Ryan stated thank you very much.

Mr. Raveson stated thank you.

Chairman Rogan stated get out of here.

Board Member Pierro stated Frantell and Barjac we took care of.

c. Frantell Site Plan – Request for Extension

Chairman Rogan stated Frantell Site Plan request, we did a 12 month extension.

d. Barjac Site Plan – Request for Extension

Chairman Rogan stated Barjac we did the same.

e. Steger Zoning Amendment

Chairman Rogan stated Rich, we still have Steger on the...

Board Member DiSalvo stated which one is that.

Chairman Rogan stated Steger is the one right here on, the store...

Board Member DiSalvo stated the Post Office.

Chairman Rogan stated not that I want to.

Andrew Fetherston stated oh boy...

The Secretary stated that's Ted's.

Rich Williams stated wait, oh is it Ted's.

The Secretary stated that is Ted's bag.

Ted Kozlowski stated that's mine.

Rich Williams stated oh damn, let's go through it.

Chairman Rogan stated no wonder why one of shoulders is lower than the other.

Board Member Montesano stated that is his bicycle bag.

Chairman Rogan stated Okay, we have no one show tonight for NRA the wetlands/watercourse application.

Rich Williams stated I'll contact them.

Clocktower Frame Shop Sign Application Discussion

Chairman Rogan stated and we have no one show up for Clocktower Frame Shop but we had some discussion at the work session, it was something about the size of the wood bench sign, only allowing a certain number of square foot left, basically, can you just relay that over.

Board Member DiSalvo stated there was something in the memo about the original Patterson Woodbench sign that it needed permit.

Rich Williams stated I don't know when it was put up, I don't know if it needed a permit, I don't know anything about it.

Board Member DiSalvo stated so that sign is too big for them to put the other sign up.

Rich Williams stated it looks like it.

Board Member Montesano stated it's pre-existing, non-conforming.

Chairman Rogan stated so is this a similar situation to the situation we had with the wine and spirits shop that the signs that are existing don't allow any extra space.

Rich Williams stated yes.

Chairman Rogan stated so we can't approve the Clocktower Frame sign because there's not sufficient sign left within the Code, reach out to them and say maybe you can work with Patterson Woodbench, to reduce the size to incorporate yours.

Rich Williams stated or he can apply for a variance.

Chairman Rogan stated okay.

Rich Williams stated one of the difficulties we have here is because I have nothing on the original sign, I don't know for sure what the size of the sign is but based on the sketch provided...

Chairman Rogan stated its 92 inches by...

Rich Williams stated yea and the size of what he's proposing has got to be bigger.

Chairman Rogan stated the sign, I don't have any problem with the actual sign, what it looks like, I think it matches well, I think if they wanted to shrink the Patterson Woodbench sign down to compliance to allow that one, that is fantastic, it would look great.

Board Member Montesano stated with that, can we have, I have to address there, if we have a pre-existing, non-conforming...

Chairman Rogan stated it's too hot in here.

Board Member Montesano stated with our new Code, can we, how the heck would we be able to...

Rich Williams stated can you increase the non-conformity of the sign area...

Board Member Montesano stated yea, that's what I'm saying. You've got a guy whose been here for 30 years and he's got the whole thing covered, now I know we can create a new law, which we have done but in what situation. What if the guy, for this case Patterson Woodbench says, I'm not reducing the size of my sign, can we legally deny the other guys a sign.

Chairman Rogan stated yes, the answer is yes.

Board Member Montesano stated until we go to court and the guy up there in the funny suit says something else.

Chairman Rogan stated then that is what happens but...

Board Member Montesano stated but that we would be where we get our precedents set...

Chairman Rogan stated yea...

Board Member Montesano stated the argument would be...

Chairman Rogan stated you can't...

Board Member Montesano stated yes you can.

Chairman Rogan stated guess as to what the argument would be if you're saying that the court is a funny court.

Board Member Montesano stated the guy is going into business, how can you stop him from going into business because he doesn't have room for his sign...

Chairman Rogan stated we're not stopping him from going into business.

Board Member DiSalvo stated he has to make his sign smaller, the bottom sign.

Board Member Montesano stated you're prohibiting me from putting up a sign because this man whose been here for 30 years before that says he won't reduce the size of his.

Board Member DiSalvo stated you're prohibiting me from putting a skull on my sign.

Chairman Rogan stated that is a stronger case.

Rich Williams stated Mike, the tenant can handle his business.

Board Member Montesano stated I realize that but let me put it this way, I've seen him and I've spoken to him and he wouldn't reduce certain things when I asked him too and I was paying for it.

Rich Williams stated you know what, just don't rent the space.

Board Member DiSalvo stated don't have to, you know I went looking for that frame shop, I thought it was over at the Clocktower and that is where Sentrasta enlarged their building so I went where is this place and oh we're by Patterson Woodbench.

Rich Williams stated which I think is great.

Board Member DiSalvo stated oh yea, great.

Board Member Montesano stated it's a wooden place, what can I tell you.

f. Martins Subdivision – 90 Day Extension

Chairman Rogan stated make a motion that we...we also approved a 90 day extension for Martins, oh no we didn't because we signed it, they didn't the extension, it was moot point.

Board Member Montesano stated right.

14) MINUTES

Chairman Rogan stated make a motion that we approve September 24th, 29th and October 1, 2009 Minutes.

Board Member Montesano seconded the motion.

Chairman Rogan asks for all in favor:

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

The motion carries by a vote of 4 to 0.

Chairman Rogan stated okay.

Board Member Cook stated I as far as September 24th, abstain from September 29th and October 1st.

Chairman Rogan stated okay.

Board Member Pierro stated okay.

Chairman Rogan stated motion to adjourn.

Board Member Montesano stated so moved.

Board Member Pierro stated make a motion to adjourn.

Board Member DiSalvo seconded the motion.

Chairman Rogan asks for all in favor:

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

The motion carries by a vote of 5 to 0.

The meeting adjourned at 9:50 p.m.