

**TOWN OF PATTERSON**  
**PLANNING BOARD MEETING**  
**November 6, 2008**

**AGENDA & MINUTES**

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| 1) <b>Meadowbrook Farms Subdivision</b>                            | 1 – 9              | Public Hearing. Public Hearing held open until next meeting December 4 <sup>th</sup> . |
| 2) <b>Over the Rainbow of Patterson</b>                            | 9 - 15             | Public Hearing Overview of the project and discussion of apartment.                    |
| 3) <b>Genovese Site Plan</b>                                       | 15 - 16            | Public Hearing. Overview of the project.   |
| 4) <b>Thunder Ridge Ski Area –<br/>Wetland/Watercourse Permit</b>  | 16 - 17<br>56 - 57 | Board adopted the Resolution at the end of the meeting.                                |
| 5) <b>Justin’s Automotive – Sign Application</b>                   | 17                 | No action taken.   |
| 6) <b>Barjac Equestrian Center – Continued Review</b>              | 17 – 21            | Discussion of Bridge Design and site plan. Conditional Site Plan Resolution            |
| 7) <b>Tractor Supply Site Plan – Continued Review</b>              | 21 – 30            | Discussion of roof mounted equipment.  |
| 8) <b>Patterson Crossing Retail Center – Continued Review</b>      | 30 - 36            | Board approves parking layout  |
| 9) <b>South Patterson Business Park West – Initial Application</b> | 36-39              | Site Walk scheduled  |
| 10) <b>Other Business</b>  |                    |  |
| a. <b>Fox Run Phase II</b>   | 39 – 47            | Overview and discussion regarding infrastructure, sewer and other issues.              |
| b. <b>Eurostyle Marble Table</b>                                   | 47 – 51<br>57 - 59 | Waive granted on siding. Board schedules Public Hearing for December meeting.          |
| c. <b>Frantell Site Plan – Request for Extension</b>               | 52                 | 6 month extension given at work session  |
| d. <b>Clover Lake Subdivision</b>                                  | 52                 | Extension granted at work session  |
| e. <b>Boniello Site Plan – Request for Extension</b>               | 52                 | Extension granted for 90 days given at work session                                    |
| f. <b>Forest View Apartments – Request for Bond Reduction</b>      | 52                 | Action on Bond reduction taken at work session   |
| g. <b>North County Homes – NYC DEP letter</b>                      | 52 – 56            | Board to do site walk  |
| h. <b>2009 Agenda Schedule</b>                                     | 55                 | No action taken  |
| 11) <b>Minutes</b>   | 57                 | September 4, 2008, September 25, 2008 & October 2, 2008 - Approved                     |

**PLANNING DEPARTMENT**

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**TOWN OF PATTERSON  
PLANNING & ZONING OFFICE**

**ZONING BOARD OF  
APPEALS**

Howard Buzzutto, Chairman  
Mary Bodor, Vice Chairwoman  
Marianne Burdick  
Lars Olenius  
Martin Posner

**PLANNING BOARD**

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

**Planning Board  
November 6, 2008 Meeting Minutes**

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

Present were: Chairman Rogan, Board Member Pierro, Board Member Montesano, Board Member DiSalvo, Board Member Cook, Rich Williams, Town Planner and Ted Kozlowski, Town of Patterson Environmental Conservation Inspector, Dave Raines, Town of Patterson Building Inspector and Gene Richards from the Town Engineer's office, Stantec Engineering, Town Attorney Tim Curtiss.

The meeting began at 7:29 p.m. with 23 persons in attendance.

Rich Williams was the secretary and Eileen Seirup transcribed the minutes.

Salute to the Flag.

Chairman Rogan stated Thank you everyone, please be seated and it is so nice to have company here tonight, usually we have nobody. Thank you for coming.

Rich Williams read the following legal notice.

**NOTICE IS HEREBY GIVEN BY THE TOWN OF PATTERSON PLANNING BOARD** of a public hearing to be held on Thursday November 6, 2008 at 7:30 p.m. or soon thereafter as may be heard at the Patterson Town Hall, 1142 Route 311, Patterson, Putnam County, New York, to consider the following applications:

- 1) Meadowbrook Farms – Wetlands Watercourse Permit Application** to allow the drainage improvements within a wetland buffer. The property is located off of Sonnet Lane, Patterson, NY. All interested parties and citizens will be given an opportunity to be heard with respect to such application.

Chairman Rogan stated Thank you.

Board member Montesano recused himself.

Chairman Rogan stated state the reason.

Board Member Montesano stated I have been notified. I am within the 500 foot area that is required.

Chairman Rogan stated O.K.

Chairman Rogan stated good evening Harry, Harry could you use the microphone and state your name for the record.

Mr. Nichols stated good evening, my name is Harry Nichols I am the engineer for the applicant. This is the project known as Meadowbrook Farms. Phase I was built several years ago, construction I believe stopped around, I believe the late 80's, due to the economic situation, and we have recently come before this Board to get re-approval for the second phase. The second phase consists of 24 additional units. It will be a detached cluster type development. And it's very similar to the original concept that had been approved previously back in the 80's. However, that approval kind of lapsed with the changes and the regulations and the fact that we had to come before this Board again to upgrade the proposed development to meet those standards. Part of that requires us to obtain a wetland permit because reconstruction and expansion of the existing detention facility located at this point here (pointing to map) requires (inaudible) to meet the new DEC regulations. In doing so, we will be doing some work within the 100 foot stream buffer. It is an existing watercourse that parallels 292 passes through a culvert under existing Meadowbrook Lane Road, also known as Sonnet Lane on these plans. The work will be limited to the location adjacent to the existing pond.

Chairman Rogan stated Harry can you use the microphone please, I don't think they can hear you in the back.

Mr. Nichols stated yes I can.

Mr. Nichols continued, using the microphone stating the existing detention less pond is in this location (pointing to map) if you pull in the driveway it's approximately 200 ft in it begins. There are drainage lines exiting this pond that reach the stream in order to discharge the flow at a controlled rate. To me the new regulations which require that this pond be modified and a second polishing pond be provided and it's this polishing pond which will lie within the 100 foot stream buffer.

Audience member speaks without microphone, unable to transcribe.

Chairman Rogan states, Sir, if you would let Mr. Nichols give the presentation then you can come up and ask your question we do need to get it on the record. I would appreciate that. Everyone will be given a chance to ask questions. Thank you.

Mr. Nichols stated the stormwater pollution prevention plan has been submitted to the Town, the State, and the NYC DEP for their review and approval. And it's at the point right now it's ready to receive its final approval. There may be a few little things to be tweaked in order to satisfy everybody's concerns. As I mentioned the additional pond required by the new regulations has to be secondary or after the pond that currently exists. And the only place logical to put it would be between the existing pond and the watercourse. Protection will be provided during construction to ensure that sediment and erosion will not enter the watercourse, there are bells and whistles which we've been required to add to this plan as required by the various agencies who have reviewed this and who are in the position to approve this. With that I'd be pleased to answer any questions that the Board might have.

Chairman Rogan stated if there any questions from the audience please come up and use the microphone and state your name for the record.

Mr. Rooney stated Jerry Rooney, resident of Sonnet Lane.

Chairman Rogan stated thank you Sir.

Mr. Rooney stated good evening. I'm just trying to get my bearing straight on exactly where. This is 292 down here (Pointing to map)?

Mr. Nichols stated 292.

Mr. Rooney stated o.k.

Mr. Nichols stated this is Meadowbrook, the sign says Meadowbrook Farms. (Pointing to Map)

Mr. Rooney stated so Meadowbrook and this is the end of the

Mr. Nichols stated these are the units that are currently existing? (Pointing to map) Sonnet Lane continues from there on.

Mr. Rooney so this is the drainage pond that I'm familiar with? (Pointing to map)

Mr. Nichols stated that's an existing pond that was installed back in the 80's to serve phase I, there are no changes to that.

Mr. Rooney stated no changes to that so we're just talking about a new drainage pond down in the lower

Mr. Nichols stated we constructed the existing pond and are adding a second.

Mr. Rooney stated O.K, and this application is just for drainage?

Chairman Rogan stated for wetlands.

Mr. Nichols stated this particular one yes.

Mr. Rooney stated O.K. I don't have any other questions.

Chairman Rogan stated thank you Sir.

Chairman Rogan stated you can remove the microphone from the stand if you'd like.

Mr. Cantor stated my name is Mark Cantor and I'm the president of the Meadowbrook farms Home Owners Association (HOA)

Chairman Rogan stated good evening Mark.

Mr. Cantor stated we have a major problem with a Mr. Ginsburg as the developer. And we are opposed to any further development. Mr. Ginsburg has abandoned the HOA. He currently is in violation of the prospectus. He is delinquent in dues to the association. He has failed to provide any compensation to the association for tens of thousands of dollars in repairs to the current water system, the septic system and has completely abandoned the property. So, we are opposed to the further development of this property and this the first time we heard formally that he even intends to pursue development of the remaining 21 lots, or

that he has applied to the DEP for renewal of his permits. We have repeatedly tried to obtain his input, his consent, and his participation as prescribed in the prospectus, and have been met with no reception and no remuneration from him. So, until such time as he begins to participate according to the prospectus which he provided to us, we're opposed to this. And, we have threatened legal action against him for violation of the association by laws and prospectus and he basically threatened us with a law suit and told us that he was going to, he suggested that we put our DNO carrier on notice because he claimed that we were fraudulently in cahoots with his former president of his company. Ok, which he has no proof of. So, I think that this Planning Board and any further approval on the development should be contingent upon a review of his actions and his lawful participation in the association. He's going to bring in 21 more homeowners and effectively is going to leave them in the wind like he's left us. So, you know, I think it should be on the record that the association is adamantly opposed to this.

Board Member Cook stated Sir, are you in court with the developer?

Mr. Cantor stated we are not because the attorneys that we tried to engage, to try and reach a settlement with him, had an astronomical retainer requirement which the association couldn't provide. He left us with less than 5,000.00 dollars in reserves and we have had in excess of 25, 000.00 dollars in repairs to the water plant and the septic system that we have been only able to provide for by assessments to the existing 17 homeowners. We have each had to ante up to pay, and the by laws are very clear, that even as a minority land owner that he is required to pay his pro rata share of the expenses of the association, which he has not done for at least the past 4 or 5 years.

Board Member Pierro stated this is the first time we're hearing about this Sir.

Mr. Cantor stated we have talked to the folks over at the Board that does the land, um grants the building permits, um and we have tried to inform the Town Officials and we haven't been met very receptively. But this is the first we've heard that he's even tried to begin development again. He did try and sell the property. His portion of the property was up for sale for several years. He got no takers once they found out that his permits with the DEC and the DEP had lapsed. So, this is kind of news to us, once we got the Planning Board's registered letter. But, his abandonment of the association and his contention that we were fraudulently in cahoots to steal money from the association, when we are the stake holders of the association, is really pretty ridiculous. And walking away and abandoning the association, I think, puts serious questions into his further development of the existing association. He also has not resolved with the Town the issue of the dedication of the road. O.k. that road is currently personally owned by him or his corporation. It is not owned by the association and yet we are forced to maintain the road. The Town released half of his bond about 5 or 6 years ago. He had 100,000.00 dollar bond with the Town to put the completion of the road, the black top completion in the curbs. He hastily installed some curbs, pretty shoddy workmanship. He got somebody to come out approve it, and he was released of 50,000.00 dollars of his bond. We have no finished road, and we are literally at this day in negotiation and repairs with a water treatment company to repair our water plant. He installed an inadequate generator to run the water plant when the power goes out, we have no water. O.k. The contractors have told us we need approximately 100 kilowatt generator, we have a 10 kilowatt generator, when the power goes out we have no water. When we had a major septic problem 2 years ago, we had to pay for the repairs ourselves. And despite providing him with a budget annually he has not paid us one cent in probably 4 years or perhaps 5 years. He doesn't participate in the Board even though he is supposed to have a minority share holder position on the Board. So, we're left high and dry.

Board Member DiSalvo stated Harry do you know if the phase II, with those new additions of those houses, is that going to be a separate HOA or are they going to merge everybody in?

Mr. Cantor stated the by laws call for it as existing, coming into our association.

Mr. Nichols stated there will be a new septic system for the additional units which will be separate from the current existing one.

Chairman Rogan stated but, all the other infrastructure roadways will all be combined into the existing HOA?

Mr. Nichols stated yes.

Rich Williams stated real quick, is any of this documented in writing to the Building Department? Have you submitted any sort of letters to the Building Department?

Mr. Cantor stated we have.

Rich Williams stated O.K. I can go in to the Building Department and get copies of those letters if the Board would like, and also provide it to the Town Board, because I don't know if the Town Board members, I don't know who you've spoken to, are aware it.

Mr. Cantor stated we spoke to Mr. Griffin a couple years ago.

Rich Williams stated Ok. We certainly can you know re address that.

Mr. Cantor stated as a matter of fact, the way it was left with the Building Department, is that they were going to notify us, prior to the resumption of any building. And we have never been notified about anything.

Board Member Cook stated well there hasn't been any approval.

Mr. Cantor stated I understand but in fact your registered letter is the first time any, and probably half of the homeowners are here tonight because we didn't even know what was going on.

Rich Williams stated if this goes back a couple of years, then maybe the previous building inspector that was trying to address this issue, he left suddenly.

I'll defer to Tim. Tim because this is happening, does not stop us or should not stop us from continuing to review this project.

Attorney Tim Curtiss stated that's correct. On the application what we will need is the documentation which is what Rich has said and then we can on a Town Board side see if we can get everybody into compliance. And uphold whatever the prospectus says he is supposed to uphold as a minority property owner. That we can probably do but it would still not stop this application from proceeding however, we can get him back to being compliant.

Mr. Cantor stated, well I think that the Town Board and the Planning Board are certainly going to have some pretty upset homebuyers if he is allowed to continue to build homes and they come into an association that is, for all practical purposes, with a significant, major catastrophe, in that subdivision bankrupt. We have no reserves, and we only continue to exist by virtue of the assessments to the existing 17 homeowners. O.k.

Chairman Rogan stated, Rich, the existing roadway that has not been dedicated to the town, is there a bond in place? I heard you mention that there is a bond in place.

Rich Williams stated there is.

Mr. Cantor stated the last we knew there was.

Rich Williams stated there is a bond in place. It certainly is correct, it was reduced a number of years back based on the level of improvements and based on review by the town engineer. But, there is a partial bond from the original subdivision.

Chairman Rogan stated and that partial bond, the intent of that is to include what would be required to complete the road to Town specs so that it could be dedicated, or was the intent never for that road to be dedicated?

Rich Williams stated, no the original intent was for that road to be dedicated to the Town of Patterson.

Board Member DiSalvo stated and how long ago was that? That this bond is existing for? Years.

Rich Williams stated the original subdivision was in 1989.

Board Member DiSalvo stated and it's never been followed up for the road to be repaired?

Rich Williams stated over the years there has a number of discussions with the applicant on the condition of the road repairs having been done. The first recollection I have is when Richard Tompkins was Highway Superintendent, he had asked that the road be dedicated and certainly we didn't take it at that point because it wasn't completed.

Chairman Rogan stated Tim is within the purview of this Board given the application that is before us to put a condition into any approval on this phase, that the other phase have everything brought up to current code.

Town Attorney Curtiss stated well certainly you can require him to fulfill all the original promises from the original application.

Chairman Rogan stated prior to getting a building permit for the new phase.

Town Attorney Curtiss stated, yeah, providing that he follow through with the second application.

Chairman Rogan stated that certainly would seem to help out you folks and bring this into compliance what was originally approved years ago.

Mr. Cantor stated it got so bad 3 years ago that we had no drainage mechanism at the end of the road where it meets 292. We literally, on our own, engaged the gentleman who lived behind the Town Hall here, to get a load of gravel, and then we were cited by the State because we had residents who were sliding through the intersection and nearly were killed at the intersection because the drainage wasn't proper. I believe he engaged Mr. Nichols or another engineering firm, to finally put a drain, 2 drains at the end of the road. And you know, cured that problem. But, there's no top coat on the road, there's no maintenance, of the road, by him and he owns the road. We pay over 8,000.00 dollars a winter to plow the road, so that we can have egress and ingress.

Chairman Rogan stated right, so that we're clear, as to where we're moving forward from here it sounds like you're going to make sure that you can put something in writing to the effect of that. And Rich is also going to look into the Building Department and the Town Board and see if we can pull all these issues together. Make sure that we can get a clear understanding of what needs to happen to address these issues and where it stands legally for this Board of course, so that we don't overstep our bounds and open up a whole another issue. And, let's see if we can get something accomplished.

Mr. Cantor state sure we appreciate that.

Chairman Rogan stated we appreciate your time. Thank you.

Rich Williams stated one last issue if I can just address it. This second phase, if we go into construction of the second phase, certainly they would need a performance bond to be posted, for that second phase, and at that point we would of course, revisit the original bond and the improvements that are left, and update that bond also to make sure that we have sufficient money to cover it

Chairman Rogan stated based on today's dollar amounts.

Mr. Cantor stated the only thing I would finish up with is to let you know the infrastructure of this subdivision is approaching 30 years old. And we have a deteriorating water system, a deteriorating septic system and your going to come in and put in 21 more homes in there, and even if there is another septic system, you're going to tax our existing water system, which as I indicate to you, we've been advised we need to come up with 35,000.00 dollars for anew generator to run the water system. And, we can't even get the builder to answer the telephone. He refused to acknowledge our letters, refused to come to the telephone and hasn't provided any money in nearly 5 years. Not exactly what I would say the Town Board ought to be approving as a subdivision to sell houses.

Chairman Rogan stated thank you Sir. Are there any other comments questions from the audience?

Chairman Rogan stated could you please come up I appreciate that.

Mr. Foster stated Jimmy Foster a resident of Sonnet Lane. I just wanted to see if could just point out exactly where the new units are going, where 292 is, and where Sonnet Lane begins at the end of that road that's up here right (pointing to map)

Mr. Nichols stated right, this is the common property line, there's a barrier there right now, if and when that is ever dedicated, the Town would decide on that. 292 is out here, the new units are the ones on this side of the road. Number it 18 – 40, 41. (Pointing to map)

Mr. Foster stated o.k. this is where all the new stuff is going, this is where your secondary pond is going. (Pointing to map)

Mr. Nichols stated yes, this will be the secondary pond to supplement the first one which will be reconstructed at the first time.

Mr. Foster stated o.k. So, there's nothing going on over this way?

Mr. Nichols stated no.

Mr. Foster stated o.k. Thank you.

Chairman Rogan stated Sir, do you have a question, please come up and state your name for the record.

Mr. Montesano stated, Michael Montesano a resident of Shirley Drive, I'd like to know if this public hearing can be extended till next month so that the rest of the people who didn't have an opportunity to speak. As well, as we can obtain back from the building inspector's off on this matter? Thank you.

Chairman Rogan stated how many residents do we have in this complex?

Board Member DiSalvo stated 17 houses.

Chairman Rogan stated no I mean would you give us a number?

Mr. Cantor stated there are approximately 55 residents and 17 homes.

Chairman Rogan stated and we have what like how many people are here for this application?

Audience speaking at once, no microphone, unable to transcribe...

Chairman Rogan stated if you think there are residents for whatever reason didn't make it tonight we certainly can keep the public hearing open, especially given the information that came up tonight. It will give us a chance to check with, and you know, to pull some of this information together.

Chairman Rogan stated Ted, please use the microphone, you're always welcomed to speak.

Mr. Kozlowski, stated Ted Kozlowski Town of Patterson Environmental Conservation Inspector. Harry I know you have to do this to meet the stormwater regulations, but the new basin is right on top of the stream in the wetland files why can't we push this up the road a little bit and out this way? And just keep out of the stream? I believe Rich Williams had asked you to do that.

Mr. Nichols stated we have looked at it, actually, Insite Engineers, I don't know if Jeff wants to add anything to it, Jeff Contelmo is here tonight. In regard to why it couldn't be moved back, I believe

Mr. Contelmo, stated good evening, Jeff Contelmo Insite Engineering. What we're faced with here is actually a challenge of trying to take some old stormwater structure and make it work for some new legal regulations both from the DEP and the DEC. We also are constrained topographically by a hill that extends up into that area and also were constrained somewhat by elevation. The existing roadway in developing is controlled by certain elevation, we've got to capture and treat that water. We had gone through extensive back and forth with both the DEP and the DEC on this. And we believe the solution we have is one that certainly works for them. We can look at pulling it back, but as I stand here, I'm almost sure we can't pull it back because of hydrologic constraints with elevation.

Mr. Kozlowski stated but Jeff, I understand about the hill there but coming up this way (pointing to map) you don't have that and maybe there's some more imaginative way to snake that water around just get it, just push it back a little bit.

Mr. Contelmo stated we can take another look at it, but my recollection is (inaudible) that the grade became an issue.

Rich Williams stated I think one of the other issues is there are requirements for a travel path through a pond and by moving it back you are actually discharging to the center of the pond, you don't get sufficient residence time within that pond.

Mr. Kozlowski stated there is separation for short circuiting in that think, I'd have to look at the job, but we can do that.

Chairman Rogan stated any other questions from anyone in the audience? Any questions or comments from our technical staff?

Chairman Rogan made a motion to continue this public hearing at our next regularly scheduled Planning Board Meeting which is December 4<sup>th</sup>?

Board Member Pierro seconded.

Chairman Rogan asked for all in favor.

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

Motion carries by a vote of 4 – 0.

Chairman Rogan stated Counsel we don't need to any further public notice on continuing?

Town Attorney Curtiss stated no you can just put it on your agenda what we generally do is put it on the website to let people know. You can publish if you want, the publication requirement has been fulfilled.

Chairman Rogan stated fantastic.

Mr. Cantor stated can you repeat the date Sir.

Chairman Rogan stated December 4<sup>th</sup> it will be the first Thursday of December, 7:30 pm. Or as soon thereafter as is reasonably possible to be heard. And hopefully we will have some new information at time.

## 2) Over the Rainbow of Patterson – Public Hearing

Chairman Rogan stated please let the record Mike Montesano is rejoining the dais and the Board. Could I please ask that the public hearing for Over the Rainbow of Patterson be read?

Rich Williams stated **NOTICE IS HEREBY GIVEN** by the Town of Patterson Planning Board of a public hearing to be held on Thursday November 6, 2008 at 7:30 pm. or as soon thereafter as may be heard at Patterson Town Hall, 1142 Route 311, Patterson, Putnam County, New York to consider an application entitled **Over the Rainbow of Patterson Day Care Center. The property is located at 2680 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 good evening, you can remove the microphone if that would help you. Please state your name for the record Sir.

Mr. Nixon stated good evening, I am James Nixon I am the architect for the project Over the Rainbow.

Chairman Rogan stated good evening James if you could please do a brief summary of the project and site plan for the folks that are here tonight.

Mr. Nixon stated, ok the site is located on the east side of Route 22 as seen on this drawing. (Pointing to map) North is up. Route 22 is at the far left of the sheet. This is the entire property, a little over 4 acres, 4.3 acres. This box here is the existing 2 story building, it is a commercial building. It is currently vacant but was last occupied by Integrity Heating and air conditioning. The applicant Over the Rainbow proposes to occupy the ground floor here as a day care center for up to 67 children. Very minimal exterior work is proposed as a part of this project. The minimal exterior work being limited to a handicap accessible ramp to get over the one step at the existing front entrance, and putting up a fence for a 60 ft by 60 ft outdoor play area in the rear yard. Other than that, all of the proposed work is limited to interior alterations. The proposed use and all bulk requirements are conforming as existing and as proposed. Are there any questions at this time?

Chairman Rogan stated do we have any questions from anyone in the audience? Yes, please come up. You have to use the microphone.

Janet Cassidy Stroh stated, I just want to know where the property is.

Chairman Rogan stated Noletti's. The old Noletti's bakery.

Any more questions from the audience pertinent to this site plan? No? Any questions or comments from the Board?

Board Member Pierro stated we had some discussions, Mr. Chairman relative to the apartment on the second floor of that building and through discussion with Rich Williams, tonight he had spoken to the Noletti's and apparently that apartment has lost its use. Our concern at the Planning Board level was that if it's going to be a child care center and the applicant decides they want to rent that apartment out, it may not be possible.

Chairman Rogan stated it depends on where the access the apartment is. Whether it's through the proposed use, which seems like it would create a concern with child safety in.

Chairman Rogan stated can you please come up the microphone Sir.

Mr. Noletti stated Al Noletti.

Rich Williams stated before we get into that if we could just clarify what was said. I said that I had contacted the applicant the Noletti's seemed to indicate that they weren't sure the apartment was going to be used, currently was vacant and had been vacant for some time and I'd asked Mrs. Noletti to contact the Building Department to discuss it further with them.

Chairman Rogan stated o.k.

Board Member Cook stated were is the entrance to the apartment?

Mr. Noletti stated the entrance is I guess it is to the south side. It's a separate entrance and the stairs go right from there up and then there is another door that can be locked that would go into the child care area.

Chairman Rogan stated Mrs. Noletti my concern to be honest with you, I have no problem with you keeping the potential for an apartment there, I am wondering though, if there are regulations with whoever your permitting official is, that would allow you to utilize a building that has an attached apartment to it. That's just a concern that I have.

Mrs. Cheri Noletti stated the only regulation is that the person who is occupying the apartment is not apt to walk through

Chairman Rogan stated do you actually have to do a criminal background check?

Mrs. Cheri Noletti stated no.

Chairman Rogan stated certainly would be a good idea though. The permit holder for the day care would be? Not yourself, I mean the state agency? I don't recall.

Mrs. Cheri Noletti stated NYS office of Children and Families.

Chairman Rogan stated o.k. I'm glad you said you have separate entrance, because we weren't sure from walking around the site that it was separate. So, now speaking Rich, to your comment, how does that impact on the Board's decision on the site plan?

Rich Williams stated it doesn't necessarily impact on the Board's decision at all. There is a question about whether it is a legal pre existing non-conforming, and whether that use may or may not have been determined.

Chairman Rogan stated and also proving it even if it's in the site plan, does not legitimize something that the Building Department says no doesn't work.

Rich Williams stated Dave Raines has to meet with them. He has to go, you know there may be code issues, building code issues relative to having a daycare center underneath the apartment that Dave would like to address with you.

Mrs. Noletti stated, I'm Cheri Noletti and there was a communication gap. I asked her if she was going to have it as an apartment and she said she wasn't sure, but she was pretty sure she wanted it. And she didn't, somehow, we didn't understand that I had to call the building inspector to come and do an inspection. But, we will definitely do that.

Board Member Pierro stated is the apartment going to be part of the daycare center?

Mrs. Noletti stated no.

Mrs. Noletti stated whoever has rented downstairs has always had people upstairs, usually it's somebody who work there.

Board Member Pierro stated then the possibility it will be part of the daycare center in some way shape or form.

Chairman Rogan stated the other businesses there have been food services that may have had staff living upstairs.

Mrs. Noletti stated and Billy Dean also, the Integrity had people up there.

Chairman Rogan stated o.k.

Board Member Cook stated also you had received a meeting or so ago, a copy of the letter from the Building inspector outlining what he wishes from you. Floor plan for the proposed center your familiar with it right?

Mr. Nixon state yes, I am. And, we will comply with that.

Board Member Cook stated you have to comply with that to get your building permit.

Mr. Nixon stated correct.

Board Member Pierro stated is the signage included in this package, in this reso? Or is that going to be considered in a different

Rich Williams stated the applicant is not at this point submitted an application for signage.

Chairman Rogan stated and Rich just so we're clear, the page that I showed you earlier is the site plan notes. Those notes need to be added and that's part of the Resolution, to be included. They're just the standard site plan notes. What threw me was that is said subdivision/site plan notes.

Rich Williams stated those notes have been added.

Chairman Rogan stated they have been o.k.

Board Member Pierro stated so the reso'complete?

Chairman Rogan stated any other concerns from the Board?

Rich Williams stated there is one issue just to make the Board aware there are certain site improvements that are shown on the site plan, we have at this point not calculated a bond amount for those site plan improvements. Essentially they include the play area, really isn't something that needs to be bonded, some re striping, and or a ramp that needs to be built. Certainly we feel comfortable that that can all be part of the C.O. Put the Building Department on notice.

Chairman Rogan stated is everyone comfortable on that?

Members stated yes.

Chairman Rogan stated so then we'll entertain a motion on the Resolution but first close the public hearing.

Board Member Montesano made a motion to close the public hearing.

Board Member DiSalvo seconded.

Chairman Rogan asked for all in favor.

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

Motion carries by a vote of 5 – 0.

Chairman Rogan stated on with the Resolution.

Board Member Cook read the following Resolution.

**WHEREAS**, the Planning Board has complied with the requirements of Article 8 of the Environmental Conservation Law ("SEQRA") and 6 NYCRR Part 617, and has duly filed all appropriate SEQRA determinations in accordance with 6 NYCRR Part 617.10;

**WHEREAS**, the Planning Board, has considered the application of *Rita Acuno d.b.a. Over the Rainbow and Albert & Cherie Nolletti* for site plan approval pursuant to Chapter 154 of the Town Code and a final site plan, entitled *Over the Rainbow of Patterson* prepared by *James I Nixon, III AIA*, dated September 16, 2008, and last revised on October 20, 2008(see attach list of individual sheets if more than one);

**WHEREAS**, the Planning Board opened a duly noticed public hearing on the subject application and final site plan at its meeting on November 6, 2008 and closed the public hearing on that same night after receiving comments from the public;

**WHEREAS**, the Planning Board has considered the comments of the public and other involved or interested agencies, and has reviewed the application and site plan, as modified and subject to compliance with such conditions as may be required herein, for conformance with the terms and conditions of the site plan approval, and the requirements of Section 154 of the Town Code and Article 16 of the Town Law;

**NOW THEREFORE BE IT RESOLVED THAT** in the application of *Rita Acuno d.b.a. Over the Rainbow and Albert & Cherie Nolletti* for final site plan approval pursuant to Chapter 154 of the Town Code, the Planning Board finds that the subject application and final site plan, as modified in accordance with any applicable conditions set forth in this Resolution, complies with all requirements of the Town Law and Chapter 154 of the Town Code, and hereby grants final site plan approval, *subject to the applicant's compliance with the following general and special conditions within 62 days of the date of this Resolution;*

**GENERAL CONDITIONS:**

1. Submission of final site plan map in proper form, bearing original signatures of the owner(s) and the professional who has prepared and sealed the plan;
2. Submission of a bond or other surety in the amount approved by the Town Board, in accordance with Section 154-84, and in a form deemed acceptable by the Town Attorney, which guarantees the completion of required improvements shown on the final site plan map;

3. Payment of all recreation, application, review and inspection fees;
4. If an offer of dedication is to be made, submission of a title search, an irrevocable offer of dedication, and deed in proper form for acceptance and recording of the deed, as deemed acceptable by the Town Attorney;
5. In the event that any of the material submitted in relation to this application is inaccurate or misleading, or the owners of the project do not have the legal right to develop or use the property where and as shown on the material submitted to this Board, then any approvals herein granted are found null and void.

**SPECIAL CONDITIONS:**

1. Submission of permits and/or approvals from all involved agencies.

**BE IT FURTHER RESOLVED** that the Planning Board authorizes the Chairman and Vice-Chairman of the Planning Board to sign the final site plan upon the applicant's compliance with all conditions stated above;

**BE IT FURTHER RESOLVED** that this final site plan approval shall be deemed null and void if the applicant fails to comply with all conditions stated above within the time period set forth above for such compliance, unless such time period is extended by Resolution of the Planning Board, for good cause shown;

**BE IT FURTHER RESOLVED** that in any event this site plan approval shall expire, pursuant to Section 154-87 of the Town Code, one year from the date that the plat is signed by the designated representatives of the Planning Board, unless a building permit has been obtained in complete compliance with the terms and conditions of this final site plan approval.

**BE IT FURTHER RESOLVED** that in those instances where this approval has been granted and will not require the issuance of a building permit, that this approval shall expire one year from the date that the plat is signed by the designated representatives of the Planning Board unless a valid Certificate of Occupancy has been issued in complete compliance with the terms and conditions of this final site plan approval.

Board Member Montesano seconded the Resolution.

Chairman Rogan asked for all in favor.

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

Motion carries by a vote of 5 – 0.

### 3) **Genovese Site Plan – Public Hearing**

Rich Williams read the following public hearing notice.

**NOTICE IS HEREBY GIVEN BY THE TOWN OF PATTERSON PLANNING BOARD** of a public hearing to be held on Thursday November 6, 2008 at 7:30 p.m. or soon thereafter as may be heard at the Patterson Town Hall, 1142 Route 311, Patterson, Putnam County, New York, to consider the following application titled **Genovese Site Plan to allow an office light manufacturing and warehouse use and also the Genovese wetland watercourse permit application to allow the installation of a waterline to an existing well and the construction of a driveway. This property is located at 2160 Route 22, Patterson, New York.** All interested parties and citizens will be given an opportunity to be heard in respect to such application.

Ms. Hahn stated good evening, I'm Terri Ann Hahn, Principal LADA PC. Land Planners who are site planners for the project representing the application.

Chairman Rogan stated I'm glad to see you made it here safely. Quite a backup on the highway I heard.

Ms. Hahn stated yes, it's horrible.

Chairman Rogan stated if you could please give a general overview of the project to the audience, could you use the microphone?

Ms. Hahn stated certainly. The property is located on NYS Route 22 on the east side just south of the Boniello Fence and Co up here and opposite old RT 22. The property is 16 acres located in the C1 zone and the applicant proposes to build a 67,695 square foot office warehouse and light manufacturing or assembly building on the property. The access will be from a single road this way (pointing to map) two parking spaces to serve potentially 3 tenants. The applicant currently assembles sportswear and so he plans to occupy a portion of the building and probably rent out some of the other building itself. The site will be served by an on site well, which is already drilled and located here on the site which will require a wetland permit in order to extend a well line through the buffer in order to get to the building. In addition there is a centrally located local wetland on the property. And a NYS DEC wetland located across Route 22, so that the entrance to the property is within the NYS DEC wetland buffer area and also the local buffer. So, we have just around 10,000 square feet of buffer disturbance for this project. There will be an on site septic system which will be located out the back of the property. The middle portion of the property will not be disturbed and there no plans to do anything there at this time. The impervious surface will be piped to a series of detention basins located at the front of the site which will meet NYS DEC and NYC DEP stormwater requirements. I think that's about it.

Chairman Rogan stated thank you. Are there any questions or comments from the audience this time?

Board Member Pierro stated I see no questions or comments and make a motion to close the public hearing.

Board Member Montesano seconded.

Chairman Rogan asked for all in favor.

Board Member Montesano - aye

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

Motion carries by a vote of 5 – 0.

Chairman Rogan stated anything from you Rich? Gene?

Rich Williams stated no there are not there are some outstanding technical issues which have yet to be addressed.

Ms. Hahn stated, yes and we will take care of that.

Chairman Rogan stated thank you.

Ms. Hahn stated thank you very much.

Chairman Rogan stated that was along way for that wasn't it?

Ms. Hahn stated some things are just like that, laughing.

**4) Thunder Ridge Ski Area – Wetland/Watercourse Permit**

Chairman Rogan stated o.k. the next application Thunder Ridge Ski area I will recuse myself as the owner is a Legislator and I am a County employee.

Board Member Pierro stated anyone here for Thunder Ridge ski area? Do you want to postpone it till the end of the meeting to see if someone shows?

Chairman Rogan stated yes we can do that.

Board Member Pierro stated yes we can do that.

**5) Justin's Automotive – Sign Application.**

Chairman Rogan stated we have a sign application is there anyone here for Justin's? No one here for Justin's.

**6) Barjac Equestrian Center – Continued review**

Chairman Rogan stated does anybody on the Board want to see plans on this. I know there' a few issues you would like to discuss Theresa, and we'd certainly like to discuss them with you. Let's tackle the big one, well there area few big ones. The first one is the bridge. We're not providing bond calcs on the bridge at this time, I'm hearing.

Theresa Ryan stated but we were and the applicant (inaudible) reviewing this last (inaudible) buildings and the barn on the end and the indoor riding ring and it would require a building permit because what we were suggesting and it's not part of the site work, so we were going to request that that not become part of the firm estimate.

Chairman Rogan stated the only question, I think that everyone unanimously had was that it's at the entrance so how do you begin to develop the site, even just basic site excavation, how do get out without that bridge?

Board Member Pierro stated how do you get equipment out there?

Theresa Ryan stated the equipment is going to use the existing access to get to the other side so we can approach it from both sides without impacting the wetland.

Chairman Rogan stated Ted is using the existing access acceptable for, I mean how would they basically ensure that we're not going to cause impact to the wetlands in that area by going through there with bulldozers and heavy equipment? Have you considered that in your review?

Theresa Ryan stated that we've even incorporated that into our construction sequence based on comments from the Town and the DEP. Because they want to make sure that we're accessing that bridge from both sides. So we even showed some improvements to the existing trail, so that they could gain access through that.

Mr. Kozlowski stated generally in a forested wetland condition like that they would do a temporary corduroy or something like that and get heavy equipment through without mucking up everything, pretty simple stuff, pretty simple procedures. Logging trucks do that a lot in the forest if they're going through a sensitive area. Layering down of the logs or wooden planks just to buffer up so they don't

Board Member Pierro stated you could also do it over frozen ground and work through the wintertime.

Rich Williams stated however in the present application here is an existing trail that goes through their road that is being used. The applicant was proposing not corduroying it but minor improvements just to re-stabilize that road.

Theresa Ryan stated a gravel surface

Chairman Rogan stated gravel and what would happen to that surface at the completion of the project that then just let nature take its course?

Theresa Ryan stated a portion of it is going to be restored to topsoil seed and mulch where it's gaining access to the construction area will be cutting that off apart of it. But the Board had also asked to maintain that as an emergency access. And to just put a gate in front.

Chairman Rogan stated that's what I am remembering we were just going to gate it and leave it.

Rich Williams stated so, which way do you want to go?

Chairman Rogan stated my main concern with them getting back to the idea of this bridge not having the design on it. We don't have a design on it yet, but we do have a concept. We know what in essence what it should look like. My concern is that we don't end up with a time we go to build the bridge, and we say wait a minute now we want to do a different type of bridge because it 1/3 the cost and it will... I want to make sure what we are approving and that when we get to that point we don't, it seems like this happens with large retaining walls sometimes where we allow the project to go forward without having a design in the bank, especially with retaining walls that seems to be the big one.

Board Member DiSalvo stated I think we talked at the work session about that we were, we didn't want the applicant to consider putting culvert pipe in as opposed to the bridge when push comes to shove when you are trying to finalize it.

Chairman Rogan stated so Tim and Rich how do we protect the Town so that we get what we are approving in this project at the, when this is complete?

Theresa Ryan stated wouldn't the applicant have to come back if they have a change?

Chairman Rogan stated yes they would but it just seems like when they come back that it's a whole different scenario.

Mr. Kozlowski stated it's a whole different and it's a lot more pressure.

Board Member Pierro stated it's a lot more pressure to approve the lesser improvement than the bridge money problems. This happened, that happened, field changes, so what the Board has basically done in the past is at least give them a concept that could be incorporated in the plans so that everybody knows what you're proposing and what you're somewhat locking yourself into.

Rich Williams stated and we do have that general concept, I believe, do we not?

Theresa Ryan stated for the bridge yes.

Rich Williams stated yes we do.

Board Member Pierro stated we do.

Rich Williams stated and what the Board had talked about at the work session is this relates back to the issue of the bonding, is to consider a conditional approval on this project, not doing the bond at this point until we have a final design on the bridge. And at that point you would know exactly what the bridge was going to look like and what the bond was going to be. Plans are not going to be signed and they would need to come back periodically and you asked me to leave within the Resolution the 62 days or it was changed to 90 or 180 days, I'm not sure which it is at this point so, that the applicant would continue to come back periodically so that the project did not become stale and disappear.

Chairman Rogan stated thank you for refreshing. Would one other option also be to have a bond calc for everything except the bridge and have that done. I mean if we have calcs at this point for

Rich Williams stated that would be a separate option, yes, but the Board at the meeting said you didn't want to do that.

Theresa Ryan stated and we're o.k. with that do you want to postpone that until we

Chairman Rogan stated so, in essence it would be a conditional approval with the applicant coming back within a certain time frame to make sure that these design and bond calcs get done and this is all done prior to a building permit and a final.

Rich Williams stated it's all done prior to your endorsement of the site plan and then then being able to start construction and or pull a building permit.

Chairman Rogan stated Tim that sounds like we're covering ourselves and the Town?

Attorney Curtiss stated yes, I would say so.

Chairman Rogan stated any questions or comments.

Board Member Cook stated Theresa how are you doing with your discussions with DEP?

Theresa Ryan stated we are going back to them one more time I believe and we should be able wrap up everything else. We actually submitted last week back to them so, we think we're pretty much done. We're close to finishing up with them.

Board Member Pierro stated Theresa we had some discussions at the work session about the how large the building was going to be and whether or not fire suppression and sprinkler systems were going to be required.

Theresa Ryan stated yeah, I guess the applicant is going to discuss that directly with Dave. I know that Dave had some concerns about the barn because it had the apartment on the second floor and he wanted that sprinklered and as long there's some kind of firebreak between the barn and the enclosed ring, then the ring would not have to be sprinklered. I think the no as meant no automatic sprinkler system. And you were going to check with that?

Rich Williams stated in the barn?

Theresa Ryan stated in the barn or in the ring?

Rich Williams stated in the ring, I'm sorry...

Theresa Ryan stated yeah o.k.

Rich Williams stated yeah I haven't gotten a definitive answer on that. I haven't spoken with Dave long enough.

Theresa Ryan stated yeah, we'll work that out with Dave.

Rich Williams stated there is an issue about showing a tank someplace unless it's going to be in the building I don't know you know if the Board has an issue with that if they decide to put a tank in the rink under the ring.

Chairman Rogan stated if it's inside I don't have a problem with it. If it's outside it's outside it's going to be coming in anyway. So, let's just make sure we know where the location is. But those tanks are generally inside though because it would be an above ground tank, they don't bury those tanks do they?

Rich Williams stated generally they're underground.

Chairman Rogan stated how large are these tanks?

Rich Williams stated I don't know what the fire rating or the fire requirements are for this building.

Board Member Cook stated I think that's the key, it's what size is required before they decide where they're going to put it.

Chairman Rogan stated I think I'm recalling back to our conversation with Ted about this. But, we were talking about single family homes. And they were like 500 or 1000 gallon tanks. That's much different.

Chairman Rogan stated any other questions or comments concerns from our technical staff? Anyone on the Board? No? We do have a Resolution prepared that does also detail the issues that we discussed tonight.

Board member Pierro made a motion to adopt the Resolution and read the following Resolution.

Dated November 6, 2008 subject to applicant's compliance with the following general and special conditions within 62 days of this Resolution. The Resolution specifically sites 5 general conditions and 3 special conditions.

Board Member Montesano seconded.

Chairman Rogan asked for all in favor.

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

Motion carries by a vote of 5 – 0.

### **7) Tractor Supply Site Plan – Continued Review**

Chairman Rogan stated we did get some new information from you Theresa on this.

Theresa Ryan stated yes, we received some verbal comments from Gene Richards today and they seem relatively minor. There were just a few comments on the stormwater which we did address.

Chairman Rogan stated o.k. we were discussing this, the pictures of the Milford store and I see it in your memo you wanted to discuss it with the Board tonight. You are showing the

Theresa Ryan stated these are pictures that were presented to the Board when you accepted this building.

Chairman Rogan stated and so we're clear and the owner is here, the pictures that were presented were a concept of architectural renderings not mechanicals up on the roof that was just the façade was the idea of having a gambrel roof design. The town code I believe does not have the mechanicals to stay up on the roof, so we're wondering, I see in your comment letter that you are going to be prepared to discuss this with the Board tonight but some of the other projects we've had that they put them internally in a section of the building or do they have them outside on the paddock?

Usually they have them externally.

Yeah and then screened with some type of... And the concern that I have, and I have to be honest with you, and as you know I was a strong supporter of adding more façade to this building, it's just that they're not

visible because that I do think that even though Mr. Ravenson did a nice job of getting photographs from 22 that this building, that the sides of the building that can be seen from 22 are not what I was hoping for with this architectural. So, my main concern is that we can see these from the sides of the building and some of the Board members had some ideas that they mentioned. I don't know what we can do to either hide those or bring those down to a spot on the property where we can screen them.

Theresa Ryan stated according to Tractor Supply, they would have to be on the roof. Is there, I guess it's a zoning requirement, so is that we can get a variance from?

Rich Williams stated it's a site design, a site plan requirement. It's not something you have to go to the Zoning Board of Appeals for. It's something that is going to be an issue for this Board that they can decide whether it's appropriate or how to address it.

Board Member DiSalvo stated how many feet do you figure it's going to be sticking out?

Theresa Ryan stated I don't have those elevations they're shown on the architectural drawings.

Board Member Montesano stated can you bring this front piece all the way down? (Pointing to drawing) or these 2 up?

Theresa Ryan stated from 311 (inaudible train) you can see that building and the other structures to the east really (inaudible) the only place you really see it is from down further south on 22.

Rich Williams stated just to be clear on what was requested did somebody request that the parapet walls come up to the same elevation as the mechanical units?

Board member Pierro stated the heights of the mechanicals.

Board Member DiSalvo stated yes, that's what I asked.

Chairman Rogan stated would you be opposed to that Mr. Ravenson?

Mr. Ravenson stated, good evening by the way, alternatively could we just agree to screen the units as Theresa has pointed out, from the front you won't see it there's no vantage point at all from the west or the south, from the east it's a very long shot and I have those drawings or those pictures if you would like to see them again. But we could screed the, you know, wherever they're viewed so you wouldn't see them.

Board Member Pierro stated I mean rather than build a whole wall.

Board Member DiSalvo stated and how would you screen them?

Mr. Ravenson stated you could screen them with something that would look like the block, for example. It may not be the block but could look like the block.

Theresa Ryan stated so that's what I think Shawn just recommended or raising

Mr. Ravenson stated no, I didn't want to raise the whole wall. Because that seems like it might be overkill but if we could, you wouldn't see it if the façade looked like, was made to look like the masonry.

Chairman Rogan stated I can agree that just raising the wall the entire length would just make it to me look like more of a block and I don't want that. I'd rather just add some architectural features. Is there any way to create some architectural features on the site that would be right in line with those units that would compliment the design of the building? And also screen them at the same time?

Board Member Pierro stated no to cut you off Shawn, but on this particular building the architectural are located where they are, is there a way we can relocated the architectural and then put some sort of mechanicals, and then put one you know, screening mechanism to block them both out, and it'd be closer

Chairman Rogan stated to the gambrel.

Board Member Pierro stated yeah.

Board Member Montesano stated would it be possible to just put one of these?

Chairman Rogan stated well that's kind of what I was just thinking Mike.

Board Member Montesano stated put the gambrels

Board Member DiSalvo stated in front of them.

Board Member Montesano stated in front of the pieces.

Chairman Rogan stated smaller, it would almost be like you'd have the larger gambrel in the front and then the smaller ones on the side that would screen.

Board Member Montesano stated you'd look like it was a barn I think with the hayloft or something of that nature.

Rich Williams stated yeah, I don't think that would be a problem.

Board Member Pierro stated right that's a good idea.

Chairman Rogan stated it's the old saying of be careful of what you ask for because you don't know what it will look like.

Laughter

Board Member Montesano stated hey, if you could figure (End of tape)

Chairman Rogan stated, are we back on Rich? I would certainly be willing to be in favor of a waiver on this if we did get some architectural help on the signs of the building. That kind of accomplishes all the, you know, softening the side of the building. I know we're adding some trees as screening, I'm just really not sure about the scale of things and I'm certainly not an architect, and I don't know how you tie in gambrel, what would you call them, dormers, facades, that would be in scale with the building. I'm hesitant to push too hard on this because sometimes we end up with something that, when they're up, we say, what did we do?

Board Member Pierro stated and again these particular mechanicals are in those locations on the roof, there may be a way to design them out of the picture all together, so.

Chairman Rogan stated o.k.

Theresa Ryan stated, we don't know that yet we'd have to talk to Tractor Supply to see if maybe they could even bring them all to one spot.

Chairman Rogan stated the other option is to put them on the ground. It's and air conditioning heating unit?

Board Member Pierro stated yeah, that's normally where that goes.

Mr. Ravenson stated we really don't have room actually.

Theresa Ryan stated I was told that that's not an option.

Chairman Rogan stated we have an outdoor storage area it would be like one part of the outdoor storage area, you would think, you know screen it right within the storage area it's already going to have all the equipment. So, maybe that's the discussion we might want to at least ask is that, in lieu of dressing up the sides of the building to conceal them go with what the code requires which is off the building, either inside or out. And, maybe look at a small area, because they're not large units,

Board Member Cook stated no they aren't

Chairman Rogan stated you know to possibly put them in a corner or somewhere in the outdoor storage area. We also spoke briefly about, when we were looking at the plans we noticed on the outdoor storage side of the building and possibly other places that we didn't see, there are speaker systems or a P.A. system that are on the plans. Is that just for the communications from the inside of the store the yard? My concern is that we're not going to have a speaker system where we're going to hear this, you know down the road, you know. Blue light special

Board Member Cook stated broadcast the Yankee game.

Laughter

Board Member Cook stated it's for the Yankee game.

Chairman Rogan stated and I think Maria had said the other stores have them and it's kind of one of those mechanisms where they speak to their employees who might be out there.

Board Member Cook stated that's what it is, yeah.

Theresa Ryan stated, yeah intercom.

Chairman Rogan stated do we have an idea of what the volume of these things might be? Can they use, someone had suggested, can they use 2 way radios instead of speaker system? I mean, I don't know.

Mr. Ravenson state, yeah, I don't know either.

Chairman Rogan stated Rich what would the design parameters that the Town would use the decibel level of the speakers intended for this purpose, for this type of use?

Rich Williams stated we have standards for what is considered excessive noise.

Chairman Rogan stated o.k.

Rich Williams stated and there are standards for that. It really isn't applicable to the current application, where it's a business use for an outdoor speaker system, which may be more of an annoyance that the community doesn't want to consider, or may not be. But, the standards we have are basically for excessive noise.

Board Member Pierro stated excessive noise.

Rich Williams stated and not applicable here.

Board Member Cook stated no because this is almost an island. So far away from any but we could certainly say that it conforms to the town's noise requirements.

Board Member Pierro stated I think the road noise

Rich Williams stated that goes without saying

Chairman Rogan stated I actually like the way you word it on the plans about the future additional parking. That if at a point in time the Planning Board deemed there was insufficient parking, I think the way it was worded that, upon notification to the Tractor Supply or the owner of the lot that they would provide that parking within so many days. Could we work in something to the effect that if the Planning Board determines that the noise is excessive, based on the speakers or something like that, that they go to some alternative means or lower the

Board Member DiSalvo stated speakers.

Rich Williams stated here's the issue that I would have with that. The owners go back to the regulators and how are you going to enforce it? You never want to have a subjective standard.

Chairman Rogan stated and it would be subjective.

Rich Williams stated yeah, what you find offensive, Charlie may not, and Mike may think it's even worse, so who decides?

Chairman Rogan stated well how do we decide with the parking?

Theresa Ryan if these speakers are just on the outdoor and they're facing west and to the west is NYSEG and a knoll, and to north is Route 311 traffic wise, and to the south is nothing. So I don't know that it would really have that much impact.

Board Member DiSalvo stated from my experience you know frequenting, New Milford and the Amenia store, I'm up there like once a week, I never really, I'm out in the parking lot and like Oh, where did that come from? You know, so I mean it's just I just hope that they heard my order, so I'm not waiting out there so I've never found it offensive..

Chairman Rogan stated and the sign we were talking about earlier also do you have an idea of what the square footage is?

Theresa Ryan stated we can make a commitment that the signs will comply and we are willing to add a note to the plan that you know at some future date when we, when it turns out that the sign application comes in you'll have to come to the Planning Board and if it exceeds the zoning then it would have to go through zoning.

Chairman Rogan stated o.k.

Mr. Ravenson stated yeah, they wanted to take the responsibility for presenting the sign options to discuss it with you so that's why we haven't brought that up.

Chairman Rogan stated bet we can guess at what they're going to want though.

Laughter

Board Member Montesano stated I'm sorry the Empire State Building is not available in the town.

Chairman Rogan stated and Theresa one of the big issues that of course we were copied on is can you speak to the concerns that the DOT and the DEC have specific to this approval?

Theresa Ryan stated actually we just had discussions recently with the DOT and we've been back and forth with them on what they're requiring. Rock came from the DOT Ludingtonville office and reviewed what we were proposing and what is acceptable. We also had some correspondence from Greg Walsh from the DOT in Poughkeepsie and originally he wanted to eliminate the eastern egress lane. He has found it acceptable now, so we had correspondence and will get back to him.

Chairman Rogan stated he liked the safety aspect of that.

Mr. Ravenson stated, yeah we told him that.

Board Member Pierro stated and he agreed to that?

Theresa Ryan stated and we're going to add a culvert under the entrance to satisfy Rock's concerns and we plan to submit back to the DOT tomorrow.

Board Member Cook stated Theresa which end is that culvert going under?

Theresa Ryan stated it's going under the main entrance. We already showed one going under the existing one. The new one? The Maguire one did not have a culvert when we last submitted to the Planning Board.

Board Member Cook stated o.k.

Chairman Rogan stated and then the DEC's concerns it sounds like is primarily are, are we minimizing the impacts to the greatest extent possible?

Theresa Ryan stated yes, and we did revise the plans to pull the rear stormwater basin entirely out of the buffer the only thing that's going to in the buffer and the rear now will be the pipe that discharges stormwater from the basin to the wetland.

Chairman Rogan stated o.k. and Rich so that I'm clear administratively, the Planning Board accepts a site plan approval if they have complications with DEC and get held up on their permits, we need those permits in place before we sign off on all of our approvals. So they need to be comfortable and if changes to the plan occur because of the DEC they come back in with a modified site plan. Am I correct?

Rich Williams stated correct.

Chairman Rogan stated any other issues that you'd like this evening with the Board Members?

Board Member Cook stated Ted, you grimaced for a second there, is that o.k. with you with the pipe.

Mr. Kozlowski stated I think so.

Rich Williams stated there is the issue with the bond also that you need to address.

Chairman Rogan stated yes, I have it.

Board Member Pierro stated In the matter of Tractor supply Co. I make a motion that the Town of Patterson Planning Board recommends to the Town Board to accept the bond calculation in the amount of 453,000.00 dollars with a Performance Bond in the amount of 22,650.00 dollars.

Board Member Montesano stated seconded.

Chairman Rogan stated o.k. those are the inspection fees therefore not performance bond, so the 22.650.00 is the inspection fees.

Board Member Pierro stated I'm sorry. I'm sorry.

Theresa Ryan said we liked those numbers.

Chairman Rogan asked for all in favor.

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

Motion carries by a vote of 5 – 0.

Board Member Cook stated whereas the Planning Board has considered the application of Tojant Corp. for site plan approval and pursuant to chapter 154 of the Town Code and a final site plan entitled Tractor Supply Site Plan prepared by Insite Engineering Surveying and Landscape Architecture dated Jan. 22 2008 and last revised Oct. 21, 2008.

Now therefore be it resolved that the applicant of Tojant Corp. 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 the Town Law and Chapter 154 of the Town Code and hereby grants final site plan approval subject to the applicant's compliance with the following General Conditions within 62 days of the date of this Resolution and also with any Special Conditions. There are 6 General Conditions and 2 Special

Conditions and further be it resolved that the application for a Wetlands Watercourse permit 1007-01 is also approved subject to any conditions as listed below which is the General Conditions/Special Conditions. Be it further resolved that the Planning Board authorizes the Chairman and Vice Chairman of the Planning Board to sign the final site plan upon the applicants compliance with all conditions stated above. Be it further resolved that this final site plan approval shall be deemed null and void if the applicant fails to comply with all conditions stated above within the time period set forth above for such compliance unless such time period is extended by Resolution of the Planning Board for good cause shown. Further be it resolved that in any event this site plan approval shall expire pursuant to section 15487 of the Town Code one year from the date that this plat is signed by the designated representatives of the Planning Board unless a Building Permit has been obtained and complete compliance with the terms and conditions of this final site plan approval. Be it further resolved that in those instances where this approval has been granted and will not require the issuance of a Building Permit that this approval shall expire one year from the date that the plat is signed by the designated representatives of the Planning Board unless a valid certificate of occupancy has been issued in complete compliance with the terms and conditions of this final site plan approval.

Board Member Montesano seconded.

Chairman Rogan asked for all in favor.

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

Motion carries by a vote of 5 – 0.

Theresa Ryan stated thank you very much.

Rich Williams stated did you want to add in there about the issues you talked about tonight.

Chairman Rogan stated well I thought that since they're coming back in for the, sign and they need to meet some conditions I was actually assuming that would be rolled in so, since you did such a wonderful job on your Can you read that over again?

Laughter, all talking at once.

Board Member Pierro stated can we add #7 to the Special Conditions?

Board Member Montesano stated can we add that line in?

Chairman Rogan stated on the special conditions

Board Member Pierro stated request a sign

Chairman Rogan stated No no no not the sign

Board Member Pierro stated meet local standards

Chairman Rogan stated we're talking about the HVAC on the roof

Rich Williams stated but Shawn you also have to understand there is a sign drawn on the site plan. Essentially what you've done, you've just approved that sign. You have because you just approved the site plan without qualifying.

Chairman Rogan stated the site plan doesn't have size of the sign though, does it?

Rich Williams stated well

Chairman Rogan stated so it has to meet code.

Board Member Montesano stated but we have Theresa's

Board Member Cook stated I thought there was something in here that says the sign does not need to be included

Board Member Montesano stated they've already said that

Board Member Cook yeah something about

Mr. Ravenson stated submission of the timeline

Chairman Rogan stated that's what I thought, a special condition

Rich Williams stated yeah, I put that in there because that was one thing that my only concern Tom is now you show a sign on the building that is a certain size based on the scale of plan.

Mr. Ravenson stated right

Rich Williams stated ok. And they just approved the site plan essentially that being part of the plan they just approved with the sign. Tim?

Attorney Curtiss stated yeah, I follow what you are saying and you should probably put some language in the Resolution that the applicant's coming back before the final

Chairman Rogan stated or just put the notes

Town Attorney Curtiss stated you have to come back for your final approval of your sign and also you're going to show further detail with regard to air conditioning screening of the

Chairman Rogan stated and we ask Michelle to an amendment to that Resolution that will

Board Member Pierro stated Charlie you have to read everything backwards so we can put in that amendment

Rich Williams stated all you have to do is amend the original motion to the site plan to include those 2 additional conditions.

Board Member Pierro stated that's it you don't have to read anything over again.

Board Member Cook stated I make a motion to amend the final site plan approval, just read and approved, to include the applicant coming back for sign approval and further detail regarding screening of the HVAC system.

Board Member Montesano seconded.

Chairman Rogan asked for all in favor.

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

Motion carries by a vote of 5 – 0.

Chairman Rogan stated and Rich thank you for bringing that back up because it was important.

Board Member Montesano stated well we had to reach a guarantee that it would be on the site plan.

Board member Pierro stated right

Board Member Cook stated exactly

Laughter

#### **8) Patterson Crossing Retail Center – Continued Review**

Chairman Rogan stated I appreciate you providing us with smaller copies for our review, which was nice.

Mr. Contelmo stated easier to handle I think. Good evening, I'm Jeff Contelmo from Insite Engineering I'm accompanied by Fred Koelsch from Camar Realty Investments and also Chris Robbins from Tim Miller Associates.

Chairman Rogan stated good evening.

Mr. Contelmo stated we are in the review process for the site plan for the project and we had the opportunity to respond to the Town Planner's comments. We also had the opportunity to meet with the Town Engineer and respond to what we believe is a majority of his comments. We are continuing to work with the town engineer's office, but this evening we'd like to talk about a couple key issues prior to our submittal to ZBA for special use permit. Just by way of clarity, when we were last here we talked a little bit about our special use permit and I thought there was some discussion about a referral to the Zoning Board, I don't know if Rich Williams

Rich Williams stated I'm sorry, I was going to get back to you. They did make a recommendation to the ZBA that just hasn't been typed up as of yet, it will be done in the next day or so.

Mr. Contelmo stated when it's done can you just copy us on it?

Rich Williams stated absolutely.

Mr. Contelmo stated thank you. The key issue that we'd like to discuss this evening is the size and number of our parking spaces. If you recall when we were here last time we talked briefly about it. And what the project plans have included since the initial application are parking spaces which are 9 ft by 18 ft which is more or less the industry standard for larger retail centers. We did recognize since our initial application that this in fact needed a waiver from the Board. We did disclose that throughout the seeker proceeding and as we proceed now with the site plan we'd like to make a final determination on it based on the discussion with the Board at the last meeting. We presented 2 alternatives to the proposal which is on the site plan 9 X 18 foot spaces and those 2 alternatives were providing 10 X 18 spaces throughout the entire project and then a middle of the road alternative which would provide 10 x 18 spaces for one third of the spaces the ones in closest proximity to the entrance of the stores. Now, what we find when we do that is that our number of parking spaces obviously goes down as we increase the size of them because we do only have a certain available area within our limit of disturbance within our development area. And what we find is that the original proposal of 9 x 18 spaces had approximately 1750 spaces when we go with all 10 x 18 spaces that number drops to 1485 spaces. Now the middle of the road option with one third of the spaces at 10 x 18 yields us 1681 spaces. Part of our problem with the 10 x 18 spaces is that the 1485 spaces really is not sufficient in the eyes of the major users of the center and we also believe that's not the case and I think Rich kind of also comes to that conclusion within his memorandum. So, at this point what we'd like to do is actually focus on the 2 options that we believe will work. And I don't know what the Board's position is on those. One other thing we did want to mention, and it was a recommendation that Gene made having to do with double striping the parking spaces, we did do a little research on that and had some discussions with some people with a lot of experience within the retail world and they concurred that that is actually a very good mitigation measure to help get the cars properly aligned and we are prepared to do that. So what we're talking about doing is double striping each divider between each space.

Chairman Rogan stated so in essence Gene what that does is when people pull into a spot it gives them a little more of a defined area and a little more buffer space or no man's land between each car.

Mr. Richards stated what it does, it gives the appearance that the spaces are narrower. And if they park inside the lines, and they pay attention to the lines, and park inside the inside lines, it gives them another foot between them and the car next to them. It does help. Our experience, in other projects it did work

Board Member DiSalvo stated any shopping centers around there have the double striping?

Mr. Contelmo stated actually, the one that I am aware of with 9 X 18 spaces is the ShopRite Plaza in Carmel. That does have double striping I'm pretty sure still. We were actually granted a variance in the Town of Carmel to permit the smaller parking spaces and it works well from all indications. That's the one I'm familiar with. It's very close to our office, and we did do it and it is 9 x 18 spaces.

Board Member DiSalvo stated and it's mostly around the ShopRite store?

Mr. Contelmo stated well that's where most of the parking congestion is

Board Member DiSalvo stated well I don't walk around there

Mr. Contelmo stated well there's a separate parking problem there but the point is, and that's why they let us bring in smaller spaces. It is to get a better density closer because that center is all, kind of, loaded to the one side. The southern end is empty and the northern end is packed.

Board Member DiSalvo stated I'm just worried about the way it looks with the double striping for each parking space.

Mr. Contelmo stated it costs twice as much to stripe it but,

Chairman Rogan stated but we can take a look that on our own if we go over to ShopRite.

Board Member DiSalvo stated assuming that not every spot's going to be taken in the middle of the afternoon. Like if you go over to Home Depot or Kohl's do you want to see all those yellow lines?

Chairman Rogan stated can I ask you a question? When you've been over to ShopRite have you noticed the double? Because I haven't noticed any time I've been over there.

Board Member DiSalvo stated well I don't think they're having a Can Can special on this development.

Chairman Rogan stated all 3 options though that you've presented still show the same drive and configuration they haven't changed the layout, just changed the number of spaces.

Mr. Contelmo stated right and that's what we tried to do is just stay within the original intent of the layout.

Chairman Rogan stated I was looking at the plans this morning, trying to visualize driving throughout the complex and trying to cut down on the number of dead end corridors and things because they seem to be, you know, people want to jump out and over the curb to get out and it's something we mentioned early on just to make sure that all flow of this center works.

Board Member DiSalvo stated they don't mean to jump over it they just hit it.

Chairman Rogan stated just in terms of when you drive into any parking lot that's established there's a natural feel of what works and what doesn't work. And, I'm certainly not in the business of doing this but, when you of course, see a bad example you know it. You know it intuitively.

Mr. Contelmo stated and dead ends are an undesirable condition and I can say that the main portion of the Center certainly the Patterson side of the Center has no dead ends. The only dead end on the map is at the little 2000 sq ft building because it's so small, it's actually awkward to make it drive around and through. So we believe we have, again the seeker documents did look at traffic internally as well as externally and we do think we have the right traffic patters and certainly the layout of the parking is something that we have to finalize at this point. So, that's the input that we need to get from the Board.

Chairman Rogan stated o.k. I would tend to agree with the idea a portion of the spaces being 10 foot wide and I guess it makes sense where you've provided them being the ones that get used the most during normal activity. Is there a reason that you did the configuration that way vs. labeling some as, at one time I think you mentioned, some as compact spaces and some as, I don't know what you'd call them, SUV truck spaces?

Mr. Contelmo stated I've always found that the labeling of spaces becomes somewhat arbitrary in their use people don't go to those spots. What we've attempted to do is actually identify the entrances to the stores and put in the closest proximity to the entrance, the spaces as 10 x 18 thereby under normal operating conditions that those are the only spaces that would be used. Under peak consideration certainly the parking's going to emanate outward. We thought that was a good middle of the road.

Chairman Rogan stated yeah, I certainly agree with that. The intent of us of course, pushing these 10 ft wide spaces is that that we still have sufficient parking on site. We definitely don't want to do anything to eliminate that. And I appreciate that you've provided them where you have. So, for me, the layout #2 with showing partial, which looks like it 1485 spaces is desirable.

Mr. Contelmo stated actually I think it's the 1681.

Chairman Rogan stated Oh I see, I'm looking at the wrong one. I apologize. Still layout #2 thought. Any other discussion folks?

Board Member Cook stated your experience in other jobs though shows this kind of configuration works, I mean for the stores or the retailers or whomever.

Mr. Contelmo stated our experience has been with larger parking configuration is the 9 x 18 space actually works. We successfully used, as I said, at the ShopRite plaza

Board Member Cook stated I mean the combination.

Mr. Contelmo stated Oh, we have not tried that before. That was actually something that based on the discussion with the Board at the last meeting that came out as an option. We brought it back, we looked at it, we thought it had some merit and we thought it was worth putting on paper. But, I was going to finish by saying that we've used 9 x 18 spaces in 2 large parking lots, 1 ShopRite the other at Putnam Hospital Center where we have over 1000 spaces and again it seems to be working well. When we get into large parking fields we try to be very efficient to minimize impervious surfaces and we think that's very important here.

Board Member Montesano stated I've got a question for you guys I know with the parking and I'm guessing, to me there's more than sufficient but, since we're on an interstate, motor homes, large trucks that come in, trailers, campers, I'm just trying to consider that. To me there's no problem here because most of the time they'll come in during the non rush hour times. But I'm just wondering if we had a, should we even bother with this. I notice there's a lot in Fishkill because of that store up there and they're always pulling in 5 and 6 as a time.

Chairman Rogan stated what do they do Mike, just use 2 spaces?

Board Member Montesano stated they usually come into an area like this and just parallel here. (Pointing to map) and take up 6 or 7 spots.

Board Member DiSalvo stated so you can get out

Board Member Montesano stated well what I'm looking at is this, well that's going to be their headache, if they can't drive it, they shouldn't be.

Mr. Contelmo stated as far as the truck traffic through the site for the site, has been accommodated and again that was discussed within the DEIS and FEIS. As far as trucks coming off the interstate and wanting to just park in the parking lot, I don't know what our controls are. My observation is that they park in remote parts of the parking lot that nobody's at. But, our truck traffic has been accommodated by a designated route for trucks.

Board Member Cook stated I like the creative solution of the alternative parking layout #2 with 10 x18 spaces near the front of the building and the 9 x 18 spaces in the residual areas. And I think the close to 1700 spaces ought to do the trick for this site.

Board Member Montesano stated which reminds me is there any access to the back

Mr. Contelmo stated not from the lower portion of the property.

Board Member Montesano stated I'm guessing future parking if ever needed.

Chairman Rogan stated Rich so in essence we would be issuing a waiver for the 9 x 18 spots, well the 10 x 18 don't meet code either so really all those spots.

Rich Williams stated you would be issuing a waiver for the small the small lanes from 20 feet to 18 feet for a portion of the parking stalls as shown on layout #2 to be reduced to 9 ft.

Board Member Pierro stated and also the total number required.

Chairman Rogan stated o.k. Gene please.

Mr. Richards stated Jeff is 1750 is that the required number of spaces by code?

Mr. Contelmo stated no that wasn't even, no

Mr. Richards stated because what happens with alternate #2 you lose an additional 45 parking spaces. So, just so you would hold that into any waivers

Chairman Rogan stated o.k. very good.

Rich Williams stated I did lay out that in the memo.

Chairman Rogan stated any problem with doing that waiver at this time? And, on the record so that they can move forward with their plans?

Board Member DiSalvo stated I make a motion in the matter of Patterson Crossing Retail Center that the Planning Board of Patterson waive the length width and quantity requirements for the site plan to show parking layout #2 with 10 x 18 parking stalls in close proximity to the building and 9 x 18 parking stalls in more distanced area providing a total 1681 parking spaces.

Board Member Montesano seconded.

Chairman Rogan asked for all in favor.

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

Motion carries by a vote of 5 – 0.

Mr. Contelmo stated the only last thing which had to do with signage which, Rich once again, pointed out in his memo correctly, is that we will either need a variance for signage, which we're not prepared to move forward with or possibly a text amendment which obviously would require Town Board legislation. In what Rich states here, is that Planning Board may wish to recommend consideration to the Town Board to put more realistic amount of sign area for regional retail centers. And my question is, is the Board desires making that recommendation to the Town Board?

Board Member Cook stated where are the signs going to be located?

Mr. Contelmo stated they're actually, the site plan that was study as part of DEIS FEIS and the current site plan application, has a sign program laid out which we feel is the probable sign program for the center. As users become fixed they obviously will have their own program and may want to deviate from it. And, that's why we don't want to go for specific area variances right now. But, I think Rich was the one who recognized, that your code as it stands right now, has a sign ordinance that's more established for small retail centers, smaller commercial centers. And that the regional retail center may be something that would necessitate a different part of the sign portion of zoning to allow for different things to happen. And, again, if the Boards not comfortable in making that recommendation certainly we can approach the Town Board as a possibility or wait for zoning.

Board Member DiSalvo stated are you planning something to similar to like the Highlands, where you have the sign set up for 84 view?

Mr. Contelmo stated the signage program that's been layout for the center, for quite some time, does include 1 free standing sign which we are permitted.

Board Member DiSalvo stated in the entrance?

Mr. Contelmo stated the one at the entrance is actually in the Town of Kent, so that's subject to a different set of zoning criteria, and a different set of approvals. But, the one in Patterson is actually along the property line adjacent to 84 with the idea that you will get some limited view of that from 84. In addition to that there is a series of building mounted signage throughout.

Chairman Rogan stated sure.

Board Member Cook stated I have a question for Rich, is our code going to have to be revised to allow for larger signs in this regional type of facilities?

Rich Williams stated there are 2 tact's to proceed. One is we need to amend the code to recognize that realistically larger retail centers require larger signs. We ran into this with the A&P. When we initially wrote the code we wrote for an average of retail to try and create a box, and then anybody went outside the box there was a mechanism they could do that.

Board Member Cook stated so would it be premature for us be reacting to this sign scenario without the code being adopted?

Rich Williams stated well he's not asking at this point we do that. What he's asking is to start the process so that they know which way they're going to go. The alternative is to go to the Zoning Board of Appeals and ask for a variance but in this case the variance is huge. It's a huge standard to overcome which if challenged may be a problem. So, it might be if Town's desires of having a realistic standard to take a look

at amending this current sign application for this particular use within the Town. My recommendation to the Board would be let me work out a change to code and justification as to why we're changing it relating it to the type of use and then bring that to the Board.

Board Member Cook stated very well. Thank you.

Mr. Contelmo stated that's fine with us. Just so the Board knows, our plan is actually to submit for our special use permit next week on Monday for meeting later this month. And we also plan on responding with a revised site plan for the new parking standard, and respond to some of the other residual comments and come back and see you in December.

Chairman Rogan stated very well and thank you for your time, we appreciate it.

**9) South Patterson Business Park West – Initial Application.**

Chairman Rogan stated do we have anyone here for South Patterson Business Park West? Mr. Cameron?

Mr. Cameron stated this is an application for a warehouse retail office facility that's located on Route 22 on the west side. It's 39 acres in size. This parcel is in both the C zone and the R zone and was subject, I think back in 1989 we did a subdivision of this parcel, subdivided off a small piece and there was a 39 acre left over. The front portion of the parcel is in the C-1 zone and the rear portion is in the R-4. We're proposing development in the front section of the parcel. We have had the wetlands delineated, this is part of the V-9 wetlands and we do have a stamp here, I trust that this was submitted to you. It was signed off in 2007, with delineation of the wetland plus the 300 foot because it's VR-9. In this particular area they require a 300 foot buffer. I believe Ted had also been out there back when we did this initial subdivision.

Mr. Kozlowski state yes.

Mr. Cameron stated and had looked at that as well.

Chairman Rogan stated the initial subdivision, it that when we were out there a few years ago? Some of us have been out at this property a while ago Maybe 5 years ago?

Mr. Kozlowski stated that's the one with the stone wall and the real steep hill.

Board Member DiSalvo stated it has a stone house.

Board Member Montesano stated there's stone building.

Mr. Cameron stated this here is a steep slope right. And then it levels off back here.

Mr. Kozlowski stated, the wetlands are pretty well defined just by the topography.

Chairman Rogan stated right.

Mr. Cameron stated what we're proposing is a 2 story warehouse which is basically access to grade on the upper level and would be 2 stories and access to grade in the rear. We have parking proposed in the front and parking proposed in the back to meet the parking requirements. I have also shown additional parking which has a graveled area that I don't think at this time, we will need. But, as this is a spec building we

don't have a tenant yet. We don't really know what the parking requirement will be but with the gravel area we can meet the requirements.

Chairman Rogan stated and with the gravel you are doing that obviously to reduce the size of the stormwater.

Mr. Cameron stated yes that also assists us in the reduction of stormwater.

Chairman Rogan stated do you get the same reduction with the gravel as you do with the grass papers? Or is there a different calculating by area net amount on it?

Mr. Cameron stated there is a difference. Yes. We're actually not at the point, at this point in time we we're going to be where we've done in depth stormwater calculage. We need to get at least to the point, you know, where we're at some review point were the Planning Board feel comfortable with what we're doing. and then we would revisit the stormwater. Honestly, under the new regulations, that pond might not work anymore. But, we'll have to look at that. But the new regulations, like filtration and infiltration rather than the ponds.

Rich Williams stated they make you go through and analysis to show what can. (Inaudible)

Chairman Rogan stated how soon can you have it staked? 4 corners of the building, so we can go out and take a look at it? But we will take a look at it relative to this concept. When we went out it was the subdivision, correct.

Board Member DiSalvo stated right.

Board Member Montesano stated right.

Chairman Rogan stated so we were originally looking at the site, although we did note that the topography of the site was severely limited use of the site and also hampered going to the wetlands. So that's good.

Mr. Cameron stated that's why we made the 2 levels. That was really the only way that we could accomplish the parking.

Board Member Montesano stated did you stake out that future parking area?

Board Member DiSalvo stated the gravel area?

Board Member Montesano stated just to let us get an idea of the building?

Chairman Rogan stated Rich we also want to see the center of the septic system, the center of the stormwater, or is it pretty obvious when you think we'll be out there? Based on the limited area?

Mr. Cameron stated I think once we have the back of the parking staked you'll have a pretty good. We did go out there and we did test the septic area prior to,

Rich Williams stated you know, being somewhat involved in stormwater, I like seeing the stormwater areas staked out to know whether you know, it's going to be appropriate for that kind of use. And, you can tell by the existing vegetation initially, you know, what the odds are of it at least being functional.

Chairman Rogan stated o.k. it looks like a pretty straight forward application from here anyway. Obviously we say this all the time with new applications, make it fit for the area you have, don't put the wetland buffer. Go through the process. Get you in and out of here. You know, if it's on the site it meets the zoning except for, I know there was one part about the warehouse being larger than? Is this the one where it says something about they're only allowed to have 35% warehouse? And they have, they're showing more.

Rich Williams stated they're showing more warehouse than would be acceptable under ancillary use scenario. So, he would need to get a special use from there.

Mr. Cameron stated I thought we had shown we had 35%. But we split it 35/65 that's what we had done.

Rich Williams stated I took a look at it. It didn't work.

Mr. Cameron stated it didn't work.

Rich Williams stated so, you would need a special use permit, which is not a huge issue.

Mr. Cameron stated o.k. I'll look at that again.

Board Member Cook stated is this driveway area existing? The opening anyway?

Mr. Cameron stated no, we would need to go to DOT for that.

Board Member Cook stated o.k.

Board Member Montesano stated so, you mean there's no entrance there? I thought there was

Board Member DiSalvo stated grass area?

Mr. Cameron stated, yes there is a gravel path. But, I think it's over here. (Pointing to map)

Board Member Montesano stated I thought it was on one side of the property.

Mr. Cameron stated I believe it's on this side, over here, I don't think it's down there.

Board Member Montesano stated I know there, well with the houses that's were they used to use the old driveway.

Board Member DiSalvo stated cutting across over there.

Mr. Cameron stated I believe it's on this side where the clearing is.

Chairman Rogan stated so you are going to give us a stake where the center line of the entrance also?

Mr. Cameron stated yes. And, do you want me to just call up and tell you that it's been staked and you'll?

Chairman Rogan stated as soon as it's been staked, we will schedule a site walk. So we can get the ball rolling.

Mr. Cameron stated, o.k. very good thank you.

Chairman Rogan stated, thanks Rob.

**10) Other Business**

**a. Fox Run Phase II**

Chairman Rogan stated Fox Run Phase II, do we have anyone here for that?

Mr. Zarecki stated, good evening, my name is Joe Zarecki with Zarecki and Associates. Here's one of the favorite projects on Board here. And we've been back a while for the extension of Fox Run. Which is the 48 units that are being proposed for this subdivision for the lot back here and in order to get the subdivision in there, it requires a re-zoning for many years of different things happening there. I'm sure the Board is familiar with it. Though, what we're hoping tonight is that there's a favorable recommendation to the Town Board that we can forward with the re-zoning and we've made presentations. And, I guess the Board has done a site walk on it, and I believe Mr. Williams has created a document for your use and review which is all accurate and on point. And with that we just want to have some discussion in which way you want to go with this.

Chairman Rogan stated sure. When we did the site walk, the issues with this concept, from what I recall from the Board, were not so much with the areas where the proposed use is going to go, except of course, where the big garbage dump area, which we were all horrified with. But, that's not from this application, it's obviously when they built the original phase. The issues that have been discussed at length, with this Board, and with Rich, are the infrastructure to support this, the means of access to the site. You're adding on to already a difficult road system, a road system that currently is not in the best shape, a facility, much like you heard earlier this evening, where there were some issues with adding on a phase in this case the Board has been concerned with the upkeep of the existing units and how that is being handled. And, we don't like the roadway from Bullet Hole Road, the access to Bullet Hole Road being very difficult. The issues that I heard discussed by the Board were ones that the Board was not overly favorable of this concept of having a multi family located in this area. Does anyone on the Board want to jump in?

Board Member DiSalvo stated but we never really got clarification whether these were going to be rental units or condominiums.

Mr. Zarecki stated I believe they're going to be condominiums for sale. So, and part of this, many years ago when we did talk to the original Homeowners Association, I haven't talked to them in a while since this all happened, but at that time they were almost happy to have this project because it would assist in helping with their HOA covering overall maintenance expenses and what not. In addition they have the sewage treatment plant I believe is being rebuilt and if that's part of the HOA then there's more maintenance cost that could be included in that. And you know as part of the project, which stipulations and we know that we already talked about it years ago that we would improve the road coming in, which is in poor shape and from my understanding the HOA is low on funding as it is to do any improvements. So, at the time they were favorable to see the second phase come in here. With the 48 units that's quite a bit of money that would help them out, and we would work it out. And, in talking with my client he said, you know, even on top of that, even every time you would get a Building Permit we would give a1000.00 dollars to the HOA above and beyond any other expenses that were required by the town for application fees and tie in fees and hook up fees. So we would give some incentive to the HOA to go forward with this. We can do some improvements in here that are reasonable along the road that we need to do. The road coming in is not in great shape as Rich said. So, that's why we said if we went strictly with the

residential development and possibly get 9 lots in there and putting a residential development and having to go through that condominium project isn't the greatest thing also. You'd have to go with nice houses. But, we felt the original plan of what we're presenting here, is in keeping with the original intent for the entire project. That was originally, way back when proposed. So, I just think that this is the overall is the better way to go and with 48 units sharing the cost of the HOA would really benefit them, plus you know what I said about giving fees, plus helping improve the road coming in.

Board Member Montesano stated with that note, I'd like to, how many units exist right now?

Board Member DiSalvo stated you're talking about an 18 % increase.

Board Member Montesano stated I'm looking at the condition of the road the septic field the rest of the property that is active and this one in the 80's 70's and it's a mess so we're going to put 48 more units in there does that mean in 20 years, it'll be just as messy as the first?

Board Member DiSalvo stated and there's no guarantee that that money generated from selling those units is really going to be put back into improving the whole site.

Mr. Zarecki stated well those are the conditions of the road is all part of the site plan approval process.

Board Member DiSalvo stated I'm sure those are going to be more expensive than the units there so those people may get first priority on things getting fixed first than the other units there.

Mr. Zarecki stated I'm not sure what you mean, but this project, they would have to do their project out to code for the bond and whatever's stipulated. But if this part is helping improve what's down below I don't think that part of the application or what the intent of the project is.

Board Member DiSalvo stated you still have an existing complex in pretty bad shape.

Mr. Zarecki stated I'm not.

Board Member Montesano stated is that septic system or the wastewater treatment plant. That's sized for the original units.

Mr. Zarecki stated it has the capacity to size from the units that are there, plus what was the 2<sup>nd</sup> phase of the original, so it has plenty of capacity.

Rich Williams stated the speedies permit covers both Phase I and Phase II.

Board Member Cook stated and they're going to build a new plant pending on funding from the State of NY

Rich Williams stated based on the condition of the existing plant it was determined as part of the NYC upgrade program not to just upgrade the existing plant but it would be more economical and better for the wastewater treatment out there to build a whole new plant.

Mr. Zarecki stated that's correct.

Board Member Cook stated which is the plan or is currently being built?

Rich Williams stated it is currently under review under by NYC. I'm not sure of the status of that review but it's been under review for 3 or 4 years now.

Board Member DiSalvo stated so there's no guarantee that that's going to come through

Rich Williams stated it will happen. I mean NYC is funding the whole cost as far as I know. So, it will happen, but as with our wastewater treatment plant, that we built here, it was 8 years of design. You know sometimes with NYC it takes a long time.

Board Member DiSalvo stated there's no money in the city either. So, it could take just a long.

Attorney Curtiss stated in the current budget crisis it may be a lot longer. I think if you are going to go forward with this project and you're looking for legal recommendation you're going to have to show either you're going to do the improvements to the infrastructure or you have a third party that's going to come in and improve the infrastructure because otherwise you're really, you know, it's just kind of hanging out there. And, if NYC is going to come in and improve the sewer treatment plant fine, that plan is in fact are you willing to commit to improve the sewer treatment plant and the water system because you've got a project that's 25 30 years old, you've got to show you've have infrastructure that's up to date and adequate now to handle.

Mr. Zarecki stated and I understand that and there's no doubt about that.

Attorney Curtiss stated there's no way that this Board is going to recommend favorably to the Town a zone change or a zone change and putting this project in until you've got reduction of rubble and how you're going to tie this all together and it's got to be up to current standards.

Mr. Zarecki stated o.k. well with the history of the project that's a

Attorney Curtiss stated and I understand it.

Mr. Zarecki stated with the history of the project and where we've been, where everybody's been with this project back here, if this is, after doing all that it's not even a concept we like the concept and we feel favorably with the concept if you do x y and z and show me this as opposed as to going through all this work and then saying ok we still don't want it.

Chairman Rogan stated right and I appreciate that we don't want to ever send it up and down the road when we know the outcome will still be that we don't like it. That would be wasting your time and money.

Board Member DiSalvo stated we just got an earful this evening from the Meadowbrook Farm Subdivision, you know, we don't want this to repeat itself. That's what's happening at Meadowbrook.

Mr. Zarecki stated and we don't want that on anybody there but as I said I did many years ago talk to the people over there maybe different Board members and what not, and they looked favorably on it. I mean things change over there but I would go that route again and get their support if they so choose to before we go too far into it.

Board Member Cook stated Mr. Zarecki is the water the drinking water, facility going to use the existing water plant or are you going to drill new wells up in the location?

Mr. Zarecki stated we would drill new wells that we've talked about that, that we're willing to drill new wells and add any water supply to supplement what's already there. So, that would be an improvement and we would do that on the property.

Rich Williams stated you know, we had talked about this before, as you're aware. The original water treatment system that they had the right to tie into is now defunct. It's been banded, and the town is at the request of the homeowners, built a new water treatment plant that's part of a district.

Attorney Curtiss stated what

Mr. Zarecki stated hopefully we would become part of the district to share in some of the expenses as far as that in addition.

Board Member Pierro stated if you're going to drill new wells for your site up on the top is there any reason for you to become part of the district?

Mr. Zarecki stated I thought it would make more sense to share, you know we would drill the wells, and be able to use those wells to provide adequate water supply to the existing if the existing water supply is adequate the new well is not necessary then we would expand the district and share the cost, and tie in cost and what not.

Attorney Curtiss spoke without microphone unable to transcribe.

Mr. Zarecki stated sure that's what I, that's what the intent was, I had an understanding that the water that the wells weren't that fantastic over there and there may be a low volume of water there, so in addition, so we said we could drill a well on the property, tie it in to the pump station and the water storage facility and that water, then we could all be part of one district and share the cost.

Rich Williams stated as long as the existing facilities don't need to sustain substantial upgrades in order to accommodate.

Mr. Zarecki stated right, I haven't gotten to that detail yet because of the history of the project.

Chairman Rogan stated that's one of the ducks that Tim

Mr. Zarecki stated and I understand that and that would make good sense to go that route, but if the concept is favorable we would go with an extra step.

Board Member Cook stated our discussion major concern was the traffic that this would generate, that's one thing. Second is that what Counsel is asking of you and I can understand where it can be a lot of work, but is it possible for you to give to this Board the readers digest fit that what you would do to support this site? We have 2 issues, we have the traffic which is a big issue going out of Bullet Hole Road and that roadway, according to this documentation, I think that Counsel is asking you for, is like, o.k. list that you are going to improve the roadway, you know, tie into the sewer or all these things without causing you a lot of

Mr. Zarecki stated that's fair. I mean we can prepare and provide it at the next meeting and make a list of these are the things we would do and take care of if we go beyond the concept stage and before we go with Board that you would have it in writing what we would intend to do to support the project.

Board Member Cook stated is what I'm asking fair? I know where you're going

Attorney Curtiss stated what is the commitment going to be?

Board Member Cook stated we don't have anything to discuss in our hands yet, you know.

Attorney Curtiss stated considering the concept design it's got to tie into something and we're not asking you to do all the drawings and all the patterns of things but what are you really committing to.

Mr. Zarecki stated define what the scope of what the proposal is and present it at the next meeting and if that's favorable then we can go to the next step

Chairman Rogan stated in all fairness to you, because I agree that you're looking for some direction from the Board as to how we're leaning on this.

Mr. Zarecki stated that's correct.

Chairman Rogan stated I have difficulties envisioning single family homes on this parcel because you'd have to drive through this more or less defunct or falling apart facility

Attorney Curtiss stated aging, let's say aging.

Chairman Rogan stated defunct, I apologize I'll take that back, that's just a word that came out and I didn't mean anything by it. The problem is the roadways that it accesses, I do not support 48 new units accessing. I also don't support the length of the roadway that we need to get to it given the geometry of the roadway that connects this back down to Bullet Hole. The infrastructure issues in my mind are less important to me personally, than specifically that it attaches to Bullet Hole Road and I don't think that road is capable of handling 48 units plus the subdivisions that we have before us right now, that are going to be accessing the road. Taken each one individually, probably so, but putting the cumulative effect, I'm a little concerned, so my feeling is that I'm not particularly in favor of this concept. Not particularly in favor of supporting a zoning change. So, I don't want you to go down a road and certainly you can poll the Board, but I don't you to go down a road of investing more time and money in something that still accesses the same point, that can't change. And so, I'll open it back up to the Board for further comments.

Board Member Pierro stated I again do not agree or do not feel comfortable or think it's even wise to put single family homes in the back of this project. I am comfortable I feel better knowing that A: you will drill your wells for this project and possibly tie in and support the existing water treatment system there. I am elated that you have planned to update the road surface and maybe do some needed repairs that are there within at least the main corridor of the road. I am not so much concerned about the increase in 48 condominiums out in the back, because I believe that if can handle 303 individual condominiums I believe it can handle 40 more. I mean, a lot of this traffic doesn't go out onto Bullet Hole Rd. north into Patterson, it usually veers out toward Fair Street. I'm happy I'm not a resident of Fair Street because there's a lot happening out there. I would be more inclined to go with the individual condominium of 48 because I know that in the grand scheme of things when things start to happen, there may be a reduction in that number of buildings because of the environmental reasons construction difficulties whatever.

Chairman Rogan stated Charles it's a poll.

Board Member Cook stated I said what I said, Shawn don't misunderstand me, I'm just asking for the real condensed versions. I have a lot of concerns about the traffic and I think that we should still discuss that.

But we should get a better feel for the infrastructure support for the improvements to the Phase I site and what will go on in Phase II. I'm not disputing the fact that I have a lot of concern about the impact on Bullet Hole and Fair Street.

Board Member Montesano stated impact on roads aside if we push the issue and not too many people feel like going north and head out towards Fair Street, which would be a better road. A commitment I'd like to see, I know when we were there, there was a lot of walls being repaired, retaining walls. If this project would proceed, you have the people and the equipment maybe you can assist in those walls.

Mr. Zarecki stated we had already talked about some of the walls on the way in, that there were some problems with the infrastructure and some of the walls on the way in and way back when when we talked about it that was part of it. And with the 48 units, reducing 48 units also restricts the amount of road improvement that we can do, because it's all part of the number game. But, if there's some walls I know there's some walls along the side units over here that are in bad shape, and that was part of the scope of the road coming in some of the wall on that come in and we'd be willing to take care of that.

Board Member Montesano stated another area you're stating you have 38 acres of open space. If it's done this way vs. zero if you put 9 houses up, so you're going to donate up to

Mr. Zarecki stated we really haven't gone that way tour but a lot of those pieces of property could be 5 acre, 8 acres pieces.

Board Member Montesano stated of these 38 acres are there any feasibility that any of them would be suitable for recreation?

Mr. Zarecki stated hiking, hiking up the mountain.

Chairman Rogan stated I think the reason Mike asked that Mr. Zarecki is because there was a comment when we were on site about the availability of say the pool that is currently on site, for these new residents or whether they would have separate facilities, separate recreation areas. We didn't know. Again that gets back to what Charlie asked.

Mr. Zarecki stated and that's a good point and we're hoping that this becomes part of the association and part of the association would work with the pool and upgrade it and do what we need to do to help these people also financially this project coming in and helping them take some of the burden of some of the improvements that they have that they don't have the funding for that is part of getting the approval for this that would put some money in the coffers and that's why right off the back I even we brought it up with the client, look if we can offer we get a building permit 1000.00 dollars put right into the HOA right off the bat that's 48,000.00 dollars into their fund, just as a good gesture for that plus the improvement of the road and whatnot so.

Board Member DiSalvo stated I don't I kind of disagree with Dave that the way the old section is designed that it handles 303 condominiums. I just disagree with it there's a parking problem there, people have probably 1 and 2 bedroom units to 2 and 3 bedroom units. Everybody has 2 or 3 cars. There's parking all over the place. When we went there commercial trucks are being parked up there. It's like what exists now, can't even handle what's there. As far as these units being 2 and 3 bedrooms maybe they're going to be 3 or 4 bedroom units. You know, 50,000.00 dollars into a homeowners association is nothing.

Board Member Cook stated I think the addition, the problem with parking, as you say in the existing section and the problem with bedroom count is a matter for enforcement I'm sure that the new 48

condominium project is going to have ample parking space up to today's standards with proper sidewalks and access and lighting that would be required that maybe was not required when they built the 303 units. But the fact of it is that they are making improvement at the existing Fox Run they're doing repairs. They're selling units there people are buying them because there is no low cost housing in Putnam County. There's not much in that price range and people are buying them.

Board Member DiSalvo stated they can't afford to live there.

Board Member Cook stated it is affordable. And there's a market for that.

Attorney Curtiss stated and one of the things that you may want to consider, you know, if parking is an issue, if you're doing this main road in, create a little more parking. Because you're going to need be more attractive for you to market yours any improvements that you do on the roadway coming in on the parking situation then dress it up a little bit is only going to enhance. You may want to think about that in terms of if there is a problem.

Mr. Zarecki stated again we would communicate with the HOA down there and see what their needs are and if they have specific needs now and we can help it, can address it, maybe that would be better than to have parking and say what do you need now to help you out now, as opposed to putting more parking that they wouldn't go up to this place to park.

Board Member Cook stated a landscaping plan around the existing pool in advance of building this site would be tremendous sales, of course.

Mr. Zarecki state those are the kind of things that we can incorporate in to the plan but I can't go anywhere without specific details without the zoning change.

Board Member Montesano stated right now in theory this is a condominium complex run by a homeowners association. Right now if that HOA goes defunct and the condominium itself goes defunct, then that could be purchased by someone as a rental unit or does it have to stay condominiums?

Attorney Curtiss stated we could probably say its condominiums because you got all these individual units at that point in time. You'd have to get everybody together to convey the whole project to an owner and I don't think that would ever happen. What normally happens when they go defunct is what happened with the water system and we take it over to district in the town we administer for them but we get the facilities up to speed and we administer as a district on that. But until they come in by each individual unit from everybody in the place and then say o.k. we are going create it back into rentals.

Board Member Cook stated highly unlikely there's probably 300 banks involved there. They're not going to let them go

Attorney Curtiss stated and to buy everybody out would be very difficult to do.

Mr. Zarecki stated the other alternative is that is this is not a go, then to come back and put the road in for the subdivision. That's not the best thing to do either and then we'd be back there on that round again. I'm just looking for direction.

Chairman Rogan stated o.k. I think the direction is that you have some people who are a little more in favor and some people who are a little less in favor but you need to probably provide the information that Charlie

spoke of and clear up some of these questions and we'll go round and round again and make a determination on this.

Mr. Zarecki stated I appreciate that very much.

Chairman Rogan stated and I think that's important and we can't let this drag on forever I know you need a direction and so does the applicant.

Mr. Zarecki stated I appreciate your time and patience.

Board Member Cook stated one question, the rear of the property, this one particular lot that you are talking about building the 48 condominiums on is now R-4?

Rich Williams stated yes

Board Member Cook stated in the first phase when that was built was it the same zoning?

Rich Williams stated when the project was originally built by McGlasson in the early 70's condominiums, well not condominiums but garden apartments were a permitted use. In 1976 the town changed the zoning and zoned this whole area R-40, single family homes.

Attorney Curtiss stated it was from back in 76 because ? worked on the plans.

And it's been single family homes ever since

Attorney Curtiss stated you know that's another project up the road, how that got in there again as apartment complex it was put in in the 60's.

Board Member Pierro stated right

Attorney Curtiss stated 50's and 60's. Garden apartments were allowed in a residential zone.

Board Member Cook stated so it was changed to R-4 to stop the garden apartments?

Attorney Curtiss stated no, it was changed to R-40. Well not only that but because of the traffic issues out there.

Rich Williams stated at one point in the early 70's you could build garden apartments anywhere. We had huge garden apartments 360 units where Clancy moving and Storage is.

Chairman Rogan stated I think that if this were completely vacant parcel we wouldn't be having this conversation if you were coming in right off of Bullet Hole road and saying I want to put this development. I don't think we'd be having this conversation. And I can recognize and appreciate that you are trying add to an existing use. So.

Attorney Curtiss stated and you have limitations

Chairman Rogan stated 9 homes is an ideal situation given the topography. Thank you.

Mr. Zarecki stated thank you.

**b. Eurostyle Marble and Tile**

Chairman Rogan stated Hello Rob.

Mr. Cameron stated hello.

Chairman Rogan stated well I think a lot of the issues we've already committed to solving while we did a site walk out there. We met with the owner on site. So, we know we have a couple to discuss on that. We were going to do a modified site plan for the back storage area that you've extended. I know we have the issue now of some propane tanks so you want to start us off.

Mr. Cameron stated o.k. what I prepared here is basically a modified plan to reflect what the Planning Board looked at when they were out at the site. This is the outdoor storage area, basically where that gravel yard area is and there is a, this is where the gravel pile is. When you were out there you also noticed that the dumpster, that the location had been modified, the islands we're proposing on striping the islands. I think we might have changed some details for he curbs the handicap was changed in the front we added the brick patio that's located over there and

Board Member Montesano stated did you take that island out?

Mr. Cameron stated well for traffic circulation, I didn't just want to take the island out and leave all pavement, I thought that striping it would be a better idea for traffic circulation.

Rich Williams stated people are going to drive in they're going to see it, they're going to ignore it..

Board Member DiSalvo stated yeah it's going to be ignored.

Board Member Montesano said it's going to be ignored. A truck is not going to sit there and worry about it. He's big enough to come right over it.

Mr. Cameron stated well the truck is not going to bother with that, right, It's for the traffic going in and out of the parking area here. That they don't come around and drive and make a big loop around this thing and make a giant turn. It's for vehicular traffic, you know customers coming to the building, not the truck traffic. Trucks are just going to go straight to the back. That was my thought.

Board Member Montesano stated the plow is going to stop pick up the blade and go over that and then proceed to lower the blade and go.

Mr. Cameron stated well that's why we striped it because of the issue of the plow.

Mr. Cameron stated this is the grading plan. This reflects the level area out there. Reflects that the SS DS area is here it shows some of the stone walls that were placed in, a stone wall here a stone wall there. All this is basically the same. Nothing has really changed out there. All the drainage structures all the stormwater basins. They're all the same. The only thing it does reflect is that in the back that now is a different location for the dumpster enclosure.

Chairman Rogan stated and the new issue with the propane tanks is that shown on the plans?

Mr. Cameron stated yes. It was shown on the plan that I just "destroyed" on the top.

Chairman Rogan stated that's o.k. you don't have to turn it back just point on this plan where.

Mr. Cameron state it's right there. (Pointing to plan) and it's proposed to be underground.  
Chairman Rogan stated the owner had indicated that when we were on site.

It's supposed to be underground

Rich Williams stated and that's where you want it?

Yeah, that's where the gas company wants it.

Chairman Rogan stated Rich you still need to take a look at these plans and make sure that.

Rich Williams stated well, at this point again the issue in the back with the outdoor storage that was not shown on the original site plan.

Mr. Cameron state right.

Rich Williams stated so what the Board had suggested was that it would be fine to use that as outdoor storage but you want to amend the site plan. That's a process. And as part of that process I would take a look at the plans but, you know I know what it looks like it's built, so it is what it is.

Board Member Montesano stated these tanks being buried underground is that in our code? Is that the fire code?

Rich Williams stated it is an issue that is certainly addressed by the fire code there's nothing specific that either requires tanks to be above or below ground within our code. Typically we're strongly recommending that they be above ground simply because of the problems of leakage that you're not going to know what is going on the tank.

Mr. Cameron stated LP is a little bit different if it leaks it's coming out and you're going to know.

Rich Williams stated LP, LP is heavy, I mean LP sits at the ground and it just builds up and then

Board Member Montesano stated it blows up

Board Member DiSalvo stated kaboom.

Somebody speaks without microphone, about the tanks, unable to transcribe.

Rich Williams stated I'm going to leave that to Dave Raines. Dave Raines, you want to talk to Dave Raines the fire inspector he may have more strong opinion about it . But there is somewhat of a process that you have to go, you have to make a formal application to amend it to allow the outdoor storage in the back. And other things I would like to say though, is I understand there is an as built, I still have not seen the as built. Which will tell me that the ponds are built according to what they were supposed to built to.

Mr. Cameron stated I'm trying to remember what, is that going to require grading? I don't think the as built has grading on it.

Rich Williams stated we usually require top of the berm and the outlet structures and the elevations.

Mr. Cameron stated I think that's on there.

Rich Williams stated I mean I don't need to check up on all.

Chairman Rogan stated and one other major issue that we spoke about the Board had a change of heard on was the siding on the building. Mike had spearheaded the discussion that this is a unique site, it's not very visible and Mike is going to take it from there, certainly jump in.

Board Member Montesano stated I feel that this is unique in that it is an industrial park it's located in an residential area where as Robin Hill is located on the main road and in a residential area. I feel that the metal building is acceptable because as long as the person that's there that owns it even if he would unfortunately leave and someone else came in the maintenance of the building would have to be maintained or it's going to fall apart and it's going to be of no use. So, with that point in, location is the thing. It's location. You don't see if from the road, I've tried to see it from 84 the guy behind me didn't allow that. Coming down Fair Street, it's difficult to see. And when you're in there it looks presentable when you drive past it. So, I have no objection to a metal building in that industrial park.

Mr. Cameron stated and the main portion that you do see has the nice granite on it. In fact, when I drove down 84 today you could actually see it, and the façade that you see is the façade that has the granite siding on it.

Board Member Montesano stated I went through at 7:00 in the morning and the truck behind me was not going to allow me to slow...

Board Member Pierro stated do we have to amend the site plan or do we have to waive it?

Board Member Montesano state we have to waive the requirement.

Rich Williams stated if that's what you want to do, rather than require them an amended site plan.

Chairman Rogan stated well they have to do an amended site plan anyway so it will be show as what it exists today so will that cover that? Because by approving the site plan.

Board Member Cook stated no you're still going to have to waive it. you're going to have to waive the requirement.

Board Member Pierro stated it doesn't hurt to waive it.

Rich Williams stated you're talking about the siding right?

Board Member Pierro stated yes, the siding.

Chairman Rogan stated no not the amended site plan for the other things.

Board Member Cook stated can I ask for the various points on Rich's memo talking about the swails and the light guards and all this type of thing being shown now. I know you talked about the back storage area.

Mr. Cameron stated which memo is that is that the memo from a month ago

Chairman Rogan stated we're not approving the amended site plan tonight so Rich still has to review them and make sure that they have everything done.

Rich Williams stated and some of those issues will be a public hearing.

Chairman Rogan stated but if you think you will be doing an application if you want to set a public hearing if you think you can get it all wrapped up to be reviewed at the next meeting then we certainly can consider that. We certainly don't want to slow down the process here. But, the intent here is to make sure we get on paper what's out there what we've agreed on and just make sure that we follow the process that we are bound to follow. What do you think about that?

Mr. Cameron stated I think I can do that I'm most of the way there.

Chairman Rogan stated so the first issue is the waiver on the siding.

Board Member Pierro stated In the matter of Eurostyle Marble and Tile I make a motion that the Town of Patterson grants a waiver of the code requirement to allow metal building in an industrial area.

Board Member Montesano seconded.

Chairman Rogan asked for all in favor.

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

Motion carries by a vote of 4 – 0.

Chairman Rogan stated I'm going to vote opposed and it's nothing to the owner but only because we went through the process of review and you said you were going to have this building built a certain way and then built whatever you wanted. But it's nothing against your business because I think you did a beautiful job. Motion carries.

Chairman Rogan stated And we're going to get in for a motion for Eurostyle Marble and Tile public hearing next meeting contingent upon a complete application.

Board Member DiSalvo seconded.

Chairman Rogan asked for all in favor.

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

Motion carries by a vote of 5– 0.

Mr. Cameron stated thank you.

Rich Williams stated Rob, one thing when you resubmit the amended site plan unless the details have changed, if there are changes to some of the details, I mean, if we just want to do just the site plan and the grading plan, rather than getting

Mr. Cameron stated I understand. I have to see how the details are set up because I think the change from concrete to granite curbing might be on one of the sheets. I have to go through the details and look at it. My planting might be on one of the sheet where I'm changing planting detail and the dumpster enclosure might be on another sheet so, you might wind up getting them all back.

Rich Williams stated o.k.

Mr. Cameron stated I hate to make a butt load of prints either but unless I reconfigure all the sheets which is a even more expensive for me and the applicant, than it is just to change details and resubmit the paper.

Rich Williams stated I'll take a look at it.

Mr. Cameron state o.k. thank you.

**c.) Frantel Site Plan – Request for Extension**

Chairman Rogan stated we gave a 6 month extension at the work session.

**d.) Clover Lake Subdivision – Request for Extension**

Chairman Rogan stated we did an extension on that as well at the work session.

**e.) Boniello Site Plan – Request for 90 day Extension.**

Chairman Rogan stated we did a 90 day extension at the work session.

**f.) Forest View Apartments – Request for Bond Reduction**

Chairman Rogan stated we took an action on bond reduction at the work session.

**g.) North County Homes – NYC DEP letter.**

Chairman Rogan stated Mr. Buschynski.

Mr. Buschynski stated good evening.

Chairman Rogan stated Joe if you could please use the microphone and take us through changes that you proposed especially in relation to the DEP application and their subsequent re approval.

Mr. Buschynski stated the plan that we've submitted for lot #5 actually was intended to addresses a report that was generated by your Board some time ago over the issues of concern, retaining walls the lack of level spreader, the orientation of the garage on the house etc. etc. And one of the items at that time was your concern that this was in DEP jurisdiction and that we should be contacting them also. And we got

together with those folks on the site and this plan formalizes what was discussed with them and we're hoping that it solves both the issues before this Board. It did satisfy the DEP we submitted a request for an amendment to our swip. It actually it was also a renewal of our swipt because it been over 5 years and needed a renewal. And they agreed to that and we have a copy of the determination. Basically the intent is to there was infringement in the vegetative water quality buffer. It's as your own report indicated it was fairly minor 700 square feet. It is generally defined by the lower tier of the tiered wall. And there was a bump out of that wall to accommodate a pad in order to construct the well. That wall remains, doesn't really need to be there, it could be taken out but, it affect a very minor infringement. When we looked a the lot, we said this area of the lot is a good 4000 square feet and it looked like a logical extension of the same slope and the same vegetation as is presently in the water quality buffer. We said let's off this up as additional buffer. Restrict this by deed with the vegetative water quality buffer that's presently on the site included. We wan to the concern of this Board was primarily around this foundations relationship to that wall we would like to remove foundation wall, the corner 10 foot in each direction to get walking space between house and the upper level of the second tier and it would be a good 8 foot walkway between the house and the top of the wall. For protection there we're offering up the idea of a split rail fence or some kind of fence, or something that looks good and is functional too. The level spreader that is too take all roof drainage will be constructed in it's near original location and any roof drains directed to it. With respect to the difficult access to the garage from the side I would like to convert that garage to front access. The wall itself needs some shaping up the stones have to be rearranged here and there and the top of the wall needs some kind of capstones to make it look good. The other day we met with Ted at the site for his opinion of what was proposed here as acceptable or what might we revise. He wrote a report which we are agreeable to all recommendations there. Their tiered, the terrace he suggested don't make that inviting for a walkway to vegetate it. And we can do that.

Chairman Rogan stated you're saying replacing some of the stones on the existing retaining wall in essence your saying make sure that they're stabilized and that we're sure that these aren't going to collapse under heavy rains and erosion. At the way they exist are they a height that would require an engineering review on the way that they were constructed? It was hard to tell when we were on site because it was, the fill had been filled to the base of them and then changed, you know, it was hard to really tell. I have to suspect it was less than 4 foot.

Board Member Cook stated I suspect there are spots where they're over 4.

Chairman Rogan stated my only concern, I've said it many times is that we make sure that those walls are constructed properly and safely so that we don't have a collapse in the future for some homeowner. I'm glad to see that you're proposing, while I'm still not trilled about it, the distance between the corner of the building and the top of the fence. You know again, if you had come in from day 1 we would have, probably at least, tired to get 20 or so feet on that. This plan doesn't show topography, but we remember when were out there, that is a fairly steeped sloped back yard and of course, this Board always tries with the development of the lot on a subdivision to get the best use for the property owner. You're going to have children on this lot we want it placed where it's safe to them to uh, you know, I guess they can go up to the septic system. I can appreciate and I like the fact that you changed the garage location because I just didn't think, I know Maria also agreed with that, didn't think that worked very well with the way it was laid out with the existing retaining wall between the septic system and the house. So, Charlie you had mentioned that the possibility of going back out to take a look at this. Do you want to still do that with Joe on site to explain some of these things on site?

Board Member Cook stated as well as you have described this personally, I think it would help, at least me, to understand our friends in DEP, you know, have approved what you're saying and what you've reviewed. And that we just get, you know, we're out there and we see it because if there was a major concern about

safety, like you just said, so I think it would benefit us, if you could be there to take us through the whole process like you've just described.

Mr. Buschynski stated sure.

Chairman Rogan stated if that's what it will take to convince people in this room, that's probably a small price. I know it's been extensive and I'm sure you didn't expect this to turn out this way but

Mr. Kozlowski spoke without microphone, unable to transcribe.

Chairman Rogan stated sure, Ted you're always welcome to speak.

Mr. Kozlowski stated this section here is a natural forest and has not been touched by anything and it is a good buffer between this house and this house. (Pointing to map) And, by deed restricting this and taking this and keeping it as is, it's going to serve several purposes. One of my concerns was when I was out to the site, again, the pool the shed, what happens to the guy who buys this house come in wants to clear this? You know, the function gets affected, we're back to what we deal with all the time, so we need to make sure that this is respected and kept. I told them when I was out at the site, if I was buying this house, I would want that there because when I'm my underwear watching TV these people are going to see me. So, I don't want, you know. But this does also serve a function for, because it's on a slope, and it is a buffer to the wetland. The area that they disturbed there's a lot of invasives in there. It's certainly not as nice a site as this. I'm not justifying what they did, but we're working with what they have here. To repeat your concerns when I was out at the site, the slopes are way too steep here they should be cut back or tiered. Little kids are going to fall right off that. Even trying to mow the lawn, on your lawnmower you going to go flying down that slope, so that needs to be cut back quite a bit. Because they're cutting part of that house, they can tier back they can push back that slope. Now if you remember there were 2 stone walls. There's a whole bunch of gravel that's placed there. Joe, spoke about putting a lawn there or whatever.

Changing tape.

Mr. Kozlowski stated I'm suggesting to fill that whole area with very drought tolerant tough soil type shrubs that will provide some sort of buffer action, will provide a barrier an inhibitor for kids and people to go down there, like legosa rose or not multiflorals but legosa rose. But I gave you the list that's in there and they should just fill that up. And it will provide some sort of filtration. I did have concerns about stormwater going through there. An engineer really has to look at that wall to make sure that that wall stays in the freezing and the thawing. I don't know has this gone through a winter yet?

Mr. Buschynski stated yes it has.

Mr. Kozlowski stated o.k. so I don't know you know, how much movement you're going to get there that's for you folks to figure out buut, you know, and I'll be happy to go with you again on the site, but I think that's do able.

Chairman Rogan stated o.k. and how do we determine, for instance, the gentleman, you guys didn't build the walls, it was, Lenny?? He does nice work, but do we know from Lenny what kind of backfill material was used up against that wall?

Gravel, a lot of gravel... People speaking with microphone, unable to transcribe.

Chairman Rogan stated good drainage.

Mr. Buschynski stated he did a real rush job last November real cold, it started getting cold early with winter setting in.

Chairman Rogan stated a lot different than today?

Mr. Buschynski stated exactly.

Chairman Rogan stated o.k.

Mr. Buschynski stated and we did have to stop work and we had to at least retain the site and I told Lenny get it done.

Chairman Rogan stated o.k. Alright so can we set that up so we can all get out there with fading daylight, it doesn't seem like it's going to be an afternoon deal, unless it meets with everybody's requirement, I'll take an hour or so work if it means getting like 3:30 or 4:00, I'll do that but if we can do a Saturday or something also. Not the next 2 weeks.

Board Member Cook stated not the next 2 or 3 weeks.

Chairman Rogan stated the third week maybe but.

Board Member DiSalvo stated do we need to have it explained to us? Or can we just go individually?

Board Member Cook stated naw I think we should go with Joe there.

Board Member Montesano stated we need Joe out there.

Chairman Rogan stated Ted and Rich. We should go together.

Board Member Montesano stated any idea what the distance is between the wall and new garage is?

Chairman Rogan stated it's the same distance it hasn't change.

Board Member DiSalvo stated so what did you do, back out of there?

Chairman Rogan stated here?

Board Member DiSalvo stated there.

Chairman Rogan stated it was 16 or

Board Member Montesano stated I'm just figuring that the guy is going to come in with a trailer or a motor home and back it in here. Sooner or later. Maybe all you need is 10 feet.

Chairman Rogan stated its enough to get through there we knew even that there was enough to get a vehicle through there even a large vehicle. We were just more concerned about the turning radius backing out of the garage backing out of the proposed garage and down the slope. There was even a septic tank exposed right there.

Board Member Montesano stated I figured the hover craft would have made it.

Chairman Rogan stated is that septic still there just the way we saw it? Yeah because it, well anyway it doesn't matter. Since you aren't using it as a garage it doesn't matter because I was going to say the elevation looked like you're pavement would have been right up there, looked like it was high.

Chairman Rogan stated let's see if we can get our schedules together. Normally we do site walks on our own, but in this case we need anybody who has a stake in this to help assure the Board that we can cover these aspects and then we'll move forward.

Mr. Buschynski stated o.k. Thank you

Chairman Rogan stated o.k. thank you Joe. Good night gentlemen and thank you for your patience, we don't like to run this late either.

Chairman Rogan stated we approve the meeting schedule for 09. Minutes?

Board Member Montesano stated we have Thunder Rigde.

Chairman Rogan stated for the record no one appeared for Thunder Ridge ski area nor Justin's automotive. We were hoping to initiate site plan approval for Justin's.

Rich Williams stated no, Thunder Ridge.

Board Member Cook stated we could still react to Thunder Ridge, can't we?

Chairman Rogan stated if you want well, if you want to react to Thunder Ridge, I will recuse myself as stated previously.

Board Member Pierro stated Thunder Ridge Ski Area, any one here? No.

Board Member Cook stated Whereas the Planning Board of the Town of Patterson has received an application for wetland watercourse permit #0705-01 from Robert and Mary Conklin DBA Thunder Ridge Ski Area to remove the silt from the snowmaking pond and whereas the Planning Board of the Town of Patterson wishes to approve said wetland watercourse permit subject to conditions set forth below be it resolved that the Planning Board of the Town of Patterson hereby grants approval to the wetland watercourse permit #0705-01 subject to the following conditions. 1. The applicant shall provide the Planning Board with a valid permit from NYS DEC for the activities proposed to occur in Stephen's Brook prior to the start of the silt removal operation. 2. The applicant shall provide the planning department with professional drawings showing contours elevations and accurate locations of the existing dam and outlet structures. 3. During the excavation of the pond sandbag coffer dam with plastic sheeting will be use to water from flowing through the pond of such other method may be used upon prior approval of the Town Engineer. The plans or sequence of construction will indicate a suitable meant to convey the brook through the snow pond during the excavation period which may include a temporary piping similar to a pipe slope draining as shown in the NYS standards and specifications for erosion and sediment control. The chosen method must first be reviewed an approved by the Town Engineer. 5. The application shall provide a cross section detail of the swale based up stormwater calculations for review by the town engineer. 6. The applicant shall meet with the town planner and the town engineer to review in detail their comments provided in the town planner's memo dated Sept. 5, 2008 and the Town Engineer's memo dated Oct. 2,

2008 copies previously provided to the applicant. Be it further resolved that this approval for a wetlands watercourse permit shall be deemed null and void if the applicant fails to comply with all conditions stated above within 180 days unless such time period is extended by Resolution of the Planning Board for good cause shown. Further be it resolved that in any event this wetland watercourse permit shall expire pursuant to section 154-18 of the town code one year from the date that the permit is signed by the designated representative of the Planning Board unless extended by the Planning Board.

Board Member Pierro stated the motion on the Resolution is read.

Board Member Montesano seconded.

Board Member Pierro asked for all in favor.

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

Motion carries by a vote of 4 – 0.

Board Member Pierro stated may I have a motion to approve the minutes Sept. 4<sup>th</sup>.

Board Member Cook stated I make a motion that we approve the minutes from Sept. 4, 2008, Sept. 25, 2008, October 2, 2008.

Board Member DiSalvo seconded.

Board Member Pierro asked for all in favor.

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

Motion carries by a vote of 5 – 0.

Board Member Pierro stated I make a motion to adjourn.

Board Member DiSalvo seconded.

Board Member Pierro asked for all in favor.

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

Motion carries by a vote of 5 – 0.

Mr. Cameron (not speaking in microphone) stated before you adjourn, as discussed with Shawn, you granted the waiver for Eurostyle for siding and the applicant remind that the bond is still at 135,000.00 dollars. I was wondering if you would consider reducing the bond amount so that the applicant can have the bond reduced and repost another bond, and if you remember I explained that the bond is actually a letter of credit....

Board Member Pierro stated how many outstanding issues do we have Rich?

Board Member Cook stated we pretty well resolved it except for the propane tank and the

Board Member Pierro stated the propane tank the as built, is that normally?

Rich Williams stated the as built is not an issue.

Board Member Cook stated my only issue right now is that I don't recall what the bond amount was reduced to you what my recommendation was

Chairman Rogan stated 35,000.00

Rich Williams stated what was your recommendation? Do I have to go look it up?

Chairman Rogan stated now that we're not doing the siding it would make sense to allow some reduction.

Board Member Pierro stated I thought it was 135,000.00?

Board Member DiSalvo stated that's what I thought.

Board Member Cook stated I thought we discussed half.

Rich Williams stated it might have be like 45.

Board Member Cook stated I thought we discussed reducing the bond amount by half.

Attorney Curtiss stated it's got to be in the minutes.

Rich Williams stated what the Board did was you took the original bond amount and reduced it down to half and held half because you were uncomfortable about how to resolve this siding. Right this was his bond amount, not my recommendation to the Board. Right, if you are o.k. with his bond amount, that's fine. But I was going to go look up my recommendation.

Board Member Cook stated I think you ought to because I think there might be a difference there.

Rich Williams stated there was a difference. I was like 45 you were 35.

Board Member Cook stated my recollection was that it was different.

Attorney Curtiss stated yours was higher?

Rich Williams stated yeah, but not by much.

Board Member Pierro stated so this is a letter of credit, you know it's not truly a bond.

Rich Williams stated do you want me to look mine up?

Board Member Pierro stated yes go pick it out.

Attorney Curtiss stated how long is the letter of credit issued for?

Board Member Pierro stated I don't know.

Board Member Pierro stated my only concern is if there's a decision to keep those tanks above ground then bollards are going to have to be installed protection whatever, kind of alarms, I'm sure he's going to do it. He's gone this length of time and taken care of almost everything we've asked

Board Member DiSalvo stated its 40

Board Member Pierro stated its 40,000.

Board Member Cook stated is that going to be enough?

Chairman Rogan stated Rich what say you?

Rich Williams stated as far as?

Chairman Rogan stated the amount.

Board Member Pierro stated in the matter of Eurostyle marble are you ready for a motion?

Board Member DiSalvo stated how much is it at now?

Board Member Pierro stated it's at 40.

Board Member DiSalvo stated no it's at 90 you want to bring it to 40.

Board Member Montesano stated you want to bring it to 40.

Chairman Rogan stated that's correct.

I thought we reduced it to 40?

Rich Williams stated no you reduced it below 398 you reduced it to like 160, just make a motion to reduce it down to the bond recommendation of the town planner at 40,000.00 dollars

Board Member Pierro made the motion.

Board Member Montesano seconded.

Chairman Rogan stated asked for all in favor.

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

Motion carries by a vote of 5 – 0.

Chairman Rogan stated I make a motion to adjourn the meeting.

Board Member DiSalvo seconded.

Chairman Rogan stated asked for all in favor.

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

Motion carries by a vote of 5 – 0.

Meeting was adjourned at 10:22 pm.