

**TOWN OF PATTERSON  
PLANNING BOARD MEETING  
November 30, 2006 Work Session  
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**PLANNING BOARD**

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Michael Montesano  
David Pierro  
Shawn Rogan  
Maria Di Salvo

**TOWN OF PATTERSON  
PLANNING & ZONING OFFICE**

**Planning Board  
November 30, 2006 Meeting Minutes**

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

Present were: Board Member Mike Montesano, Board Member Dave Pierro, Board Member Shawn Rogan, Board Member Maria DiSalvo, Board Member Charles Cook, Rich Williams, Town Planner, and Ted Kozlowski, ECI.

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

4 Members in the audience

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

Vice Chairman Montesano led the salute the flag.

Board Member Rogan stated I met the couple from Greene County. They were over measuring and doing everything at the barn over the weekend, very, very excited. They had a portfolio from a company that came down from Massachusetts that specializes in moving barns that gave them quite a prospectus just in terms of their references and all that in terms of moving the barn. We are talking about the one on Burdick Farm. Their intent is to move it to their property, they have thirty or fifty acres up in Greene County and then they have an Architect working once they get the dimensions better, they have an Architect working on converting it to a residence. They would use the structure in as much as they can. They said that they have been talking to Mike Griffin and trying to figure out the details of it but they don't quite have all their info yet as to whether it is doable. They are working on it. They were very, very excited.

Board Member Pierro stated if you speak to them again on Ravine Road, just past Hannaford's you go in about three quarters of a mile, there is a reconstructed barn there, and the guy loves to show it to people. My company sold it.

Board Member DiSalvo stated Mrs. Larkin does that.

Board Member Rogan stated they were very nice people, very excited about what they are thinking of doing.

**1) WHITE BIRCH REALTY – Public Hearing**

Vice Chairman Montesano stated White Birch Realty we have a public hearing on it.

Board Member Pierro asked all the issues that we discussed at the meeting, the previous meeting which had to get done before the public hearing are in Joe's memo, Rich.

Rich Williams replied yes.

Board Member Pierro asked is there any other outstanding issues that need to be taken care of.

Rich Williams replied I have not had a chance to go through the latest set of plans yet.

Vice Chairman Montesano asked has anybody seen that wall. It is going to run the whole length of the road.

Board Member Rogan stated that would be good for the road.

Vice Chairman Montesano stated it looks beautiful.

Board Member Rogan asked so was the public hearing set at the last meeting conditioned upon them meeting certain requirements for Gene and Rich. Is that what you guys are saying.

Rich Williams stated I don't think it was.

Vice Chairman Montesano stated no it was set.

Board Member Pierro stated I just want to make sure that we are getting along in the process.

Board Member Rogan stated good evening Joe. (Joe Buschynski, Bibbo Associates).

Board Member Pierro asked Joe you are set for the public hearing.

Mr. Buschynski replied yes notices went out.

**2) WIRELESS CONNECTIONS – Sign Application**

Rich Williams stated this is a new store that is going into the Patterson Common shopping center. It is replacing the carpet store that was in there.

Board Member Rogan stated and the sign application that everyone has underneath Wireless Connections there is a Verizon Wireless logo. I can't imagine that they are going to fit all that. I can see Wireless Connections that fits within the,

Vice Chairman Montesano asked are these the same guys that are over in Brewster in that Home Depot lot.

Rich Williams replied that I don't know.

Vice Chairman Montesano stated I am pretty sure.

Board Member DiSalvo asked there is one by Home Depot.

Vice Chairman Montesano replied yes. I am pretty sure there is a telephone company.

Board Member DiSalvo stated down by Dunkin Donuts.

Vice Chairman Montesano stated right by Dunkin Donuts.

Rich Williams stated Shawn, they can fit it all on the sign but then the question becomes does the sign look out of character with the other signs that are out there.

Board Member Rogan stated their picture that they are portraying what it will look like it does in the sense of the size of the lettering compared to the other signs because they are using the same area the lettering is much smaller.

Board Member DiSalvo asked but the store that is there now that is going out, the floor store I thought they had small letters too.

Board Member Pierro stated I thought Cumpeo also had a mix.

Rich Williams stated Cumpeo the sign that got approved for the computer store kept the same general height of the letters that have been used throughout. All the other stores are approximately the same. They are all different colors.

Vice Chairman Montesano asked so Cumpeo is out.

Board Member Pierro stated no Cumpeo is still there.

Board Member DiSalvo stated the floor store.

Vice Chairman Montesano stated the floor store okay.

Board Member Rogan asked does anybody find it odd that a privately owned company feels the need to put Verizon on their sign,

Board Member Pierro stated that is his brand.

Board Member Rogan stated provided by Verizon. That seems interesting to me why that is going on.

Vice Chairman Montesano stated I believe he only works with Verizon. The one by Home Depot was doing Sprint, and Nextel and a couple of others unless he gave those up. That may be because they want it that way.

Board Member Rogan stated that was my next question whether or not he had the authority to put Verizon on their sign.

The Secretary stated good point they usually put it in the windows.

Board Member Pierro stated my suggestion would be to make the letters taller in similar size to the other letters and put that Verizon Wireless sign in the window.

Vice Chairman asked can you get away with that.

Board Member Rogan asked aren't you proposing something that does not meet the Code.

Board Member Pierro stated that may possibly be but if you look at the pictures, there is a lot of signs in the windows.

Board Member DiSalvo stated I know we went through that with the nail salon.

Board Member Pierro asked what is the benefit, do we make everything look consistent on the fascia.

Board Member Rogan stated I tend to agree with what you are saying that the size of the lettering being of more similar might be better.

Rich Williams stated two things, the nail salon never got a permit for their sign.

Board Member DiSalvo stated for the neon, the hanging sign.

Rich Williams stated the other thing is I would caution the Board against telling them they can actually put the Verizon sign in the window because Shawn you are right it may be a violation.

Board Member Rogan stated the Verizon sign seems to muddy, the signs on that structure are all pretty simple; Blockbuster, Subway, Wireless Connections, Verizon all that stuff seems to be a bit much for that small sign.

Board Member Pierro stated the Verizon Wireless sign is going to be miniscule.

Vice Chairman Montesano stated they may have to have it on there.

Board Member DiSalvo stated we should ask them.

Vice Chairman Montesano stated when he comes in we can ask why do you have to have it that way.

Board Member DiSalvo asked and what about a sign for the big A&P sign. Is he going to need that too.

Rich Williams replied I did ask them about that and their response was that was the responsibility of Benderson Associates and not their responsibilities. I would anticipate that some day something is just going to go up.

Board Member DiSalvo asked what makes it funny because it is smaller. What if he stretched this out.

Vice Chairman Montesano replied it is not even that. The object is if you look at this,

Board Member Rogan stated look at the style of all the other signs. It is just lettering now they are adding in like lettering and logo kind of and it is a mixing of themes. We are not seeing the rest of the plaza and I am trying to make sure,

The Secretary stated didn't we have a picture.

Rich Williams asked of the plaza.

The Secretary replied yes of the signs.

Rich Williams replied I have various pictures.

Board Member Rogan stated I don't recall any of the other shops having and I am referring to the Verizon part as a logo.

Rich Williams stated they don't specifically have logos except for the A&P.

Vice Chairman Montesano stated Subway has got his name, the cleaner has just Cleaner with his name over here.

Board Member Pierro stated in itself those are the company logos for Blockbuster and Subway.

Board Member Rogan asked what happens if they change providers and they go from Verizon to somebody else. Let's have that conversation with them and find out what the necessity for that. It sounds like we are in agreement we don't really care much for that portion of the sign.

Rich Williams stated there is one other issue that I brought up in the memo that I did on this was that the previous owner had gotten a variance specific to his site to have a slightly larger sign. They are still 3.2 square feet over that.

Board Member Pierro asked who is they.

Rich Williams replied this current Applicant.

Board Member Rogan asked just so we are clear there is a variance,

Rich Williams stated 3.2 square feet larger than what the variance allowed them to have.

Board Member Pierro asked in the length because of the size of the words.

Rich Williams replied the length, the width, the overall square footage.

Board Member DiSalvo asked would if you eliminate Verizon.

Board Member Rogan stated they would probably be well within and still be able to increase the font.

Board Member Cook asked so what we are going to have this guy come in then next week.

The Board replied yes.

**3) CLASSIC COUNTRY KITCHEN & FURNISHINGS – Sign Application**

Vice Chairman Montesano stated another sign.

Board Member Rogan stated it is pretty straightforward.

Vice Chairman Montesano stated Classic Country Kitchen & Furnishings, the sign is replacing an existing box attached to the front of the building.

Board Member Pierro asked does this use need a Special Use Permit.

Rich Williams asked what are we talking about.

Board Member Pierro replied for Classic Country Kitchens.

Rich Williams replied no this is a retail operation that is going in the small building in front of the Alpine Restaurant. They are essentially replacing the sign front that was approved and erected for the bicycle shop.

Vice Chairman Montesano asked is he going on the standing sign too.

Rich Williams replied no.

Board Member Rogan stated so we are well within the allowance for the sign. We are allowed 68 we have got 53 so as long as everybody agrees with the type of sign, lighting or whatever. It is the existing box so it is pretty straightforward, black lettering on white background.

Board Member Cook asked what is the maximum.

Board Member Rogan replied the maximum in the memo is based on the lineal frontage of the building and so when you figure it out it comes out to about 68 square feet based on Rich's memo. They are proposing 53. They are proposing using the existing sign apparatus and just putting in their lettering, black letters on a white background. I don't have any problem with that. They are not looking to add any lighting that isn't already there, the fluorescent lighting looks like it must be existing, right Rich.

Rich Williams replied yes.

Board Member DiSalvo stated it is pretty simple.

**4) TALI ANTIQUES RESTORATION – Sign Application**

Rich Williams stated just so everybody knows I do have to correct the name on the agenda. It is Tali not Tale.

Vice Chairman Montesano stated white background with black letters that is not one of the Town colors, is it.

Board Member Rogan stated they have got to meet the Hamlet requirements.

Board Member Cook asked a question in regards to the colors (unable to hear).

Rich Williams replied all of the colors. Essentially, the Hamlet colors are dark green, dark red, dark blue, you can have gold trim, gold letters but you have got to use some combination of those three. A perfect example is the Library sign, Petersen's Nursery sign and the Town Hall sign which are dark green background with gold letters.

Board Member Rogan stated Charlie, the intent of the Board and the Planner in crafting that code was to try to create an identity to the Hamlet of Patterson that we have some similarities in the signs. We talked about other towns that have that, Town of Mahopac. We have been trying to promote that. We haven't pushed it to the entire Town.

Board Member Rogan stated that is a lot of lettering also.

Board Member Pierro stated we don't have to worry about sign consistency here because there is nothing else in there.

Board Member Rogan stated all we need to do is tell this person to conform to the colors that are already approved. We can approve the sign because they can really pick any of the colors and we would really have a hard time telling them no we didn't like it if they use the colors they are allowed. We can probably approve this conditioned on them bringing in the sketch to Rich that shows the Town colors. I don't know if everybody is comfortable with that.

Board Member Pierro stated my only thought is you are going to see a request come in to make the Tali Antiques Restoration Inc in gold leaf.

Board Member Rogan stated and that is acceptable.

Vice Chairman Montesano stated the background is the main thing. It has to be either red, the green or the blue.

Board Member Rogan stated they could probably do the entire sign in gold lettering, gold leaf with a background with a border.

Vice Chairman Montesano stated if he used the green on that it would stand out well.

Rich Williams stated there is another issue in this that you should be aware of they didn't show us where the sign is going on the building. I assumed that once we get through tonight I would be requested to take this down and give him the memo so that they could be prepared to deal with these issues.

Board Member Rogan stated great thank you Rich.

**5) FELDHAUSEN/D'OTTAVIO LOT LINE ADJUSTMENT**

Board Member Pierro asked and what is the purpose of this lot line, a transfer of property or.

Rich Williams stated there were some mistakes made either in the development of the lots or somehow the surveyor made some mistakes.

Board Member Pierro asked so the driveway is encroaching.

Rich Williams replied yes so they are just trying to clean up a few property boundary issues.

Board Member Rogan asked both lots are both houses existing.

Rich Williams replied yes.

Rich Williams stated as they noted the property actually goes right into the neighbor's driveway.

Board Member DiSalvo stated they must be trying to sell their house.

Rich Williams stated no. They realized after the fact the surveyor had made a mistake in laying things out. They are just trying to get that cleaned up.

Board Member Rogan asked what subdivision is this.

Rich Williams replied Big Elm.

**6) CAMP RE & MILLWORKS INC LOT LINE ADJUSTMENT**

Rich Williams stated Camp Re is the old Educational Alliance Camp under new ownership. I am not sure what they are doing out there. As far as I know they are not running any sort of a camp or anything with the property. It is basically vacant. Millworks is the Mal Dunn building in the Southeast Business Park East. I am not sure what is in the Mal Dunn building and that is perhaps one of the issues that we need to talk about. This is where it gets a little interesting, we also have an application in for a telecommunications tower on the site. There is two proposals before the Board right now. One is to do a lot line adjustment to transfer a large portion of the Mal Dunn property to the Camp Re property in the rear of the property and the other one is to locate a cell tower on the site. I did a historical research. I cannot find where we ever had a site plan for the Mal Dunn property. The building was built prior to 1966. In 1966 there was a substantial addition to the building but again, I did not find any record of a site plan approval for any of that.

Board Member DiSalvo asked weren't we doing a cell tower on the other side, what happened with that one.

Rich Williams stated this is the same people. They proposed initially to go into Robin Hill Corporate Park but that is adjacent to a very high-density residential area. I suggested to them that they look at other locations such as Brown Mountain and this is what they came back with. It is also a little bit interesting in

that the cell tower that they are proposing they also have a cell tower right over the line fifteen hundred feet away in the Town of Southeast. They are going to have back-to-back cell towers.

Mr. Cook asked is there any Town owned land that they could put this on.

Rich Williams replied in the past they have approached the Town and the Town shied away from it because of the controversy with cell towers near residential areas.

Mr. Cook stated it is a great revenue.

Rich Williams stated yes absolutely.

Mr. Cook stated I went through this ten years ago, less than. There was some upset neighbors but there was nothing proven about you know,

Board Member Rogan asked about what the EMF's.

Mr. Cook replied yes the effects and all that kind of stuff. It generates a hundred thousand plus a year.

Rich Williams asked a thousand.

Board Member Rogan stated a hundred thousand.

Rich Williams stated it generates about twenty-five hundred dollars a month.

Mr. Cook stated and each carrier has to pay you that is on that pole. By the way is this, we are kind of jumping ahead because that is on the end. Is that a monopole that they are putting up.

Rich Williams replied it is. It is a hundred and thirty feet.

Board Member Pierro asked and that would back up to the hill across from Green Chimneys. You would see that from Putnam Lake side.

Rich Williams replied this is along Route 22.

Board Member Pierro asked wouldn't you see it from the backside.

Rich Williams replied I don't know that you would be able to see that far away.

Board Member Pierro stated we have to take a look at it.

Rich Williams stated that would be my suggestion to the Board that you look at because of the lot line adjustment and we don't have a site plan and they are putting a tower up that we do a site walk out there and get a better handle on what is going on out there along with the cell tower. I am also suggesting that the fact that they don't have a site plan makes them a non-conforming activity out there even though they are pre-existing and possibly adding the cell tower to the site would be considered expanding that. They may need to actually come in and do a site plan and we can get a handle on it because frankly businesses have gone in and out of that building over the past several years, not one of them has been in before this Board for anybody to take a look at to see if it is appropriate.

Board Member Rogan asked Rich they show an existing well on the macadam drive on the property to be reconveyed to Education Alliance.

Rich Williams stated correct.

Board Member Rogan stated and then they are showing a possible well location next to the other well.

Rich Williams stated yes what appears to be a second well.

Board Member Rogan stated we have to find out what all is going on here.

Board Member Rogan stated maybe you said this and I apologize that I did not hear it. Would transferring this property change the classification for zoning or are they identically zoned.

Rich Williams replied no it is one of the issues I brought up in the memo that I did to the Board is the fact that when we re-did the zoning generally rather than doing fifty feet or five hundred feet off of the road like they did in the past I followed property lines. When people were coming in to the Planning Board we ended up in situations where the zoning boundaries split their lot and it was problematic. Now, zoning lines generally follow property lines. A few instances they don't but generally they do and this is one of the cases where they do. By doing this lot line adjustment you are taking a commercial designated area and attaching it to a residential lot so you end up,

Board Member Rogan asked by virtue of the lot line adjustment will that property then automatically transfer to residential.

Rich Williams replied it will not.

Board Member Rogan asked but can we make it do that.

Rich Williams replied we would have to do a zoning change to do that and I did put that in the memo that the property owner should be aware that they now will have a commercial piece of property, the only access will be from Ballyhack Road through a residential area or by easement. Neither of them desirable to the Town and that in the future they may be subject of a zoning change to change that to a residential area.

Board Member Rogan asked we as a Board can we require that the property if it is transferred over be changed through a zoning change.

Rich Williams replied you can recommend that to the Town Board. You can't require it.

Board Member Rogan asked can't we require it as a condition that we would only approve the lot line adjustment based on that going through. That we don't consider commercial property going through a residential area as being a valid proposal and if they could get it changed then we would, you know can't we do it that way.

Rich Williams replied you can but you really have to justify it.

Board Member Rogan stated we just set ourselves up for precedence with Bonniello with not wanting, I mean it is kind of the flip side but you would be having commercial go through residential. It is the flip side

before it was residential going through commercial. I think we would be on firm ground if we wanted to go with that mindset. I know we haven't even looked at this yet but it is just something for the Board to consider.

Rich Williams stated there may be other issues you need to consider in doing this.

Board Member Rogan stated I am sure there are.

Vice Chairman Montesano stated we will go out and take a look at it.

Board Member Rogan stated but it just does not sound right, right off the bat to have a commercial section of a property where three quarters of the property, more than three quarters is residential then you have twelve acres of commercial in the back. What is the intent of this. We need to try and find that out I think. It is not just bulk area. It is too valuable of property. If they left it as commercial they could propose residential housing if they got a Special Use Permit.

Rich Williams stated no.

Vice Chairman Montesano stated if you guys don't mind I am going to jump and let Joe Buschynski get in here.

## **7) NEW ENGLAND EQUINE VETERINARY HOSPITAL**

Mr. Joe Buschynski, Bibbo Associates, Mr. Bradley and Mr. Cooke, Applicants were present.

Board Member DiSalvo asked Rich all we have is a memo from you on this right.

Rich Williams replied yes. Joe has submitted a few sets of plans (unable to hear too many talking at the same time)

Mr. Buschynski stated this plan that I pinned up is a plan of existing conditions on the site as-built and it was requested by Rich as a result of the revisions that were made and unfortunately we are here to ask you for approval of certain revisions that it was unrecognized that they were substantial enough that they need the Board's authorization. Those revisions are primarily related to landscaping, landscaping theme preferred by the owners was somewhat more ornamental and in consultation with their landscaper he was also recommending some that were deer proof plants and a number of species were changed. This plan reflects where trees were planted, where foundation plantings and species that were installed. There were minor changes made for instance; if you remember this area was existing pavement we had intended to cut back on that which we did but we left another ten feet so that the access aisle through the front was wider. The back we took out some landscaped grass area in the shed area because we thought that would get mucked up by equipment and as a result that is paved. There was a generator added in an obscure area of the building. You can't see that from the front. In addition it is requested that we be allowed to gravel surface this area to have access to doors which are going to be occasionally needed to bring deceased animals out. There are revisions to the pavement surface. The owners looked at the binder course that was placed and decided that they did not need the oil and chip that we had proposed on top of it. That surface was rough enough for their purposes. We would like to eliminate the oil and stone. In the course of events, our dumpster was originally proposed at a location that is along this wall of the building and it was

everybody's thinking that let's move that dumpster if at all possible. There is now a transformer there but rather than have an enclosed dumpster we looked at another spot and we are proposing that it be placed back behind the manure containers, containers being also a proposed revision. Instead of one we would like to have two container pads so that the company picking it up can drop off another one when he comes in to remove the full one.

Board Member Rogan asked so there would be one container but two pads is what you are saying.

Mr. Buschynski replied yes.

Mr. Buschynski stated the dumpster is located here and to be screened as originally required.

Mr. Buschynski stated the house in front is to be deferred to the future. They are not ready to do that now. We left it on the plan as a future residence obviously the foundation plans that are there do not exist. The trees in the front yard do exist. There were little changes like the type of entrance gates, a swing gate not a sliding gate. As things go, when the site is under construction better ideas come into play. We apologize for the fact that some of these were significant changes that should have been cleared with the Board first.

Board Member Rogan asked do we have any area if memory serves me correctly that was supposed to be parking for the trailers that was going to be a gravel lot that got paved.

Mr. Buschynski replied no.

Rich Williams stated you have an area that was designated for the trailers that was going to be paved with an oil and chip surface.

Board Member Rogan asked and it just became paved.

Rich Williams stated they haven't installed the oil and chip.

Board Member Rogan stated just the binder course which you spoke of.

Mr. Buschynski stated yes.

Board Member Rogan stated that is right the concern was the texture of the surface and the horses. We don't want any horses coming to your facility and breaking a leg on site. That would not be good.

Board Member Rogan stated so it does not affect us in terms of stormwater or anything like that, impervious surfaces or anything.

Board Member Rogan stated we went out to the site for the stormwater and everything. The site looked great I mean in a lot of regards. We really like the architectural style of the building and the colors so much so that we were hoping that a few other projects would look at your facility and take some ideas from it.

Board Member Rogan asked Rich any comments on this.

Rich Williams replied no. Ultimately I have to look at it like if this came in the door today would this get approved and the answer is yes it probably would. I do have one question probably to the doctors and that

is we were out on the site, we talked about one of the primary reasons for the substitutions were because trees in the Prunus family are I believe generally toxic to horses.

Dr. Bradley stated Red Maples are.

Rich Williams stated I did a little bit of research on that and found that a lot of the other varieties in that same family are toxic to horses.

Dr. Bradley stated the difference is that Red Maples it does not take very much. Some of those plants the cyanide plants that has to go on for a long time. They really don't have the access to (unable to hear no mic).

Rich Williams asked so some of the substitutions you put out there even though they may have cyanide in the leaves is really not an issue.

Dr. Bradley stated exclusively, Board Member Rogan stated it would be a chronic situation.

Dr. Bradley stated it would have to almost be a case where they are starved and have nothing else to eat. Red Maples is quite toxic, one leaf would be enough (Hard to hear). It is a fall disease.

Mr. Buschynski stated I have another plan that I would like to pin up with regards to the issue of Stephen's Brook. This has not been seen by either Rich or Ted yet. It is a plan that represents the restoration that we agreed to along each side of Stephens Brook. The intent here is this area was mowed, the intent is to bring this back to both tree and shrub vegetation. The stream has a considerable build up of sediment from off site not on site. It has been a problem for a number of years. The proposal on the plan is to have that sediment cleaned out, bring the stream to a configuration that is typical of its cross section down the stream and up stream. There is a crossing of that brook, the former owners presumably had placed a slab over some culverts and right now it is under water by about six inches.

Board Member Pierro asked is there water going through there now.

Mr. Buschynski replied oh, yes.

Board Member Pierro stated because it was high and dry when we were there.

Mr. Buschynski stated we are proposing that that structure be removed and replaced with a timber bridge. We have some details, a telephone pole and oak plank structure.

Board Member Rogan asked so Joe there is a proposal then at this point with this submission to utilize the property on the other side because initially I think if I remember when we did this early on let's concentrate on the building end of it and we will do the other half when you guys were ready. Are we now moving to that stage.

Mr. Buschynski replied it is not an active use. It is a passive use. I can defer to,

Mr. Cooke stated there might be a couple of horses pastured back there.

Mr. Bradley stated we keep two blood donors available and that is what we will keep on the property. (Unable to hear).

Ted Kozlowski stated when we were out there that bridge suggestion came up. We realized that something has to be done with that crossing and since there is already access to the back of the property actually I don't know if it was Rich's suggestion or mine but we felt that something should be done with that. I did like the bridge idea because it just doesn't interfere with the stream at all. It goes over it and there is no reason why, they shouldn't have access to the back of their property. It is another kind of use that is the Board's concern.

Board Member Pierro asked is outside agency permits required to do that.

Ted Kozlowski replied yes we are going to need to, this is an existing violation and we worked it out in the field and I have been waiting for this actually and then I want to sit down with Rich and probably Joe. Then I will go to the DEC and bring them in on it to get them on board with this. Then it will be sort of what we are doing with Labriola but on a more peaceful, cooperative, Rich Williams stated and much smaller.

Ted Kozlowski stated part of the problem is not theirs, certainly part of the problem is theirs.

Board Member Rogan asked do you mean the sedimentation.

Ted Kozlowski replied yes. Certainly the clearing should not have been done but we might as well address everything and that is what I am trying to do.

Board Member Pierro asked wouldn't it be best to wait,

Ted Kozlowski stated when you walk away from this make it a better site.

Board Member Pierro stated agreed but wouldn't it be best to wait for the stabilization to be in place for the area before,

Ted Kozlowski stated yes but what I am suggesting is that we have to go to the DEC and get them on board and I would rather the Town take the lead in this. It is in our backyard and I think DEC will be very receptive to that. They like to hear it can be resolved, we got a plan, this is what we are going to do, people have looked at it then, now what do you think. I think the chances are very good that they will just sign up, agree to this. They might tweak it a little bit.

Board Member Pierro stated that is all well and good but my concern is that we have got issues to get this site finalized and God knows we need to get that site stabilized so when inclement weather comes along.

Ted Kozlowski stated right it is seeded.

Board Member Pierro stated we don't want to make it worse.

Ted Kozlowski stated the site is relatively stabilized. I mean I would hate to see a hurricane come at this point in time not that it would. They have seeded it and taken some corrective action. We are now on the doorsteps of December and we have been very lucky with the weather so far. I would think that is going to change rather soon. Would I have liked to see the plantings a month ago absolutely. That did not happen. The two guys in the back have been cooperative and I don't really have major problems with this. I think that they have committed to restoring the stream. It is to their own benefit as well as Stephens Brook.

Board Member Pierro stated before we go any further on this we are going to need to see a design on the bridge.

Rich Williams stated I think we need to be clear though that we are really talking about two,

Board Member Rogan stated two separate actions. Tonight is more about the as-built that you have and approving a modified site plan or the site plan that we now have. This other action they are showing us tonight but that is a clear and separate issue. I would also like to see the area defined that we are going to be utilizing on the other side for paddock area because we do have wetland issues back there so I think that is something that we want to clearly define whether it is a post and rail fence or something.

Ted Kozlowski stated and you want that because in case they are not here three years from now and some other group comes in.

Board Member Rogan stated well you don't want your blood donors walking into the swamp and getting lost either.

Board Member Pierro asked what is your pleasure gentlemen, ladies.

Board Member Cook asked Rich is this plan going to meet your memo.

Board Member Rogan asked you are talking about the first plan we saw correct.

Board Member Cook replied the first one.

Rich Williams replied yes I believe it has been awhile since I did the memo and I didn't realize Joe was going to be walking in here. Is there anything I identified that really jumps out at you.

Board Member Cook replied no. I was just trying to make sure that the points that you have in your letter to everyone,

Rich Williams stated are reflected and they are.

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

Mr. Buschynski stated this plan hasn't been given to Rich. I just finished it today.

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

Board Member Rogan asked Rich, in approving the amendments just approve it based on the dated plan that they have there as an amended site plan.

Rich Williams replied as field changes to the original amended site plan.

Board Member Rogan stated it is not significant enough obviously to the site to require a public hearing. It has not changed the use of the site.

Rich Williams stated you are not actually approving a site plan you are just approving some field changes.

Board Member Rogan asked what is the date on that plan Joe.

Mr. Buschynski replied revised November 20, 2006

Board Member Rogan made a motion in the matter of New England Veterinary Hospital that the Planning Board approves the field changes as depicted on the Bibbo Associates plan dated November 20, 2006.

Rich Williams stated if I could just add one thing in there.

Board Member Rogan stated sure.

Rich Williams stated we are still awaiting an as-built on the stormwater pond to make sure that all lays out correctly so if you just want to throw that in which you should.

Board Member Pierro asked not to include the stormwater plan.

Board Member DiSalvo stated no to include it.

Rich Williams stated no subject to an as-built being submitted and verification of the elevations that the stormwater pond has been constructed correctly.

Board Member Rogan stated well said so moved.

Board Member DiSalvo seconded the motion.

Vice Chairman Montesano asked all in favor.

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

Motion carried by a vote of 5 to 0.

Mr. Bradley stated Rich I think that stormwater pond may be shallow and you had said you would defer that, (unable to hear).

Rich Williams stated we had talked about doing the maintenance next summer as far as getting it to the finish grades. A little bit of silt has accumulated in the pond. It does not make a lot of sense to do it this time of the year. We just need to know that it was constructed as originally designed.

Mr. Bradley stated the other question that I had there was a comment about in there about inadequate shade. We are glad to put whatever you tell us.

Rich Williams stated all I was doing was, when I reviewed the plan trying to express why I thought that was a good plan. (Unable to hear Mr. Bradley & Rich Williams, others talking at the same time).

Board Member Pierro stated thank you Joe.

Mr. Buschynski stated thank you I appreciate it.

Mr. Bradley and Mr. Cooke thanked the Board.

Vice Chairman Montesano asked do you want to go to D'Ottavio.

Board Member Rogan asked in fairness isn't this guy, Greenlands LLC.

## 8) GREENLANDS LLC SITE PLAN

Mr. Suozzi, Applicant was present.

Rich Williams stated Greenlands at the last meeting the Board had requested me to do a memo. I have not finished that memo as of yet.

Board Member Rogan asked and what was the request from the Board.

Board Member Cook stated that was the change.

Rich Williams stated this is the building down on Route 22 where they have come in and asked to be allowed,

Board Member Cook stated yoga.

Rich Williams replied yes.

Rich Williams stated the site design issues and I was going to address a little bit the issue with the uses.

(Unable to hear Board Member DiSalvo).

Board Member DiSalvo asked is it upstairs, it is downstairs.

Rich Williams replied it is definitely downstairs.

Board Member Rogan asked where are we talking about a yoga studio.

Board Member Pierro stated you were not here.

Board Member Rogan asked no I know I am asking how did we go from a barber shop,

Board Member Pierro stated they withdrew that application.

Board Member Rogan asked and they are going to yoga.

Board Member Pierro stated yes combining two store fronts.

The Secretary stated it is still the same type of use.

Board Member Rogan reviewed the minutes for a few minutes.

Board Member Rogan stated so the legal opinion you were, Mike you spoke about the legal opinion of whether or not the yoga facility was a personal services use. That is what the minutes say.

Vice Chairman Montesano stated Anthony was going to give us a statement I thought.

Board Member Pierro stated I am trying to find out what kind of an opinion we were asking for that night.

Vice Chairman Montesano stated we were asking Anthony to come up with something. I don't know what we can do about that tonight.

Board Member Pierro stated didn't we talk about limiting the number of hours for personal service.

Rich Williams stated I don't know I have got to go back to the minutes myself. All I remember is somebody saying we have to get an opinion from the Planner.

The Secretary stated limiting of the hours came up and you said you can't do that.

Board Member Pierro stated yes Rich's opinion was that we don't have the authority to establish limitations for the number of people that can occupy that building.

Board Member Rogan stated either the use is acceptable for that site or it is not, not based on how many people come and go. If you deem it acceptable I hope they have a phenomenal business.

(Unable to hear Board Member DiSalvo and Vice Chairman Montesano)

Board Member Rogan stated you guys need to speak up Missy is going to really be on you.

Board Member DiSalvo stated we are talking about combining two storefronts to do the yoga studio but when I passed the store there are not two consecutive ones that are available. Are any of those present tenants moving over.

Mr. Suozzi stated of course.

Board Member Pierro stated Rich was going do research on the amount of square footage per number of people. That is the only thing that I can pick up Rich. What is comfortable or what is allowable.

Board Member Rogan stated I am jumping in midway here because I was not at the last meeting, I apologize but take the idea that you have two storefronts, you have fifteen hundred or thirteen hundred square foot, under the Fire Code they are going to say that maybe for a certain type of use safe occupancy is "x". Say that they say safe occupancy is thirty-five people, thirty-five people if they are coming for yoga it is acceptable to assume that those thirty-five people would all want to drive their own cars. They may not be a mother and a daughter or two friends. You would have to plan for the idea whether or not the facility has the parking for the safety occupancy of the building. If you planned for two people per vehicle, well you do that for seating for a restaurant, right two seats per parking spot. So, some logical method has to be used. Throwing all that out we still have to, thinking about the meeting in October, the main question

still was whether or not we could allow a personal service use in a building that wasn't design for it. I think everybody's feeling was that this site had limitations, that we needed to either determine whether we could modify the site so that it would have been approvable for that use. There is some significant questions that I don't have the answers to. It is something that the Board has to consider. The Applicant is biting at the bit but you need to use the microphone.

Mr. Suozzi stated I was just going to say the parking requirements are the same. What other requirements could there be. We have the same lights,

Board Member Rogan stated no just number of spaces really, traffic flow.

(TAPE ENDED).

Mr. Suozzi stated there is not going to be thirty-five people in there at one time.

Board Member Cook stated there is also a letter from their Attorney that spelled out you probably haven't,

Board Member Rogan stated no I have not gotten to it.

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

Mr. Suozzi stated there are classes throughout the day.

Board Member Pierro stated and evening so it spreads it out.

Board Member Rogan stated certainly there are less requirements on that type of business then a place that needs to get supplies delivered, a place that uses supplies, that sells supplies certainly needs more deliveries than a place, we had mentioned an Accountant is a personal services type of use. People come in they get a service. They are not really leaving with anything that has to be delivered to the site. Clearly that is different than something like a deli or a retail operation. I think the Board just has to consider whether or not the site can handle the proposed use and then whether or not it meets zoning and if not how to go about approving it if that is what the Board wants to do or not. I think that is kind of the crux of what we have going on here. In terms of legal opinion or planning opinion I think Rich has been pretty clear from the beginning of this that he does not think that personal services use is an appropriate use for this building. Maybe I am speaking out of turn but in a nutshell that is what I recall.

Mr. Suozzi stated I was just going to say that a yoga use I can't think of a softer use for retail, (unable to hear no mic).

Vice Chairman Montesano asked can you come up and use one of these microphones please.

Board Member Rogan stated if the minutes are a little sketchy on that you will understand why.

Board Member Rogan stated this is for discussion the Board should discuss. What are you guys thinking.

Board Member DiSalvo stated we were waiting on Richie for a memo, we are still waiting on Anthony.

Board Member Rogan asked do you know for what though.

Board Member Pierro stated Rich was going to come up with what would be a reasonable occupancy for the square footage.

Rich Williams replied I was going to review the Building Codes certainly. I was going to address the issue of retail versus personal services and I was going to address some of the site design issues which placed limitations on the overall site and put them in a memo.

Board Member Rogan stated the question becomes if the Board approves this use can they approve this use or are they approving personal services for the site. In other words, are we approving the yoga facility and then if the guy goes out of business eight months from now they have got to come back in for the new tenant.

Rich Williams stated no as I have said.

Board Member Rogan stated and that is what we need to remind ourselves.

Rich Williams stated my opinion is if you are going to approve a personal service you are approving any personal services within that area. The Code does not set up just beautician stores or just yoga stores or just nail salons it groups them all in one area. You would be approving that.

Mr. Suozzi asked I thought Rich it would be,

Vice Chairman Montesano stated could you please come up and grab the mic.

Mr. Suozzi stated I thought at the last meeting we were clear that if there was a change in tenant that we would be required to come back here and seek another approval for that particular tenant.

Board Member Rogan stated it may be your intent. I don't know that it is enforceable. If you say you are going to come back and that sounds wonderful but we don't have the mechanism of regulating that.

Mr. Suozzi stated I wasn't planning on trying to stick it to the Town. That is not my intention.

Rich Williams stated no I understand.

Mr. Suozzi stated if this person, the yoga business goes out of business and they move out and then I don't even know that in the future another type of use like that will even call me.

Board Member Rogan stated I understand.

Mr. Suozzi stated if they do then I would come back and I would talk to Rich and go through t this process again.

Rich Williams stated and that would be gracious of you to do so but what we are talking about here is just how the Code needs to be applied fairly and uniformly through out the Town. If they approve a light manufacturing use for a building then it shouldn't really matter what light manufacturing use goes in the building simply because the business owner changes or the type of light manufacturing changes doesn't necessitate the new business owner having to come back to the Board. That would be,

Board Member Rogan stated arbitrary and capricious.

Rich Williams stated burdensome. That is why we set up the Code in categories so that say a retail operation gets approved for a site we know that site has all the improvements that are necessary to safely and reasonably operate that retail. It does not matter what type of retail that goes in within limits. You can't have adult bookstores for example in Town.

Mr. Suozzi stated I thought when the two Attorneys were speaking at the last meeting that they addressed that and they were of the opinion that we would come back. I thought that was what the Town Attorney was agreeing with.

Rich Williams stated that may be their opinion but that would not be my opinion. I can tell you at this point I am the one who wrote the Code. I kind of know what I wrote but opinions vary and that is why we have Attorneys.

Board Member Rogan stated Anthony, does say in the minutes on page 21 that basically even though you are changing the application for the specific tenant that it is still the same use. He says that clearly in here. That it seems to be, he is agreeing that it is everyone's opinion that it is still,

Rich Williams stated whether it is a nail salon or a beauty parlor or yoga it is still personal services.

Mr. Suozzi asked what possibly could we have done differently with the site if we had done this in advance. We would still be required to have the same amount of parking spaces. We would be required to have site lighting, a garbage dumpster. What else would change. In my mind nothing. We are also taking away two offices.

Board Member Rogan stated I think your access is one of the things that would have come up with me that I would not, if you had come in and said I want to put in a retail operation here I would have said the access is terrible for it. I would probably have denied it based on that.

Board Member Pierro stated the site was restricted. I think that is why we limited it to office space.

Board Member Rogan stated I will be honest with you that is what my main thing would have been is your access.

Mr. Suozzi stated right we are also not asking for total retail use in the whole building. We are only talking about one use. By having that one business in there you are also subtracting two possible office tenants. There is a factor with the traffic.

Vice Chairman Montesano stated the design of the original building and the location of your entrance was allowed because specifically what had been stated when the building was put up. Now, we are trying to change it. We only had ten pounds so we gave you eleven pounds of space and now you would like to move it where we end up with a twenty pound bag that can't fit.

Mr. Suozzi stated truthfully the discussion of whether we are going to have retail in the building or office never came up in the original planning process.

Rich Williams stated it absolutely did come up.

Vice Chairman Montesano stated yes it did. If you go back and read the minutes you will find it.

Mr. Suozzi stated we never suggested retail.

Rich Williams stated this was before you were even involved in the project.

Mr. Suozzi stated I mean that is what I was saying in our application.

Rich Williams stated but when Mr. Schoen came in, initially he came in with an application and I took a look at it initially and started this whole ball rolling and saying that we don't want the driveway out on Old Route 22 because of the intensity of traffic that is coming out move it to 164 and they did.

Mr. Suozzi stated see we never knew that.

Rich Williams stated they moved it to 164 and they went through for awhile and then they came back to us and said based on what we want to put on that site, that size building we can't put the driveway out on 164 because that is where our septic has to go.

Mr. Suozzi stated right and we understand and we jockeyed the septic around to meet certain things.

Rich Williams stated so at that point they said let us come out on Old Route 22. At least I was pretty emphatic that at that point they had a Special Use Permits for light industrial and warehousing. I said the first thing that you are going to have to do is give those up because there is no way those uses are going to be allowed at that site and have access out on Old Route 22. Further, we are going to limit the use to office because that is the most benign use compared to traffic that we can have on a residential feeder road. That all happened before you were even involved in the project.

Mr. Suozzi stated okay but from my perspective we look at it that our entrance is so close to 164 what is a hundred feet. How much does it really hurt the Town that we come out on Old Route 22.

Vice Chairman Montesano stated let's put it this way if you had retail coming in that means a truck would come in.

Mr. Suozzi stated we are not going to have any trucks.

Vice Chairman Montesano stated let's put it this way when Dr. Schoen came in on this thing we weren't going to have retail. It was going to be strictly an office situation. Now, that has changed ownership and you would like to make it something else.

Mr. Suozzi stated but we can have trucks come in with the office use. With this retail use that we are requesting we are not going to have trucks.

Vice Chairman Montesano stated right now you won't have them. Dr. Schoen didn't say anything about retail. We agreed when we approved this thing that it would never happen and now you took ownership and you want to bring it in.

Mr. Suozzi stated not for the whole building.

Vice Chairman Montesano stated now if you were to leave tomorrow and the next guy came in and we have retail coming in and now what are we going to tell him. I have seen an eighteen wheeler come in with

a lousy forty pound package but they still drive it in that truck because that is the company that got the delivery. That truck decides to come off of 22 and go into that area he will do it then how does he turn around. He has got to go out through the residential area or come in through the residential area.

Rich Williams stated if I could just jump in here for a second, I think there are specific design issues regarding the use of this site. I think it would help everybody if I highlighted what those are, created an outline of what they are and then we can could take a better look at them. I can expand on it so that we have a little bit more information and then that is where the debate needs to be had is whether it works or it does not work. Why don't you let me do a memo that really outlines all the different design issues that relate because there are some that are relevant and there are some that aren't.

Board Member Pierro asked and can you at that same time put in the occupancy.

Rich Williams replied I will do the research and I will talk to Dave Raines and do the research of the Fire Code.

Board Member Pierro stated this way we have a better handle on it.

Rich Williams stated see if there are some issues related to occupancy that we need to consider.

Board Member Pierro stated if there is a State Fire Code issue that limits occupancy to that amount of square footage for that particular use generally in the State Code that it may give us some information to make a further decision on it.

Rich Williams stated I will do that but understand that generally what would happen would be the Planning Board would approve the use say for a yoga studio and then Dave would go in and post a sign saying no more than six people here.

Board Member Pierro stated right.

Rich Williams stated all you are doing is approving the use. You are not approving and this is the point I made last time you are not approving a number of people.

Mr. Suozzi asked was there any type of truck that we can't have come into the site. In other words,

Rich Williams stated there is no specific limitations,

Mr. Suozzi stated nobody said you can't have this type of truck enter the site.

Board Member Rogan stated no but I think the intent is when you approve a use, with a use comes a certain type of vehicle traffic, a certain type of clientele so if,

Mr. Suozzi stated but who can really stop a truck from coming in.

Board Member Rogan stated other than putting up barriers like they did up at Home Depot,

Mr. Suozzi stated in my office, my current use, in my current use if a truck comes into the site.

Board Member Rogan stated you can't.

Mr. Suozzi stated so the chance that a big truck will come in is the same whether it is an office use or whether I have a retail use.

Board Member Rogan stated no not necessarily.

Rich Williams stated it is not let me give you an example that happened to me the other day. I was sitting parked over at the Putnam Lake Firehouse and there is a liquor store right next to the firehouse and a fifty-five foot tractor-trailer pulls up in the middle of the road, blocks the road and then backs up the fire department driveway which is like this so that he can unload to the liquor store next door. It was not appropriate for the tractor-trailer to do something like that but that is what they are doing because there is a retail use where really there probably should not be a retail use. That has been there for God only knows how many years, way before any of us. We can take a look at a particular site just knowing that a type of business may be more prone to using trucks that are making deliveries that are very big trucks, fifty-five foot long tractor trailers and uses that would only be using say, a UPS truck like an office use. We can encourage the office use and discourage the grocery store from that same site.

Mr. Suozzi stated but you have got to recognize that even my type of office building we are talking about small tenants. We are not talking like IBM and big, realistically tractor-trailers don't come into my site. They never have. They don't have any reason to there are small tenants that is there.

Board Member Rogan stated not with what is there I agree with you.

Mr. Suozzi stated they are small businesses. They can get small hand deliveries or small trucks. Tractor-trailers really have no business being there. I agree with you a tractor-trailer is not appropriate to drive in there but a box truck can be driven in there, a FedEx truck or garbage truck.

Board Member Rogan stated I would also say though just with the idea of combining these two storefronts that approving retail for this site, I know you are saying you want it right now for twenty percent of the site because there is ten and you want to combine two.

Mr. Suozzi stated right.

Board Member Rogan stated but let's just say for the sake of argument you know what yoga, no problem we agree we are going to change the site to allow this to retail. There would be nothing stopping you from saying you know what I want to combine all of the five on the upper level and have Mrs. Green's Market or something, a retail food place or any other it really does not matter to me. If you pick something like that now you are going to intensify the deliveries to a place like that. It could be selling office supplies. You understand my point.

Mr. Suozzi stated what we were saying before it was our thinking, my Attorney and the Town Attorney's and Rich already stated that he wrote the Code and he thinks differently but it was our thinking that you could, in other words we would have to come back to you and you would be able to say no we don't like that business you can't have it there.

Rich Williams stated let me just throw this out here. How many businesses are currently in the building right now.

Mr. Suozzi replied right now, actually one just moved out today, five.

Rich Williams asked how many of them came back before this Board.

Mr. Suozzi replied how many came before the Board, none.

Board Member Pierro asked did they have to.

Mr. Suozzi stated they didn't have to they were office uses.

Rich Williams stated they didn't have to. That was the point.

Mr. Suozzi stated but if I propose another retail tenant, I would have to come here.

Rich Williams stated that is what I am saying if the site is approved for retail or a portion is approved for retail then a new retail business going in wouldn't have to come back here. If say the bottom half is approved for retail and the top is office and you wanted to turn the top into retail then you would have to come back here.

Board Member Rogan stated to change the use.

Mr. Suozzi asked have you discussed that with the Town Attorney because he was under the thinking that he agreed with my Attorney.

Rich Williams replied and maybe that is the case that they could have both agreed I am not saying they did but if that is the case why isn't that happening. You are not doing it now.

Mr. Suozzi asked doing what.

Rich Williams stated nor is anybody else.

Rich Williams stated coming back before this Board every time a business changes.

Mr. Suozzi stated because we don't have to for office but I mean for the retail for the one customary use that we are proposing to be allowed to have it there we would say that we would come back when this first tenant eventually leaves.

Board Member Rogan stated if you were going to have retail in only twenty percent I would prefer that it be the upper section so you are in and out. If we were going to say we are going to allow twenty percent retail in this facility and we had the ability I would say it is this twenty percent because of the site constraints. I would rather it be the upper portion so that you are in and out with trucks and people coming and going rather than around back.

Mr. Suozzi stated the retail likes the exposure on 22.

Board Member Rogan stated I understand that.

Vice Chairman Montesano stated the problem that we have the minute we approve retail,

Board Member Rogan stated site constraints wise I would want it to be the upper.

Board Member Pierro stated the minute we approve the personal service,

Vice Chairman Montesano stated we approve this personal service to go in there he does not have to come back here.

Board Member Rogan stated nor would I want him to.

Vice Chairman Montesano stated and the object is this with all due respect to the Applicant that is standing here he bought the building from the first person that built it. He in turn may have a reason to sell that building, the next guy comes in and does what he wants. The idea is when we approved this building to be put in there were limitations and the design that was allowed. The same way we were supposed to have plants on that humongous wall to break it up we never got that.

Board Member Rogan stated I think your point Mike is that from what I am hearing anyway is that if we approve a use for someplace I don't want every new Applicant to come in. I really don't. If we approve it for a purpose, I would feel more comfortable saying we approved it for retail as long as it fits within retail. We have approved it we are done with it. I would be much more comfortable doing that.

Mr. Suozzi asked wouldn't you want to have it then you would have more control.

Board Member Rogan stated not if it fit within the realm. I would say you know what, that is why we have a Code because otherwise we are really getting nit picky.

Board Member Pierro asked can we separate by approving personal service, can we amend our Code to separate personal service from actual retail.

Rich Williams replied that is a call that is made by the Town Board.

Board Member Rogan stated we talked about that initially.

Board Member Pierro asked can we make that recommendation.

Rich Williams replied you can.

Board Member Pierro stated that may be our way out to approve personal service but exclude retail from that use so that if the personal service use disappears it cannot willy nilly go back to a Mrs. Paul's Market type of thing or go to a Mrs. Paul Market.

Board Member Rogan stated then what we need to do as a Board then is a recommendation to the Town Board that explains why we believe that personal services should be treated differently than retail. If the Town Board agrees we can change it and the we can re-visit this.

Vice Chairman Montesano stated then we are going to need a legal opinion because what the Town Board may or may not approve is going to have to end up before somebody because it is going to have to set a precedence somewhere. If we have the basis and we have the time to research it, it is going to take quite a bit. You are going to have to go into we have Anthony's opinion, we have John's opinion from the client and that is fine. We can give a recommendation, the Town Board has either got to say yes or no.

Board Member Pierro stated I think we could craft it in a way because this building is different,

Vice Chairman Montesano stated it was mentioned that we should not have businesses come in when they change. Now, for arguments sake we have a facility that does automotive repair, I would like to find out how much work is done because then I would have wanted some kind of understanding of what his containment was on the materials he uses to repair or fix automobiles such as; oil water separators things like that. I have always like the idea that when a new business comes in to let us know they are in, what they are going to do and then we may have recommendations that would tell them you are doing this. We had an existing building what was it Green Thumb or one of those other people tried to come in with all their stuff.

Rich Williams asked are you talking about Chem-Lawn.

Vice Chairman Montesano replied that is the one.

Rich Williams stated there was not a building there.

Vice Chairman Montesano stated they wanted to put one up. The idea was they did not want to put in the things that we had requested.

Board Member Rogan stated your point would be that the place changes hands that the use changes in terms of what they are bringing into the facility and you would want some control of that.

Vice Chairman Montesano stated yes.

Board Member Rogan stated I think the only exception would be that you have a Fire Inspector that has very good purview over those sorts of things in terms of containment and in terms of safety of combustibles and toxics, etc.

Board Member Rogan stated it is a two prong approach. I like what Rich said about crafting, taking a look at what would be the requirements if we were looking at retail. We look at that and at the same time consider whether or not you would want to ask the Town not based on this project but based as a whole on zoning whether or not you think personal services and think of some very clear examples of personal services whether that should be broken out of the Code from retail. I think it really falls into those two things. I think we should do that separate from this application. This may be the push for it but you should do it with clear understanding that we are doing it because it makes sense not because it makes sense to fill this guy's needs, all due respect. Secondly, we look at what Rich puts together and we make a decision based on whether or not we think this site can handle it. I know there was the other part about can we designate a percentage of a building and that is something that we need to talk to Anthony about and come to some agreement.

Mr. Suozzi stated personally I agree with you. I think personal service businesses are very different from a lot of typical retail type uses.

Board Member Pierro stated and more importantly this site because it adjoins a non-traditional area where we don't normally have commercial because it pulls out on to a residential roadway. The lot being so challenged because it did not have access any other way. It is not like we are re-defining personal service for retail in a store front like Sauro's or that area. It is a little bit different.

Board Member Rogan stated we have our direction for next meeting.

The Secretary let's be clear what is the direction.

Board Member Pierro stated Rich is going to do memos and at that time we will have the benefit of having our Counsel with us who can answer additional questions.

Board Member Rogan stated I am also going to read back through the minutes.

Board Member Pierro stated thank you Sir.

Board Member Cook asked in all fairness to you Rich should this memo be for next week or should it be for the next work session.

Rich Williams replied next week.

## 9) D'OTTAVIO SITE PLAN

Board Member Pierro stated I thought we got through pretty much D'Ottavio.

Board Member Rogan stated no that was different.

Board Member DiSalvo stated this is the business D'Ottavio.

Rich Williams stated Steve D'Ottavio has submitted architectural plans in response to the concerns raised by the Planning Board.

The Board reviewed the plans.

Board Member Rogan stated this is a tough building to get a handle on even with this set of plans.

Board Member DiSalvo stated it is like a shopping center.

Rich Williams stated I was so happy when the Planning Board said no we don't want Rich approving the architecture we want to do it ourselves.

Board Member Rogan stated I can imagine then you can say well you guys approved it.

Board Member Pierro stated it looks a little better. He put those dog house dormers over the front doors.

Board Member Rogan stated I am having a hard time envisioning what this building is going to look like even with this. I am having a real hard time.

Vice Chairman Montesano stated why don't we ask him to give us a mock up of it.

Board Member Rogan stated it is so lineal.

Rich Williams stated it is so big.

Board Member Rogan stated it is out of proportion architecturally.

Board Member Pierro asked what kind of roof do we have on this.

Rich Williams replied well you have got a false mansard if I recall what he did and it is basically a sloping flat roof in the back.

Board Member Pierro stated it is better.

Vice Chairman Montesano asked did he designate of the two buildings where this one is.

Rich Williams stated this is going to be the one on the south end and the way we left it was you were going to approve the style for that and then I would just make sure that the other building mirrored that style.

Board Member Cook asked where is this place.

Board Member DiSalvo replied opposite 164 on 22.

Board Member Pierro asked this projection on the side Rich is going to be projected out to the front as well.

Rich Williams stated it is not a false mansard.

Board Member Pierro stated no it is not.

Rich Williams stated no it is going to be a false front on the front.

Board Member Pierro stated it is not projected out into the front up on top it would look hideous.

Rich Williams stated you have another building coming up too.

Vice Chairman Montesano stated so far it does not impress me.

Rich Williams stated look at it, mull it over.

Board Member Pierro stated it is a warehouse.

Vice Chairman Montesano stated it is a warehouse but it is going to be on the main route of the Town running through.

Board Member Pierro stated I think it may wind up having more character than the split face block that is across the street in the,

Board Member DiSalvo asked what is he going to do, he is going to rent space out.

Rich Williams replied he is going to use a portion of it for his own business and then he is going to rent the rest out.

Vice Chairman Montesano stated and then he is going to put up the second building.

Vice Chairman Montesano stated our problem is what is in the area that we can compare it to.

Rich Williams stated Robin Hill.

Board Member Pierro stated Robin Hill is split block buildings straight up, nothing fancy.

Board Member Rogan stated and Robin Hill I would argue is almost less, Board Member Pierro stated visible. Board Member Rogan stated visible is the word that I am thinking of.

Vice Chairman Montesano asked how about the bank building. That isn't that far away from it.

Board Member Rogan stated none of us are architects but this site has the ability to make or break that area in terms of what you put on there visually. It could really pop and you say wow, that looks great on there or you can flip around and look at a building like this, on the opposite corner and it looks, (unable to hear train).

Board Member Rogan stated maybe it is difficult to see from this plan but the proportions of this building in my layperson's opinion are very, very difficult because it is so lineal. You have got a couple of dog houses as you said. It does not have anything to give it any real,

Vice Chairman Montesano stated character.

Board Member Rogan stated dimension. I hate to say that to someone and not give them clear direction. The only direction I gave Steve on this was after we walked New England Equine, I said you know what the whole Board from what I gathered liked the character of the building. I don't know that that could even work on this but.

Board Member DiSalvo stated I even told him to go over there.

Board Member Rogan stated it has been such a struggle with this site I mean in terms of the engineering but we are there as much as we will ever be and we just need to agree on a building. I am sure there are very obvious reasons why they are proposing a building like this; cost of construction, whatever.

Board Member Pierro stated the cost of framing a roof to make this a little bit more attractive would be football numbers. The only thing that I can compare it to of this size in the area is the barns medical group across from the hospital. It has a little bit more character. It has a pitch roof and two floors.

Board Member Cook asked let me ask a question since I am not familiar with the background on this but the intended use is all okay. It is just a matter of a decision on look of the building or design of the building rather.

Board Member Rogan stated correct. We started reviewing this five years ago I know because I am up this year and this was my first site walk I did when I was on the Board.

Board Member Pierro stated it is going to be two buildings with a common septic system and easements.

Board Member Cook asked so the site then has been approved.

Board Member Pierro replied no.

Board Member Rogan stated no this is part of approving it.

Board Member Rogan stated basically the last thing that we have to do is just agree on the architectural of the building.

Rich Williams stated let me throw this out to you, this is a big, big block building basically and he is trying to paint the New England look on it. It is not working for that type of building. Probably what you want to look at is a Georgian or Federal style, have the flat roof not put the,

Board Member Pierro stated the mansard or whatever you want to call that, the projection.

Board Member Rogan stated the gables.

Rich Williams stated the gables but the canopy roof in the front. Do some sort of flat roof with columns. I would have to play with it a little bit. Like I said, the problem is when I look at this right now you are trying to put a little New England feel on to a big, massive block building. You can't do it.

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

Board Member Pierro stated split face block is the cheapest building to build because it is just simple.

Board Member Rogan stated that is the hard part as laypeople looking at architectural plans it is easy to say that we don't like it. It is harder to say here is why we don't like it and here is what we would like to see.

Rich Williams stated and it is harder to say this is what we would like to see and it is affordable.

Board Member Rogan stated absolutely.

Board Member DiSalvo stated what about Chris Johnson's building he is putting up in Pawling, Heinchon's, and the barn slash garage that they are building over there.

Rich Williams stated we go back to the problem that (unable to transcribe too many talking at the same time).

Rich Williams stated when you go for a New England, Cape Code, Victorian type of look you need length to width to height ratios. This you don't have it. All you have is a big, long, block building that isn't that high to begin with. It is basically one story.

Board Member Cook asked what is the use of this, warehouse.

Rich Williams replied it is basically a warehouse. He is going to be storing materials in there.

Board Member Rogan stated businesses.

Board Member DiSalvo stated some offices too.

Board Member Pierro stated some offices.

Board Member Pierro stated why don't we do a little homework and go to the internet on an individual basis and see if we can come up with something.

Board Member Rogan stated I can guarantee I am not doing that. My internet has been down over two weeks.

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

Board Member Rogan asked Charlie, can you envision the site at all. Do you know where this is.

Board Member Cook replied yes.

Board Member Rogan stated it is really right up on top of that ridge line, it is off the ridge line but it is very, very visible.

Board Member Cook asked and the parking would be in the front.

Board Member Rogan replied front, side and back I believe.

Board Member Rogan stated I wish we would have tackled this over the last three years. We have been off and on talking about architectural's with Steve for about a year and a half.

Board Member Rogan stated I mean the flip side is take a building like I won't say "the building" but a building like Dilmaghani because I don't want to step on their toes, a building like that would do nothing for this site. It does not do anything for the site that it is on. It is a blank façade.

Board Member Pierro stated that is why we don't allow that kind of building to be built anymore.

Board Member Cook stated isn't this coming down the same avenue.

Board Member Rogan stated you are right it is. So, what do we do.

The Secretary stated drive around and look at some massive buildings see if you get an idea and take pictures.

Rich Williams stated look at all the tin.

Board Member DiSalvo stated go on Fields Lane and look at some of those buildings.

Board Member Pierro stated and they are not that attractive either.

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

Board Member Rogan stated we need an architect on this Board.

Rich Williams stated I will tell you I loved having Mark Benko sitting up there with me because everything with architecture we deferred to him. That is what he did. He loved it.

Board Member Pierro stated he is a talented individual.

Board Member Rogan jokingly stated Charlie do you have any free time handy, do you want to go back to school to be an architect.

Board Member Cook replied no free time and no interest in being an architect.

Board Member DiSalvo stated you guys know the N&S in Carmel right something like that.

Board Member Rogan stated isn't that a split block.

Board Member Pierro stated that is a split block building too with a flat roof.

Board Member Rogan stated the hard part of it is it is not so much the building. It is the building and how it relates to the site. The N&S building down on Old 6 is what you are referring to, it is tucked in. It melds into the site a little better. You drive by you barely see it.

Board Member Rogan stated we can kind of envision where this building is going to sit or I will say the one on the right because it is kind of cleared and it is an open field but what we are probably not envisioning is the one where the hill has to be kind of knocked off.

Rich Williams stated hacked off.

Board Member Rogan stated hacked off and sunken in where the woods is currently, to envision the two together.

Rich Williams stated when you open it right up.

Board Member Rogan stated here is what I don't want to have happen in all due respect to Steve because he is a fantastic guy and wants to do the right thing here. He really just wants some good direction from the Board. When this is done, right now we have the ability to figure out what this is going to look like and it will be built and we will go, oh, damn we were talking about it but we couldn't come up with the right thing because collectively maybe we don't have the architectural talent for that. That is not our fault it is just what it is.

Board Member Cook asked couldn't we ask him for a schematic of the building showing it on the site.

The Secretary stated superimposed.

Board Member Rogan replied yes we can ask.

Board Member Pierro stated okay let's keep going. We got homework, Mike we are all going to go out and find a building that we would like to see on this site.

Board Member DiSalvo stated just drive around.

Board Member Pierro stated look at a couple of Sisca's buildings on Hardscrabble Road.

Board Member Rogan asked what is it about New England Equine because that is a very visual site although it is not up on a hill. Is the,

Board Member DiSalvo stated the fencing in the front.

Board Member Rogan stated no I am thinking,

Board Member Pierro stated it is the barn style that is what makes it attractive and it is not a two story building.

Board Member Rogan stated yes but it has a pretty high roof on it.

Board Member Pierro stated right but it is a barn style.

Board Member Rogan stated I see what you mean. It is the proportions of the building that work. The proportions of this building do not work. That is exactly what we are hanging up on even putting the gable dog houses on the front don't fall in line with the proportions of the building at least not the way it is depicted.

Board Member Rogan stated Rich is going to do us a pictiory drawing I can see it.

Rich Williams showed the Board what he sketched and asked which works as a building.

## **10) BARNES SUBDIVISION**

Rich Williams stated the Barnes Subdivision, the plans that are in are fairly complete. They have addressed all the issues. There is still some clean up that needs to be done. The big issue right now before the Board is the fact that they are in the Open Development Overlay Zone. They don't meet the strict requirements of that zone so they need to get a variance from the Town Board. They need to be referred there with a recommendation. They have shown an area it is about forty to forty-five percent of the site that would be protected by a conservation easement against future development of the stuff on the back steeper areas. That will tie in with that whole Big Elm Subdivision protection area.

Board Member Rogan asked so there isn't a whole lot of the new lot that is going to be a conservation easement but in total.

Rich Williams replied a little more than an acre.

Board Member Rogan stated but in total that is about four acres or so.

Rich Williams stated it is actually I think closer to seven.

Board Member Pierro asked DOT signed off on the driveway location a long time ago didn't they.

Rich Williams replied yes but he does need to get a new permit.

Board Member Pierro asked why does he need to get a new permit because he moved the house location or because it expired or.

Rich Williams replied right now off the top of my head I don't recall whether they shifted the driveway location or the permit has expired but I do know that he needs to go to DOT and get a permit.

Board Member Rogan stated you said he needs to go to the Town Board because he does not meet the strict requirements of the Open Development Overlay District, what we have to determine is does he meet the essence of that intent. He is providing almost half of the property in open space.

Board Member DiSalvo stated and adjoining open space in the back there.

Board Member Pierro asked he does not meet the requirements in that this lot is too large, by how much.

Rich Williams replied well the maximum I believe is 80,000 square feet for a lot.

Board Member Rogan stated okay two and a half times.

Rich Williams stated he is not breaking land off and permanently dedicating it.

Board Member Rogan asked this is a two lot subdivision though.

Board Member Pierro replied yes.

Board Member Rogan stated I am more apt to, to me this lays out. It is pretty straight forward.

Rich Williams stated I don't disagree.

Board Member Rogan asked can we make that recommendation tonight to the Town Board and by doing so do we get this off our agenda for the next week.

Rich Williams replied there is still some other design issues I have not finished a memo on it.

Board Member Pierro asked like what.

Rich Williams replied related to stormwater.

Board Member Pierro asked anything that is going to throw a monkey wrench into this.

Rich Williams replied no.

Board Member Rogan stated any approval we did would be contingent upon Town Board action.

Vice Chairman Montesano stated it is up to you.

Board Member Pierro made a motion in the matter of Harvey Barnes Subdivision, Route 164 that the Planning Board makes a recommendation to the Town Board to grant a variance of the Open Space Overlay Zone for a two lot subdivision conditioned on successful completion of stormwater management issues,

Board Member Rogan interjected we don't have to condition it on that Dave because we are just making the recommendation.

Board Member DiSalvo stated do we want the conservation easement in there.

Board Member Rogan stated we will still approve the subdivision process.

Rich Williams asked Board Member DiSalvo do you.

Board Member DiSalvo asked I don't know do you need it.

Rich Williams replied I would.

Board Member DiSalvo stated put in that the conservation easement that is still being worked on with Richie.

Board Member Pierro stated conditioned upon the acceptance of a conservation easement for approximately,

Rich Williams stated it is on the plan.

Board Member Pierro stated 5.4 but you said it was like closer to 7.

Board Member Rogan stated I don't see it maybe it is on the other plan.

Board Member Pierro stated conditioned on a conservation easement of approximately 7.668 acres.

Board Member DiSalvo seconded the motion.

Vice Chairman Montesano asked all in favor:

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

All in favor and motion carried by a vote of 5 to 0.

## 11) BURDICK FARMS SUBDIVISION

Rich Williams stated Burdick I placed on the agenda for any clean up issues that we have from that subdivision, for example; the lots I think we need to talk about the lots a little bit. Shawn and I talked a little bit. I have not received the guidance back from the Health Department that I have been looking for.

Board Member Rogan stated which I am going to talk to them about tomorrow morning if I have reason to be in that Department.

Rich Williams stated I did give Shawn the latest plan for what was the one I gave you, 21.

Board Member Rogan stated yes.

Rich Williams stated I printed it out real quick tonight and Shawn grabbed it which shows the latest lot layout how they have it.

The Board reviewed the lots.

Board Member Rogan stated the Board may recall that Lot 21 was the lot that was in the center of the loop and we had proposed moving the lot line over to the corner and possibly moving the house closer to that corner to not have the weird configuration for the open space. We are going to check with the Health Department to see why that is not possible. We think it was a situation of the house being too close to the septic system. We will talk to them about that.

Rich Williams asked is this the corner lot.

Board Member Rogan replied Lot 21 it is the lot inside the loop.

Rich Williams stated I think it was a question of requiring a pump up system which has never been an issue before.

Board Member Rogan stated no they are probably all over this. I will find out about that. Then there was Lot 32 that Dave had mentioned that was the situation that I was just referring to a situation of separation distance between the septic area and the house. We are going to find out about that why that is not possible to do or if it is not we want to have the text to back it up.

Rich Williams stated I don't disagree with the requirements of the Health Department that there be a fifty foot separation between a house footing drain and a septic if the effluent is flowing down hill. I think it makes a lot of sense. I just don't have those specs. I have all the Health Department requirements typically and I can't find where that says but I would agree with that standard. That still does allow the house to be shifted forward and they could probably get more room in the rear yard with a different style house.

Board Member Rogan stated well and acknowledging that the house styles that are shown on here may be, you think they all have been decided because,

Rich Williams stated we are doing site plan approval for the house locations. That is locking that house into that location and that general configuration, yes we allow them to shift around a little bit but don't show me a 30 by 60 foot house on a piece of property and come back in with a 40 by 80.

Board Member Rogan stated because some of these shapes of these houses are so obscure and they are probably not even showing decks on these maybe they are on some of them.

Rich Williams stated Toll Brothers is involved with the design of the project at this point so they should know what they are getting in to.

Board Member Rogan stated I will look in to that.

Board Member Rogan stated other than that the issue of the barn in terms of our regard has already been settled right.

Rich Williams stated yes.

Board Member Rogan asked so then Rich, pending resolution to these last two or three lots, the layout of these lots where is the Board at in terms of we are basically up to an approval.

Rich Williams replied we are right at the edge of the prefaces.

Board Member DiSalvo stated we held off at the last meeting because you were not here.

Board Member Rogan stated thank you.

Board Member DiSalvo stated Vinny was chopping at the bit.

Rich Williams stated there are a number of other plan issues that have to be addressed but a lot of it is just engineering at this point.

Board Member Rogan asked will we have a resolution for or do we already have a resolution, we don't.

Rich Williams asked do you want one.

Board Member Rogan replied I think it is going to depend, well what does the Board think. We really only have two lots right now, Rich and I in talking about a second lot looked at one next door and found a very similar situation but anyway.

Rich Williams stated you have got to learn to stop looking.

Board Member Rogan stated I know you keep looking your find more but basically we have two lots that we are concerned about that we think that we can do better with. If we come up with information by the next meeting that says that they can be moved we can just make the movements of those houses as long as we are clear in delineating the area we are looking at the house location can be a condition of approval. Is there anything else that anyone else can think of or reason why we shouldn't approve this at the next meeting contingent upon those two lots.

Vice Chairman Montesano stated no.

Board Member Rogan stated and those two lots so we are clear it gets down to useable area in the rear of the yard that we identified a couple of months ago and we said these lots just do not, they meet the planning and zoning requirement for setback and offset and everything. They are within the building envelope but we acknowledge that these people will probably be going to Zoning if they want to put a shed or a pool in their backyard because they don't have the useable area.

Board Member DiSalvo stated and we are trying to avoid that.

Board Member Rogan stated which is absolutely what we are trying to avoid. It is just bad planning to have in my opinion to have people going to Zoning three years after they move in to a brand new 2006 approved or 2007 approved subdivision.

Board Member DiSalvo stated if we can get those two lots worked out I don't see a problem with it.

Rich Williams stated I will consult with Gene and see what we can pull together.

Board Member Rogan asked let me ask a question,

(TAPE ENDED)

Board Member Cook asked a question regarding the outstanding issues.

Board Member Rogan stated any of those final comments like that are always a part of the resolution, it would say subject to meeting the Town Planner and the Engineer's comments. They would have to be resolved unless there is any issues that relate back to the Planning Board, us making a planning decision based on that but they are all technical issues which is really their purview not ours.

Board Member Rogan asked the issue with the roadway that Dave has been hammering on for at least two years now and they have committed to it, did we ever get any kind of design on that or anything.

Rich Williams replied the issue that Dave has been bringing up has to do with them giving land sufficient in area for the Town to go in there and make some improvements and they have shown that on the plan.

Board Member Pierro stated and he has agreed to it verbally on numerous occasions.

Board Member Rogan stated not to actually doing the improvements just,

Board Member Pierro stated no to providing the land because I think it is a just a matter of Charlie in there for a few days. They can use the material that they pull out of that corner to soften the other intersection above.

Rich Williams stated maybe, maybe not.

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

Board Member Rogan asked it is okay for Rich to draft a resolution.

The Board agreed that it was okay for Rich to draft a resolution.

Board Member Pierro stated it is going to happen no matter what.

Rich Williams stated I do want to bring to your attention that in the beginning of this week I received a phone call from a resident off of Farm to Market Road who has come to realize that she is going to have 37 homes in her view shed and is not happy about the situation. I did give you her two emails that she sent me just so you are aware.

Board Member Pierro stated Rich, we never had a description or an overlay of what it will be, I don't recall ever seeing what was being proposed.

Rich Williams asked a view shed analysis.

Board Member Pierro replied yes. I have been looking for it. I remember one with maybe six or seven houses on the crown of the slope.

Rich Williams stated no there was a view shed analysis done actually the first one was done as part of the Environmental Assessment form when Tom Scott stood up at the meeting, and I was Chairman and said this is an incredibly beautiful site you can see all the way down to Brewster Schools. I said good, give us a view shed analysis in the EAF. That was carried over into the initial Environmental Impact Statement.

Board Member Pierro asked the initial.

Rich Williams replied yes.

Board Member Rogan stated so that was done early on.

Board Member Pierro stated way early on.

Rich Williams stated yes.

## **12) GREEN CHIMNEYS SITE PLAN**

Rich Williams stated the latest submission includes a wetlands watercourse application. They are requesting that you determine the fee for them (referring to Ted Kozlowski) which has not yet been submitted.

Rich Williams stated there are a couple of other minor issues. The big thing is at the last meeting the Planning Board scheduled the public hearing and the Applicant could not meet all the issues they needed to meet. They asked to have the public hearing postponed so depending on whether Teddy finds the application complete and the Board is comfortable we can reschedule it.

## **13) CORNWALL HILL ESTATES LOT 1 – Re-subdivision**

Rich Williams stated this is Lot 1 which has the driveway off of Cornwall Hill Road and has the house placed up on top of the hill. They are back in looking to subdivide the property.

Board Member Rogan asked this is the one that won't get away with the long, Board Member Pierro stated serpentine driveway.

Board Member Rogan stated oh, Cornwall Hill, I am thinking what is the subdivision off of Cornwall Hill, the big one.

Board Member Pierro stated Somerset.

Board Member Rogan asked doesn't Ginny live in it.

The Secretary stated yes.

Board Member Rogan stated remember that one, that is the one that I am thinking that went down and then,

The Secretary stated Moretti.

Rich Williams stated Moretti went away.

Board Member Rogan asked which one is this.

Board Member Pierro stated across from the State property where they built that big house.

Rich Williams stated this lot is directly across from Couch Road.

Board Member Pierro stated I have these guys as a client on another property in the Town of Patterson and I am trying my damndest to give them away to another broker to avoid any conflict. By the time the next meeting rolls around I will either recuse or give the listing to another broker to handle it to avoid any appearance of impropriety. In any event, if anybody feels on this Board that because I had a relationship with them I will recuse. I only find out about this tonight when I read it on the agenda. It was a surprise to me.

Board Member Rogan stated oh, when you go up the hill you can see where they were digging right close to the road there. I was wondering what they were doing there. Basically, there is no useable property here except that little flat.

Rich Williams stated you are making a fundamentally flawed assumption.

Board Member Rogan stated I am sorry no useable property other than for ski slopes and Billy goats.

Rich Williams stated you are assuming that the flat area is useable.

Board Member Rogan stated oh, I am sorry it is probably very wet.

Rich Williams stated Saturday would be a good day to look at it.

Vice Chairman Montesano asked anybody want to go out Saturday and go look at it.

Rich Williams stated no we should have them really stake out the driveway first.

Board Member Rogan stated I think that is a good idea.

Rich Williams stated we really should have them stake out the driveway first.

Board Member Rogan stated you can see the topo change they are going on here. The existing lot obviously was a very challenging lot.

Vice Chairman Montesano stated yes it was but under the old regulations they got away with it.

Board Member Rogan stated yes under today we would have a really tough time with that one if this was one lot coming in. This isn't any different this lot going in the existing lot than Plunkett. It is very, very similar except that they didn't have to clear under the old,

Rich Williams stated the topography isn't anywhere near as severe as Plunkett going in. Plunkett was much, much more severe going in.

Board Member Rogan stated this is pretty severe.

Rich Williams stated you get out there, we walk the driveway you will see it is doable.

Board Member Pierro asked did they get successful perc's on this yet.

Rich Williams replied yes, well no wait are we talking about the new lot that they are proposing.

Board Member Pierro replied no I know the Eagle's Nest is approved.

Rich Williams stated yes.

Board Member Pierro asked but did this new lot.

Rich Williams replied I have no idea.

Board Member Rogan stated there is over eighty foot of elevation change from the road to the house.

Board Member Pierro stated it is quite a hill.

Board Member DiSalvo stated this house will be closer,

Board Member Rogan stated it will be on the flat. In fact, this one is almost down hill of the road.

Board Member Rogan stated so we are going to ask to stake it. We should definitely use some language in discussing this to state our reservations with this so that we start right off the bat. It is a severely limited site.

#### **14) CINGULAR WIRELESS TELECOMMUNICATIONS**

Rich Williams stated we briefly touched on this earlier. This is a cell tower that is going to be located on the south end of Town on the Mal Dunn site formerly Mal Dunn now Millworks. It is a 130 foot monopole. The only real question here is it is absolutely going to be an application to the Zoning Board of Appeals for a use variance and an area variance. Do you want to go out with the Zoning Board. They are probably going to want to go out. Do you want to put this one off until they are ready to go.

Board Member Rogan stated I think that will be appropriate. We did that with Watchtower, we have done it with Patterson Crossing.

Board Member Cook asked isn't this the area also with Cipriano is.

Board Member Rogan replied Cipriano is right in front of it.

Rich Williams stated up on top of the hill across from Pannino's Deli.

Board Member Pierro asked Rich, do we have any of the law, the Federal Law on the requirements of installing these cell towers.

Rich Williams replied I have got the Telecommunications Act.

Board Member Pierro asked yes isn't there some mandates that they have, communications companies have that gives them certain amount of authority.

Rich Williams stated they keep using the term seamless coverage. I have not been able to find the word seamless anywhere in the telecommunications act however they are mandated to provide a reasonable amount of coverage. You also have to remember that that Telecommunications Act went into effect I believe in 1999 and they were supposed to have good coverage throughout the area within five years which was what, 2002, 2003, here we are going into 2007 and these cell carriers are still coming in saying I have got to have this tower because I have to provide seamless coverage to meet my FCC requirements. If that was the case why didn't you need to do it five years ago. Having said all that, do they need to provide reasonable coverage, yes. Is the tower perhaps appropriate because they do have a gap in coverage, yes perhaps. The ZBA usually does a fairly good job in making sure that this is the most appropriate location to have the minimum number of towers in the Town. They do make them give us coverage plots. They have already included some coverage plots. I am just a little disturbed by the fact that there is another tower that they are on fifteen hundred feet over the line in Southeast. It shows that they are not really concerned about properly locating them to minimize the number of towers. We also know that not only do they need coverage but they need capacity and that is where they never talk about this issue. They may be able to cover a town with four or five towers but there is only a certain capacity that each tower can handle so they put in additional towers in between to address the capacity deficiencies. I have a feeling that is more of what is going on here than a coverage issue is the fact that there is so many people along Route 22 that are using their cell phones when they are driving.

Board Member DiSalvo asked where is the tower in Southeast.

Rich Williams replied Brewster Business Park.

Board Member DiSalvo stated and then you have Noletti's.

Rich Williams stated and they are also on Noletti's.

Board Member Pierro stated it will be seamless in Patterson that is for sure.

Rich Williams stated but only along 22.

Board Member Rogan stated there is a lot of areas in Patterson that go blank.

Rich Williams stated you do have their coverage maps there are gaps, Putnam Lake, over by Ice Pond that this is not going to touch.

**15) GENOVESE FLEX BUILDING**

Rich Williams asked any questions on this.

Board Member Pierro asked how many square feet.

Rich Williams replied they said fifty, I said fifty-one.

Board Member Rogan stated fifty-one thousand.

Vice Chairman Montesano stated they are going for the ZBA for this too.

Rich Williams replied yes a Special Use Permit,

Board Member Pierro asked for what reason.

Rich Williams replied light manufacturing and possibly warehousing.

Board Member Pierro stated and Sisca is involved in this too from the Southeast site, the Home Depot site and Hardscrabble Road over there on Exit 8. They are heavy hitters. They could certainly do it if we give them permission I meant. They have the means that is for sure.

Rich Williams stated here is another one where the building architecture really does not meet our code requirements.

Board Member Pierro asked what are they calling for. This is the first time I looked at it.

Rich Williams replied a big block building.

Board Member Pierro stated but this site is pretty elevated. This site is twenty or thirty feet above Route 22, correct.

Board Member DiSalvo stated it is raised up a little bit.

Board Member Pierro stated I think it is twenty feet above Route 22.

Rich Williams stated it is high. They are talking about taking out about forty-eight hundred cubic feet of material and dropping the site down a little bit.

Board Member Pierro stated which is still going to make it more visible.

Rich Williams stated it is still going to be high.

Board Member Rogan stated I am not excited about it. I don't mean that it won't work I mean not excited because it is nothing but light manufacturing in it.

Board Member Pierro stated light manufacturing, Genovese does sewing at this point. He is Game Sportswear the company that makes those jackets, look at the label on them.

Rich Williams stated I don't want to hear no talk about new jackets.

**16) Other Business**

**a. Eastern Jungle Gym**

Board Member Rogan asked why is Eastern Jungle Gym on our agenda other than technical.

Rich Williams stated for an extension.

Vice Chairman Montesano asked does somebody want to give them extension.

Board Member Rogan replied sure what are they asking for.

Rich Williams replied I don't recall.

Board Member Rogan made a motion in the matter of Eastern Jungle Gym due to their concerns meeting our technical issues and permits and such that the Planning Board approve a ninety day extension. Board Member DiSalvo seconded the motion.

Vice Chairman Montesano asked all in favor:

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

Motion carried by a vote of 5 to 0.

Board Member Rogan stated they are off our agenda

**b. 2007 Meeting Schedule**

Board Member Rogan made a motion to approve the 2007 Meeting Schedule. Board Member DiSalvo seconded the motion.

Vice Chairman Montesano asked all in favor:

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

Motion carried by a vote of 5 to 0.

**c. Association of Towns**

Rich Williams stated I was asked to bring one last thing to the Board's attention, the Association of Towns is coming up and anybody that wants to go should put their name in. I was also asked to remind you that consistent with the Town Board policy you get to go to the Association Towns or New York Planning and Zoning Federation.

Board Member Rogan stated I would rather go to the Planning & Zoning. The four of us all went up to the one in Lake Placid. It was really good.

Board Member Rogan made a motion to adjourn the meeting. Board Member Pierro seconded the motion. All in favor and meeting adjourned at 9:41 p.m.