

**APPROVED**

**TOWN OF PATTERSON**  
**PLANNING BOARD MEETING**  
**December 1, 2011**

**AGENDA & MINUTES**

- |  | <b>Page #</b> |  |
|--|---------------|--|
| <b>1) Adam Levine – Fill Permit Public Hearing</b>               | 1 – 3         | Public Hearing opened and closed.<br>Well Testing requested          |
| <b>2) NYSEG – Request for Site Plan Waiver</b>                   | 2             | Site Plan Waiver granted for Haviland Hollow<br>Substation           |
| <b>3) Watchtower Bible &amp; Tract Society – FEIS<br/>Review</b> | 3 – 4         | Notice of Completion & Circulation to Involved<br>agencies approved. |
| <b>4) Other Business</b>   |               |  |
| <b>a. Raymond See Driveway Waiver</b>                            | 4             | Site Walked schedule for 12.10.11                                    |
| <b>b. SEQRA Issues</b>   | 4             | Discussion with Town Attorney and Town Planner                       |
| <b>c. 2012 Meeting Schedule</b>                                  | 4 – 5         | Approved   |
| <b>5) Minutes</b>  | 5             | September 29, October 6, and October 27, 2011<br>Approved            |

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

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

**PLANNING BOARD**  
Shawn Rogan, Chairman  
Charles Cook, Vice Chairman  
Michael Montesano  
Thomas E. McNulty  
Ron Taylor

**Planning Board**  
**December 1, 2011 Meeting Minutes**

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

**APPROVED**

Present were: Chairman Rogan, Board Member Cook, Board Member Montesano, Board Member McNulty, Board Member Taylor, Rich Williams, Town Planner, Andrew Fetherston of the Town Engineer's office Maser Consulting, Ted Kozlowski, Town of Patterson Environmental Conservation Inspector, and Mr. Michael Liguori of the Town Attorney's office, Hogan and Rossi.

Chairman Rogan called the meeting to order and led the Salute to the Flag.

The meeting was called to order at 7:00 p.m.

There were approximately 7 members of the audience.

Michelle Lailer was the Secretary.

The following minutes are a summary of the meeting due to a technical error.

**1) ADAM LEVINE – Fill Permit Public Hearing**

Mr. Adam Levine was present to represent the application.

Chairman Rogan asked the Secretary to read the notice.

The Secretary read the following legal notice:

**NOTICE IS HEREBY GIVEN** by the Town of Patterson Planning Board of a public hearing to be held on Thursday December 1, 2011 at 7:00 p.m. or as soon thereafter as may be heard, at the Patterson Town Hall, 1142 Route 311, Patterson, Putnam County, New York to consider an application entitled **“Adam Levine Fill Permit to allow for the placement of fill.”** **The property is located at 99 Tammany Hall Road, Patterson, New York.** All interested parties and citizens will be given an opportunity to be heard in respect to such application.

Mr. Levine gave a brief summary about the fill permit application, stating that he was taken advantage of by these trucking companies and that he is sorry it was done. He is also requesting to be able to cap the fill rather than remove, due to cost.

Mr. Michael Fuller Sirignano, the attorney for Xolar Corporation and Ms. Teresa Shelley, the neighboring property owner were present.

Mr. Sirignano had no objection to the Planning Board being lead agency on this application but requested that a survey be done to show all property boundaries. Also, that the intrusion is 50 to 100 feet on to Xolar Corporation's property. They are requesting to be copied on all well testing results and to be involved in all future well testing results, have the fill removed from Xolar Corporation's property and to have the property restore to its former status.

Ms. Shelley spoke to the fact that she didn't respond to the original letters because she thought people were dumping debris on the property and once the Notice of Violation was issued, she became involved in the issue. Her and her father are very concerned about the fill that was placed illegally and want it removed.

Mr. Levine stated that he received no payment for the fill that was placed on his property, he said that he had a deal with one hauler that he was would create stationary for him and never got paid by him and ended up with all this fill. He also stated that he has all the information from the two trucking companies and that he has given that information to the Town.

The Secretary told Mr. Levine that in the Planning Department's file there is only a copy of one slip from one trucking company, no other information was given to the Planning Department regarding the trucking companies. Also, the Secretary read Vassel Shkreli's letter into the record, which can be found in Mr. Levine's file, Mr. Shkreli stated in his letter that he has no objection with Mr. Levine keeping the fill on his property.

Mr. Paul Shkreli of 12 Tommy Thurber Lane, is the brother of Vassel Shkreli and also has no objection to the fill on Mr. Levine's property but agrees that the fill should be moved off of Xolar Corporation's property.

Rich Williams stated that the organic material, such as wood and tree stumps, need to be removed from the site and the remaining fill needs to be graded.

The Board also discussed testing of Mr. Levine's well for contaminants. Rich Williams stated that a letter had been sent to the Putnam County Health Department requesting that they test the well, or provide guidance on the parameters that should be tested for. The Town has not yet received a response. Mr. Williams was asked to reach out to the Health Department. Mr. Levine also indicated that he would contact the Health Department.

The Planning Board requested the Mr. Levine have his well tested and initiate the survey work by the January 5, 2012.

Mr. Liguori suggested creating an escrow account with the Town and hiring the contractor's using the money in escrow, in order to have the work done and completed.

Ms. Shelley expressed concerns of Mr. Levine's honesty and requested that the Planning Board get everything in writing from Mr. Levine because she felt that he was not honest with her. She expressed to

the Board that Mr. Levine had told her at one time that the Town of Patterson would allow the fill to stay in its current condition and the Town had no problem with the fill. After that conversation Ms. Shelley called the Town Planner, Rich Williams and got a different story from him, which made her question Mr. Levine's integrity.

Chairman Rogan makes a motion to close the public hearing.

Board Member McNulty seconded the motion.

Chairman Rogan asked for all in favor:

Board Member Taylor	-	aye
Board Member McNulty	-	aye
Board Member Montesano	-	aye
Board Member Cook	-	aye
Chairman Rogan	-	aye

The motion carried by a vote of 5 to 0.

## 2) NYSEG – Haviland Hollow Substation Site Plan Waiver

Ms. Debbie Drake and Mr. Lewis Fitzgerald of NYSEG Real Estate Division were present.

Ms. Drake explained to the Planning Board that they are upgrading the remote terminal units at the Haviland Hollow substation and the terminal units now need to be enclosed. Also NYSEG will be coming in front of the Planning Board for the Terry Hill substation at a future date. They have presented a plan showing the layout of the improvements on the site and an architectural rendering of the building.

Chairman Rogan made a motion to grant the site plan waiver.

Board Member McNulty seconded the motion.

Chairman Rogan asked for all in favor:

Board Member Taylor	-	aye
Board Member McNulty	-	aye
Board Member Montesano	-	aye
Board Member Cook	-	aye
Chairman Rogan	-	aye

The motion carried by a vote of 5 to 0.

## 3) WATCHTOWNER BIBLE & TRACT SOCIETY – FEIS Review

Mr. Richard Eldred and Mr. Enrique Ford were present to represent the application.

Rich Williams stated that he has review the FEIS and feels that it addressed all points.

Andrew Fetherston stated that he felt the same, all points not addressed in the FEIS may be address during the site plan process.

Rich Williams explained the Planning Board that the next step in the process is to declare the FEIS complete and circulate to all other involved agencies.

Board Member McNulty made the motion to approve the notice of completion and being circulation to all involved agencies.

Board Member Taylor seconded the motion.

Chairman Rogan asked for all in favor:

Board Member Taylor	-	aye
Board Member McNulty	-	aye
Board Member Montesano	-	aye
Board Member Cook	-	aye
Chairman Rogan	-	aye

The motion carried by a vote of 5 to 0.

#### **4) OTHER BUISNESS**

##### **a. Ray See – Driveway Waiver Request**

Mr. Ray See was present.

Mr. See explained to the Planning Board that the driveway existed a long time ago and that he has now built a new garage for his race cars and antique cars. He also plans on starting up his grandfather's old farm and he will use the driveway for that as well.

The Planning Board reviewed pictures given to them by Mr. See and Rich Williams.

A site walk is scheduled for December 10, 2011 at 7 a.m.

##### **b. SEQRA Issues**

Rich Williams and Michael Liguori spoke to the Board regarding negative and positive determinations of SEQRA and denying a project.

Rich Williams stated that with a determination of significance, the Board needs to determine if the proposed action will have a significant adverse environmental impact. He further stated that as long as the Code related to the approval being considered has specific requirements for its evaluation and approval, it is possible to determine that there will be no significant adverse environmental impact, issue a negative SEQRA determination, and based on the requirements for the issuance of a permit or approval, deny the application.

##### **c. 2012 Meeting Schedule**

Chairman Rogan made a motion to accept the 2012 Planning Board meeting schedule.

Board Member Montesano seconded the motion.

Chairman Rogan asked for all in favor:

Board Member Taylor	-	aye
Board Member McNulty	-	aye
Board Member Montesano	-	aye
Board Member Cook	-	aye
Chairman Rogan	-	aye

The motion carried by a vote of 5 to 0.

## 5) MINUTES

Chairman Rogan made a motion to accept the minutes of September 29, 2011, October 6, 2011, and October 27, 2011.

Board Member McNulty seconded the motion.

Chairman Rogan asked for all in favor:

Board Member Taylor	-	aye
Board Member McNulty	-	aye
Board Member Montesano	-	aye
Board Member Cook	-	aye
Chairman Rogan	-	aye

The motion carried by a vote of 5 to 0.

The Planning Board received a letter from Ice Pond Estates Subdivision, requesting a 90-day extension.

Chairman Rogan made the motion to grant Ice Pond Estates a 90-day extension.

Board Member Montesano seconded the motion.

Chairman Rogan asked for all in favor:

Board Member Taylor	-	aye
Board Member McNulty	-	aye
Board Member Montesano	-	aye
Board Member Cook	-	aye
Chairman Rogan	-	aye

The motion carried by a vote of 5 to 0.

The meeting adjourned at 8:33 p.m.