

TOWN OF PATTERSON
PLANNING BOARD MEETING
December 6, 2012

AGENDA & MINUTES



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| 1) Front Street Café – Sign Application | 44 - 45 | Negative Declaration of SEQRA granted. Sign permit granted with conditions. |
| 2) East Putnam Development Corp. | 1 – 10 | Discussion of Site Walk, parking spaces, and driveway width |
| 3) Imad Danial – Wetlands/Watercourse Permit Application | 10 – 17 | Site Plan Waiver granted. Discussion of plans. |
| 4) Other Business | | |
| a. Paddock View Estates – Request for Bond Reduction | 17 – 21 | Bond Recommendation made to the Town Board |
| b. NRA – Birch Hill Rd – Deviation from Driveway Plan | 21 – 32 | Discussion of large stones and guide rail, turn offs and rubble walls |
| c. Levine Fill Permit – 99 Tammany Hall Road | 32 – 41 | Discussion of fill permit, escrow account and fill movement |
| d. Genovese Site Plan Site Walk Comments | 41 – 43 | Discussion of permitted uses in C-1 Zoning District |
| e. 2013 Meeting Schedule | 45 – 47 | Approved |
| 5) Minutes | 47 – 49 | August 30 th and November 1 st Approved |
| Discussion of pending violations | 49 - 51 | |

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Howard Buzzutto, Vice Chairman
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Shawn Rogan, Chairman
Thomas E. McNulty, Vice Chairman
Michael Montesano
Ron Taylor
Edward J. Brady, Jr.

**Planning Board
December 6, 2012 Meeting Minutes**

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

APPROVED

Present were: Chairman Shawn Rogan, Board Member Thomas E. McNulty, Board Member Michael Montesano Board Member Ronald Taylor, Board Member Edward J. Brady, Jr., Rich Williams, Town Planner, Andrew Fetherston of the Town Engineer's office, Maser Consulting and Michael Liguori, of the Town Attorney's office, Hogan & Rossi.

Chairman Rogan called the meeting to order.

There were approximately 4 members of the audience

The meeting was called to order at 7:03 p.m.

Michelle Lailer was the Secretary and transcribed the following minutes.

Chairman Rogan stated thank you, Happy Holidays to everyone, hope everybody's doing really well. The first item on the agenda is Front Street Café, is anyone here from that, for that application, do you expect someone, Rich.

Rich Williams stated I did expect someone.

The Secretary stated so did I.

2) EAST PUTNAM DEVELOPMENT CORP.

Mr. Harry Nichols, the engineer and Mr. Thomas McNulty, the principal, were present.

Chairman Rogan stated okay, well we'll bump it along and see if they, okay East Putnam Development Corp, Route 22, I have a letter to read on that.

Board Member McNulty stated and I am going to recuse myself from the Board on this issue.

Chairman Rogan stated okay, thank you. This letter dated December 4th from Board Member McNulty says Dear Mr. chairman, I am writing to inform you that I am a principal in East Putnam Development Corp and have submitted as the applicant...

Rich Williams stated Michelle, did you get the comments.

The Secretary stated I don't have anything, you didn't give me anything.

Chairman Rogan stated a site plan application to the Town for review, I will be excusing myself from the Board when the application presents itself, I will however be representing the application in this matter, signed Thomas McNulty. Okay and we have Harry Nichols here, good evening Harry.

Mr. Liguori stated yeah, sorry about that, big shoes.

Board Member Montesano stated it's alright Michael, I'm a witness, I saw him kick you.

Mr. Liguori stated I was assaulted.

Board Member Montesano they'll never believe you.

Chairman Rogan stated hope you know a good lawyer.

Mr. Liguori stated I don't.

Chairman Rogan stated very good.

The Secretary stated Mike, can you help him.

Mr. Liguori stated you need a hand.

Mr. Nichols stated no, I think I got it.

Board Member Montesano stated you using a level.

The Secretary stated thank you.

Mr. Nichols stated the handicap rules don't apply to me, not yet. Good evening.

Chairman Rogan stated how are you tonight.

Mr. Nichols stated good thank you.

Chairman Rogan stated good, oaky since last we met, the Board has been out and done a site walk and...

The Secretary stated I'm sorry, Tommy dropped those pictures off as architectural potentially but that's the only copy.

Chairman Rogan stated we'll start this way and then we'll zip them back down this way.

Board Member Taylor stated I don't remember looking at that.

Chairman Rogan stated do or do not.

Board Member Taylor stated a lot of work...

Chairman Rogan stated the one thing that, I did not go with the Board, I went on my own for the site walk on a later date, I wasn't available when the Board when but the one thing that I obviously observed was the existing grading on site and it makes a lot more sense now, looking at the plans to me, why you're having some of the issues that we spoke about with the narrowness of the lot and some of the issues that we spoke about when first looked at this set of plans. If I recall, some of the issues we were talking about were trying to minimize to the greatest extent possible, the variances that were requested, do you want to talk at all about that, have you looked at it and talked to...

Mr. Nichols stated yes we have, basically with the parking count, rather than have them reduce spaces, we made the spaces all complying and we actually were able to end up with a one car shortage...

Chairman Rogan stated say that one more time, with what.

Mr. Nichols stated one vehicle parking space shortage.

Chairman Rogan stated oh okay.

Mr. Nichols stated based on the requirement for the proposed use, we are required 29 and we're able to get 28 and that's even after incorporating additional planter areas to accommodate turning radii for truck vehicles, larger vehicles entering the site and I believe, the one, well the one variance for lot size, it's pre-existing non-conforming, we do not meet the requirement for 80,000 square feet, is it 80,000...

Rich Williams stated Mr. Chairman, if I can just jump in here...

Chairman Rogan stated sure.

Rich Williams stated a little clarification for the record, variances are application before the Zoning Board and this application does not require any variances, typically we classify those aspects of the site plan that the Planning Board has control over and you can modify, as waivers and there are a number of waivers required.

Chairman Rogan stated did I say variances.

Rich Williams stated yes, yes...

Chairman Rogan stated I apologize, I was thinking waivers.

Rich Williams stated I just want to make sure it's clear on the record.

Chairman Rogan stated the record, sure.

Rich Williams stated Mr. Nichols has touched on the parking and you know I also took a look at the parking calculations, I'm not comfortable with the methodology he used for calculating the parking, I don't have a problem with the waiver per se but in my estimation the correct number of parking spaces required for the site is 31...

Chairman Rogan stated okay.

Rich Williams stated so the waiver would be for 3...

Chairman Rogan stated you said you need 29, I thought had...

Mr. Nichols stated we can make, we need 28.

Chairman Rogan stated okay, all right, okay and that basically in essence you increased the size to meet the code requirement rather than the decreased size you originally came in with because originally when you came in, you had smaller spaces in some areas.

Mr. Nichols stated we had 9 and 9 ½ foot...

Chairman Rogan stated and we talked about keeping them standard width and just having less spaces...

Mr. McNulty stated excuse me Harry, on the one side...

Mr. Nichols stated yes.

Chairman Rogan stated sir, excuse me, can you come up and use the microphone please and state your name for the record. I wouldn't want this lovely young lady to have difficulty with the record.

Mr. McNulty stated hi Tommy McNulty, applicant for East Putnam Development.

Chairman Rogan stated thank you.

Mr. McNulty stated I just think these were 18 feet, this one north lot, it's not 20 feet...

Mr. Nichols stated you mean the depth.

Mr. McNulty stated the depth, so we would need a waiver for those.

Chairman Rogan stated for the length of those, correct.

Mr. Nichols stated for the length of them, yes.

Chairman Rogan stated that's correct.

Rich Williams stated I think overall, there are about 4 waivers they're looking for.

Chairman Rogan stated yeah, we have number of spaces, length of the space and then...

Mr. Nichols stated yeah, we did make the entrance; the main entrance is 24 foot wide where the trucks are going to pull in for the loading area, that is 15 foot wide, that should be restricted to a one way out or trucks backing in...

Chairman Rogan stated okay.

Mr. Nichols stated as far as slope goes in the parking lot there are other requirements for handicapped areas, the slope should not exceed 2% which we have re-graded the site, where the handicap parking is, we have reduced that grading to the 2%, we cannot get the rest of the grading down to 5% but we have reduced from 10% down to 8% max...

Chairman Rogan stated well that's what we're, I mean obviously that's what we're looking for is a best fit scenario so the best we can do to come close to code, that's obviously what we're going to look to do, is minimize those waivers. Rich, the, so the, from what I'm hearing now, I've heard three of the four waiver, we hear slope, width and number of spaces, what was the fourth.

Rich Williams stated the width of the drive aisle...

Chairman Rogan stated the drive aisle from 20 to what was it...

Rich Williams stated is 25 to 22...

Mr. McNulty stated didn't we...

Chairman Rogan stated you might as well sit up front here.

Mr. McNulty stated Harry, didn't we get the width on the drive aisle we needed.

Chairman Rogan stated no.

Mr. McNulty stated oh at the entry, at the entry.

Mr. Nichols stated no, we need the entrance to be 25.

Chairman Rogan stated yeah and Tommy, what we spoke about at the last meeting was we were wondering whether it would be more beneficial to keep the drive aisle 25 foot wide, so you've got to gain 3 feet from somewhere and take that away from your side yard setback which I realize would require a variance but would do so, minimizing your side yard so maybe you have to go for a 3 foot variance but your, the safety factor built into your drive aisle might be worth it, and that's something we just need to kick around a little bit.

Mr. McNulty stated what did we achieve for the drive aisle here.

Chairman Rogan stated 22.

Mr. Nichols stated 22 feet, now if we start moving the building back...

Chairman Rogan stated 3 foot shy.

Mr. Nichols stated then we're going to squeezing the area in which is the loading, the trucks backing in, loading and unloading and where we have our access for maintenance to our sediment basin.

Chairman Rogan stated okay.

Mr. Nichols stated we're going to confining that area...

Chairman Rogan stated I see because you're grading right to the property line.

Mr. McNulty stated also, there's a residence to that side, so we're trying to keep the setback.

Mr. Nichols stated there is a residence on the south side...

Chairman Rogan stated yeah.

Mr. Nichols stated while on the north side is commercial.

Chairman Rogan stated understood but you don't have the room to go to the north, or do you.

Mr. McNulty stated no.

Mr. Nichols stated no.

Chairman Rogan stated so that's not an option.

Mr. McNulty stated there's where we shortened that space by 2 feet.

Mr. Nichols stated we have a, matter of fact we have a 3 foot high maximum, stone retaining wall in order to accommodate the grading...

Chairman Rogan stated I mean obviously Harry our Board would be remiss if you didn't try everything to get that 25 foot wide and 20 foot stalls and if the room was there, I think it would be obvious.

Mr. Nichols stated one advantage to that that we have here though, we are planning on a 2 foot overhang, the wall is set back from the curb line, we recommend parking blocks be placed there, so we are in essence, the vehicles will pull in until they touch the curb and they are actually making up for that 2 feet, the 2 feet of the 3 feet. Even though we're striping them out at 18 feet, most cars when they pull all the way in, they're not going to stick out.

Chairman Rogan stated understood, so what you're saying is you're gaining a little bit on your drive aisle based on the parking configuration.

Mr. Nichols stated yes.

Chairman Rogan stated what I think what I'd been looking for and certainly this is open for the rest of the Board, is something in your response, written, that clarifies all that as to why we can't gain 5 feet on the southerly side. The engineering components of why it's not possible to support the Board issuing those waivers for the, for basically, I'm actually more concerned with the drive aisle, with the narrowness of it, reducing it from 25 to 22, we start putting in these large, you know trucks, trucks like yours and mine, you know that are probably 20 feet long on their own, 18 feet, they've got to be 18 to 20 feet, what's your truck...

Rich Williams stated I don't know off hand.

Chairman Rogan stated yeah, it's got to be 18 to 20 feet and then you back out of one of these spots and you just, it always seems like they're kind of tight, these drive aisles, even right outside here in our own parking lot, it's kind of tight.

Mr. Nichols stated well we are back with the 10 foot wide stalls...

Chairman Rogan stated I'm not talking about width, yeah I understand, yeah.

Mr. Nichols stated the width does it make it easier to maneuver in and out...

Chairman Rogan stated oh okay, give you a little extra turning.

Mr. Nichols stated yes.

Chairman Rogan stated yeah, so that's basically what I was kind of thinking.

Mr. Nichols stated yeah, we have widened them and we have provided a way which physically you can use it and leave the extra 2 feet on the overhang.

Chairman Rogan stated okay, any questions from the Board, Ron, Mike.

Board Member Taylor stated do you have a detail on that overhang Harry.

Mr. Nichols stated what's that.

Board Member Taylor stated do you have a detail on that overhang.

Mr. Nichols stated oh a section.

Board Member Taylor stated yeah.

Mr. Nichols stated we do have a detail for the wall which can be, we can modify that to include the overhang.

Board Member Taylor stated can you do that so it's in the record, that seems like a good, that's part of the solution.

Chairman Rogan stated this has a little detail on it, it's only one little thing.

Board Member Brady stated oh yeah.

Board Member Taylor stated I don't have any other questions.

Chairman Rogan stated Andrew, anything, do you have any questions or anything.

Mr. Fetherston stated we didn't review that new plan.

Chairman Rogan stated okay.

Rich Williams stated I've been delaying until we get farther along because we had nothing concrete. You know we're at the stage, we've done the site walk at this point, procedurally, if the Board is so inclined, we're at the point where you would typically do your intent for lead agency, we make a referral over to County Planning.

Chairman Rogan stated well let's do that, that's certainly simple enough. I make a motion in this matter that the Planning Board declares it's intent to be lead agent and circulate to other involved agencies, so moved.

Board Member Montesano seconded the motion.

Chairman Rogan stated asked for all in favor. Motion carried by a vote of 4 to 0.

Chairman Rogan stated okay, so hopefully we can move along and iron out some of the details and get this for a SEQRA determination and public hearing in the next so many day, it depends on you guys.

Mr. Nichols stated are we in a position right now that we could schedule a public hearing.

Chairman Rogan stated well let's see, who are the involved agencies in this one, who do we have.

Rich Williams stated Putnam County Health Department, we've got to do the 239 M referral over to County Planning, DEP, Putnam County, Patterson Highway...

Chairman Rogan stated let's get some info, we'll get it right out, let's get some info the January meeting was set, hopefully be a better position to do a SQERA determination, set a public hear for February and if everything is wrapped up, we can probably be in good shape right then.

Mr. Nichols stated okay.

Chairman Rogan stated makes sense.

Mr. Nichols stated makes sense to me.

Chairman Rogan stated Tom.

Mr. McNulty stated just a question, I have the application for the Highway Department...

Chairman Rogan stated okay.

Mr. McNulty stated you need that submitted, a copy to this office.

Chairman Rogan stated no.

Mr. Nichols stated we have done all of our testing with the Health Department and we do meet their criteria.

Chairman Rogan stated good, so it should be easy.

Mr. Nichols stated for the proposed uses.

Chairman Rogan stated excellent, I would expect nothing less than you Harry, when you build up a good reputation we expect that from you, that's why you're standing there. Okay, thank you sir. All right, you need anything else from us.

Mr. Nichols stated I can't think of anything else.

Chairman Rogan stated all right, fantastic, do you have anything else this evening.

Mr. Nichols stated no, the sign, we're showing the sign, is the location part of the site plan approval.

Chairman Rogan stated yeah, you roll that in, it's separate but we'll review it at the same time.

Rich Williams stated typically it is, in this case I recognize that you're not going to know what you're going to put in the sign...

Chairman Rogan stated right.

Rich Williams stated so generally what I'm going to be looking for on this is the general configuration of the sign, what the length and width, you're probably going to go to the max which is 25 square feet and the location and that will help you along, down the road when you submit a sign application for what's actually going to go on there.

Mr. Nichols stated is that 25 feet on each side.

Rich Williams stated it's 25 feet total, we only count one side. So it's going to be a 2 sided sign, we only count one side, so it's 5' by 5' max.

Mr. Nichols stated thank you very much.

Chairman Rogan stated Happy Holidays to you Harry.

Mr. Nichols stated Happy Holidays.

Chairman Rogan stated an to your lovely wife.

Mr. McNulty stated one question on the sign, Rich the address number doesn't count in that, right, that's mounted up on the side of the building.

Rich Williams stated no, it does not.

Mr. McNulty stated no size limit on that.

Rich Williams stated you've got to have an address number out at the road and on the building, correct.

Mr. McNulty stated 12' by 12' is okay.

Rich Williams stated no, no...

Mr. McNulty stated just kidding.

Rich Williams stated no, there are limits on the size of the letters, 3 inches.

Mr. McNulty stated okay.

Rich Williams stated or numbers.

Board Member Montesano stated does a dirigible count.

Mr. McNulty stated I thought there was a manageable size, that's why I asked, I think of the maximum size.

Rich Williams stated that is not 3 feet, it's 3 inches, ask any Planning Board Member, they are well versed in the regulations.

Mr. McNulty stated I will.

Chairman Rogan stated speaking of Planning Board Members, I imagine we should get somebody to rejoin the Board here.

Board Member Brady stated yeah.

Chairman Rogan stated Teddy's coming tonight, or...

Rich Williams stated I just sent him an e-mail or a text.

The Secretary stated I'm so proud.

Rich Williams stated yes everything is changing, isn't it.

The Secretary stated I'm so proud.

Chairman Rogan stated Michelle, please let the record show that Vice Chairman has rejoined the Board please. Okay, item number three, 14 Palmyra Road wetlands/watercourse permit.

3) IMAD DANIAL – Wetlands/Watercourse Permit

Mr. Imad Danial was present to represent the application.

Chairman Rogan stated good evening. Could you state your name for the record please.

Mr. Danial stated Imad Danial, I-M-A-D D-A-N-I-A-L.

Chairman Rogan stated thank you.

Cell phone sounds.

Chairman Rogan stated can you tell us why you're here tonight sir.

Mr. Danial stated I have built a fence around my property and a shed on the property as well and according to the Building Department, in the past, as long as I complied with limits of requirements, I did not need a special permit but later on, we found out that it's close to wetlands, that's why I applied for the application.

Chairman Rogan stated understood, I know that in the past, how long ago did you put the shed in.

Mr. Danial stated about 2 years ago.

Chairman Rogan stated oh, okay, that's recently then but I know sometimes the question comes up, do I need a permit, a building permit for a certain size structure and based on this they would say, right 144 you would not.

Rich Williams stated right.

Chairman Rogan stated but obviously there are variance, Zoning requirements and wetlands permits and things, so sometimes the answer is intended to be good but doesn't give all the information and maybe this is one of those situations where you know, it ends up being put maybe in the wrong place. Rich, have you been to the site...

Rich Williams stated I have.

Chairman Rogan stated and can you speak to the location.

Rich Williams stated I can't speak to the application because I didn't get a chance to review it, I expected Ted to take care of that, whether it's complete or not. Essentially this is response to an occurrence that had happened where there was an oil spill out in the lake and at that point there were a number of additional issues that were discovered on Mr. Danial's property, there is a shed in the southeast corner of the property, probably I would guesstimate at this point about 25 feet off the wetland boundary...

Mr. Danial stated a little more than that, it's 26 feet from the property render and the wetlands is another 15 feet or so, it's about 40 feet from there.

Rich Williams stated all right, yeah and there is also a white perimeter fence between the wetlands the house but also placed in the buffer and I believe there was a third part to the application, there was a discharge into the wetlands, I'm not sure what the status of that was, coming out of the house, I don't know if that's been taken out, again Teddy was handling most of this and I'm...

Chairman Rogan stated okay.

Mr. Danial stated that's, I leave that to my lawyer...

Chairman Rogan stated is your lawyer here tonight.

Mr. Danial stated that's a different, I didn't know we were discussing this.

Chairman Rogan stated well this is a wetlands permit, so...

Rich Williams stated well again I didn't review the wetlands permit application so I'm not sure what the application says.

Chairman Rogan stated we're not the Zoning Board.

Mr. Danial stated okay, I understand, I know what you're talking about exactly now, Mr. Kozlowski had been to my house to, visited my house a couple of times to verify that the discharge pipe was removed and it has been, and we've had no further problems with it, I wish he was here tonight to mention that.

Chairman Rogan stated yeah, well maybe, hopefully he'll be this evening.

Board Member McNulty stated there is nothing about the discharge pipe in the application.

Rich Williams stated I've got it now.

Chairman Rogan stated well because it's not a, he's not applying for a discharge pipe, it's situation that occurred so it has impact on the wetland but we're not looking for a remediation plan here, that's something probably left to the DEC and outside our purview at this point.

Board Member McNulty stated okay.

Rich Williams stated I've got everything in front of me now, so...

Chairman Rogan stated so as I understand it, we have a structure and a fence that is here because they infringe on a wetland in essence, regardless of a lot of other issues that now I realize that application and where we're talking about.

Board Member Taylor stated this fence, it's outside you're property line.

Chairman Rogan stated looks like there's 2 of them.

Mr. Danial stated I just had an accurate survey done recently...

Chairman Rogan stated is that his property line.

Mr. Danial stated and when I built it I followed the survey and the stakes in the property when I bought the house about 8 years ago and that was incorrect...

Chairman Rogan stated okay.

Mr. Danial stated I found out from my surveyor recently.

Chairman Rogan stated so do you, the current owner on the property behind you, do you know who that is...

Mr. Danial stated I don't know.

Chairman Rogan stated is it vacant property or...

Mr. Danial stated yeah, it's just woods, trees and wetlands.

Chairman Rogan stated I would imagine that we would want something in writing from that property owner stating that they do not...

Mr. Liguori stated object.

Chairman Rogan stated object to your fence being on their property, otherwise you're going to have to move it.

Board Member Taylor stated this thing up there, this is a different property owner.

Rich Williams stated well it's a little bit more complicated than that.

Board Member Montesano stated there's two property owners, there's this guy and this guy.

Chairman Rogan stated then they would be applying for a wetlands permit.

Rich Williams stated exactly, they're going to have to be party to the application.

Chairman Rogan stated right.

Rich Williams stated true.

Chairman Rogan stated please Mike.

Mr. Liguori stated if the current proposal remains the same, then they would have to, not only grant permission but also be part of the application, otherwise the Board can't approve...

Chairman Rogan stated right, something of their property.

Mr. Liguori stated off someone else's property.

Chairman Rogan stated and we have, it looks like at least two other property owners that would fall into the same boat...

Mr. Liguori stated right, Albert, now or formerly Albert, whoever that is and Manino.

Chairman Rogan stated yeah, Manino, so you've got three people.

Mr. Liguori stated and then on the other side Shawn, too.

Chairman Rogan stated oh my gosh.

Board Member McNulty stated on the other side, it's inside.

Mr. Danial stated on this side here, this one owner, Robert...

Chairman Rogan stated we're talking all over here.

Mr. Liguori stated we have 1, 2, 3 owners.

Board Members are talking amongst themselves, inaudible.

Board Member Taylor stated this one, according to this one the fence is right on the line.

Chairman Rogan stated it sounds like it might be easier to move the fence.

Board Member McNulty stated this is application is for what, fill, correct.

Board Member Taylor stated this guy has gone right in the corner.

Board Member Brady stated post and rail.

Board Member Taylor stated this one on the left would be for...

Chairman Rogan stated let's get a better handle on this, let's...

Mr. Liguori stated okay, so we have.

Board Member Brady stated its 5 feet out.

Chairman Rogan stated oh.

Board Member McNulty stated no, 6 feet.

Chairman Rogan stated the shed.

Board Member McNulty stated for the shed, I'm sorry.

Chairman Rogan stated that's okay.

Mr. Liguori stated we have on the northeast side, no this is, I'm sorry, okay so on the map that you guys are looking at, this is the side with Albert and Manino, that's the northeast side of the property...

Chairman Rogan stated correct.

Mr. Liguori stated so they would have to be a party.

Chairman Rogan stated so you have Albert, Manino, Delancy...

Mr. Liguori stated Delancy...

Chairman Rogan stated and then is there anything to the southwest the...

Mr. Liguori stated yeah, that's Palmyra Road...

Chairman Rogan stated well, I'll tell you what we need, I mean this is going to be obvious, we're going to, obviously there's a lot of people involved, we're going to need to do a site walk to take a look at all of this to see what the impacts are, you may decide if you're already talking to your lawyer about a lot of issues that you have going on, you may decide whether it's easier to move your fence into your property...

Mr. Danial stated I was about to mention that.

Chairman Rogan stated yeah, I mean that might just me.

Mr. Danial stated it's really tough to do it now, the ground is freezing...

Chairman Rogan stated no I mean, but you might have to do it in the spring.

Mr. Danial stated yeah, sometime in the spring.

Chairman Rogan stated yeah.

Mr. Danial stated I wish I knew that before because I don't want my fence on somebody's property, it's theirs...

Chairman Rogan stated of course, of course.

Mr. Danial stated so I would love to do that, if you give me the opportunity and the time, sometime in the spring, I will work on it, definitely bring it into compliance.

Rich Williams stated I think the issue at this point though is that the Board is absent any ability to move forward...

Chairman Rogan stated right.

Mr. Liguori stated right.

Rich Williams stated without the property owners agreeing to being on it.

Chairman Rogan stated we could move forward on the shed, we could move forward on part of the application, the shed itself.

Rich Williams stated right.

Mr. Liguori stated right.

Chairman Rogan stated I think and correct me, I'm only one person, I think it makes sense though to try to get out to the site and just a look and see what, you know...

Board Member McNulty stated yeah it would be nice to see what's going on here.

Chairman Rogan stated you can then at least, we can see how your shed, if anything impacts or affects the wetlands, that is something that Teddy would normally speak to as well, Ted Kozlowski who is not here.

Mr. Danial stated okay.

Chairman Rogan stated I think it makes sense, now these items are all existing, so if it takes us a month to review this, they're already, it's a violation I'm assuming that was what got him here, correct...

Rich Williams stated yes, I believe he's in court for this already.

Chairman Rogan stated and you're in court for it, who is the Judge.

Rich Williams stated Molé, Anthony Molé.

Chairman Rogan stated okay so if the honorable Judge Molé knows that you are here and working with us and we're in a process, I imagine you'll be good, you'll be okay, that you won't be in any further trouble,

it's only really if we're working with you and you disappear and don't come back or anything like that, then you're going to be in trouble.

Mr. Danial stated absolutely not, I won't do that.

Chairman Rogan stated I think that would make reasonable sense for us to schedule a site walk, we'll coordinate, Rich will coordinate with you when we can all get out there on a Saturday morning or something...

Board Member McNulty stated sure.

Chairman Rogan stated and take a look at this all and decide, obviously, it sounds like you're already set that you're better off pulling this thing in the spring onto your own property.

Mr. Danial stated yes.

Chairman Rogan stated so that doesn't, I think that make a lot of sense.

Mr. Danial stated yes.

Board Member McNulty stated the shed, does it meet the dimensions of a shed by code for the building.

Chairman Rogan stated it doesn't need a building permit, it's 12 by 12.

Board Member McNulty stated but what's the height.

Board Member Taylor stated the roof.

Mr. Danial stated the frame shed is 12 by 12.

Board Member McNulty stated and the height.

Mr. Danial stated the height does also meet the dimensions, the limitations.

Board Member McNulty stated that's my question, if it meets the dimensions for the Town Code for a shed.

Mr. Danial stated yes.

Chairman Rogan stated oh.

Mr. Danial stated it has an extended roof to the side but it's not framed.

Chairman Rogan stated okay.

Board Member Taylor stated that's not our concern though, is it.

Chairman Rogan stated right, no not really it's really how the building relates to the impacts of the wetland, if any that he has, it looks like you only have 2 feet to get around for maintenance on the one side of your

shed, so we have to look at that. Rich, anything you can think of that we might have forgotten to just discuss for tonight.

Rich Williams stated not at this time.

Chairman Rogan stated yeah.

Rich Williams stated because as I said, I expected Ted to be here, so I'll take a closer look at this in the morning...

Chairman Rogan stated okay, okay.

Rich Williams stated and get up to speed, then we'll be...

Mr. Danial stated contact me on the...

Rich Williams stated we'll be in touch as soon as I can get a date from the Board that we can get out there.

Mr. Danial stated thank you.

Chairman Rogan stated it might take us just a little bit with everybody's holiday schedule but we'll get out there, like you said everything is froze right now, so we'll do the best we can.

Mr. Danial stated okay, no problem.

Chairman Rogan stated all right, thank you sir.

Mr. Danial stated thank you.

Board Member Taylor stated I have a question, this stuff that's in the right of way in front, is that of our concern.

Rich Williams stated yes.

Board Member Taylor stated so we also have to look at that.

Chairman Rogan stated we'll take a look when we go out.

Rich Williams stated well let's say it's not your concern but it's the Town's concern.

Board Member Taylor stated yeah, I'm asking if it's the Board's concern, okay.

4) OTHER BUSINESS

a. Paddock View Estates – Request for Bond Reduction

Mr. Mark Porcelli was present.

Chairman Rogan stated okay, we have Paddock View, excited to see some work going on out there. I haven't been on site but I've driven by...

Mr. Porcelli stated on point, it's been awhile.

Chairman Rogan stated how are you Mark.

Mr. Porcelli stated good thanks, how are you.

Chairman Rogan stated good to see you, Happy Holidays to you sir.

Mr. Porcelli stated same to everybody.

Chairman Rogan stated so let's walk through this bond reduction, it sounded like there was some discrepancies in the way things were figured, basically it sounded like we were talking apples and oranges between Dan Donahue and your office and how things were figured, from what I read back and forth from e-mails.

Rich Williams stated yeah, in my opinion, the way that Dan had laid out the bond, it made it difficult to follow based on Stantec's original bond calculations...

Chairman Rogan stated okay.

Rich Williams stated so you know, I kind of put a spreadsheet together, gave it all to the engineer, I'll let Andrew take it from there.

Andrew Fetherston stated yeah Richie put together, sorry, hello, Richie put together a good spreadsheet combining what Dan had done and also what Stantec had done, we combined that, I had my inspector look it over and he found a couple of things that were not on that Dan did not count which added significantly to the applicant's benefit...

Chairman Rogan stated good.

Andrew Fetherston stated so that was good, there were a couple of things...

Chairman Rogan stated that never happens Mark.

Mr. Porcelli stated no, I'm sure Rich took it back somewhere.

Andrew Fetherston stated it doesn't happen often.

Chairman Rogan stated oh, there you go.

Board Member Montesano stated if he didn't he will.

Chairman Rogan stated sorry.

Mr. Liguori stated here's some Vaseline for that cut on your eye, you just took.

Rich Williams stated yeah.

Andrew Fetherston stated some of the things were counted a hundred percent, the Town will go to 90% maximum until dedication is accepted by the Town.

Mr. Porcelli stated can I just address, back to that one point, if the bond, if more than half of the bond is still intact why are they holding 10% on something that's being released now even though you're still holding a large amount of the bond.

Andrew Fetherston stated the idea is, as you proceed, we're holding 10% on all of the items eventually...

Chairman Rogan stated gotcha.

Andrew Fetherston stated and then being returned after dedication.

Chairman Rogan stated so it's a play on money, it sounds like, I understand what you're saying, in other words, you're saying you're holding 10% on something but you still have 60%, why can't we keep that 10% at the end and back load it.

Andrew Fetherston stated right, a lot that is, we had some, Mark and I had some conversations on the phone back forth, I told him for his benefit I think, you know, he's going to be paving very shortly, that's a good amount of the bond itself, I said as soon as that pavement is down and we've inspected it, get another estimate...

Chairman Rogan stated sure.

Andrew Fetherston stated and that will be a good amount of the money right there to get returned because we're going into the cold weather, they're doing a lot of earth work, so the erosion controls are going to remain through the winter, they're going to get torn up and they're going to have to be maintained and replaced, that type of thing so we were not going to go very high on the erosion control items just because of that fact until the ground is stabilized but we came up with the amount, based on what the inspector saw in place and I said please, you know, submit another one as soon as you get done with the pavement.

Chairman Rogan stated sure.

Mr. Porcelli stated no, they were very, no complaints on that, I was just trying to figure out the 10% thing...

Chairman Rogan stated sure.

Andrew Fetherston stated yeah.

Mr. Porcelli stated why that was a front when we still have a whole chunk of the bond still left.

Andrew Fetherston stated it's those final cleanup items really, it's always the final cleanup items.

Board Member McNulty stated basically 10% per line item that you're holding.

Andrew Fetherston stated yeah, exactly, I mean one of the last things that we always try to get done is get the sediment, the debris that went into the basin, so that can be mucked up and finally seeded and treated...

Mr. Porcelli stated sure.

Andrew Fetherston stated acceptable for dedication if the Town's going to own any of it.

Mr. Porcelli stated unfortunately the road was, went in fairly quickly...

Andrew Fetherston stated it sure did.

Chairman Rogan stated yeah, you guys did real well.

Mr. Porcelli stated it went through a hurricane and they're finishing the pond now, all the curbs done, item 4 is in, everything is...

Andrew Fetherston stated right.

Mr. Porcelli stated by the end of next week, it will be seeded, hayed and stabilized so I don't think that pond will see much anyway, so I think that's going to be fairly easy cleanup in the spring.

Chairman Rogan stated it was nice that hurricane didn't bring a whole lot of rain with it, it was just a lot of wind.

Mr. Porcelli stated yeah, it brought a big enough mess but the rain helped us out a lot not coming.

Chairman Rogan stated did you lose a lot of trees up there on that hill or not too bad.

Mr. Porcelli stated believe it or not, not there but I took, while the tree guys were there, I took a bunch of the pines that were existing around the barn, thank god I did because I think that would be a mess over there especially with the pines.

Chairman Rogan stated you have a lot of sandy soils up there, right.

Rich Williams stated yeah.

Chairman Rogan stated so I mean the trees had good, not like the ones growing on the ledge, all the oaks that came down were all growing on ledge, so.

Andrew Fetherston stated that's probably what made everything...

Mr. Porcelli stated we were fortunate plus it was cleared, you know, at that point the road was cleared, so there was not encroaching anything that was, you know...

Andrew Fetherston stated the facilitated a quick construction because that soil was great for compaction.

Chairman Rogan stated unbelievable yeah.

Andrew Fetherston stated my inspector is a DOT, a PE from former DOT and he thought the soils were great, we're not going to have any issues out there with road.

Mr. Porcelli stated it's basically almost the Peckham item 4 at some point, you know it's sandy and a little rocky.

Chairman Rogan stated it's the only spot in Patterson probably.

Mr. Porcelli stated yeah, well, sometimes you get lucky, right.

Chairman Rogan stated sometimes I guess. So, are we all in agreement to move forward with a recommendation to the Town Board for this bond reduction amount, the amount stated in, I almost said Stantec, in Maser's memo, are we okay and then you're going to move forward, as soon as the paving is done get something in...

Mr. Porcelli stated absolutely.

Chairman Rogan stated get, I mean we will, I mean we can do this sort of thing at a work session, it's just obviously this month we didn't have one but, everybody okay from the Board.

Board Member McNulty stated yup.

Chairman Rogan stated yeah, in the matter of Paddock View Estates, I make a motion that the Planning Board recommends that the Town Board grant a bond reduction in the amount \$234,470.20, so moved.

Board Member McNulty seconded the motion.

Chairman Rogan asked for all in favor. Motion carried by a vote of 5 to 0.

Chairman Rogan stated alright, fantastic.

Mr. Porcelli stated thank you very much, everybody have a great holiday.

Chairman Rogan stated Happy Holidays to you Mark, good to see you, haven't seen you in a while.

Mr. Porcelli stated no, I know I haven't seen you in a while.

Board Member Montesano stated I hear you every day.

Rich Williams stated see you later, Mark.

Mr. Porcelli stated Shawn, I'll see you.

Chairman Rogan stated good to see you Mark.

b. NRA – Birch Hill Road – Deviation from Driveway Plan

Mr. Joel Chase of Zarecki and Associates, was present.

Chairman Rogan stated okay, do we have anyone here from NRA, yes sir, come on up please.

Mr. Chase stated formerly NRA, correct.

Chairman Rogan stated oh I'm sorry, well you know it says NRA, Birch Hill Road, et cetera, the project formerly known as...

Rich Williams stated well the issue is that's how we file it in our files, so that's the way it made it on the agenda.

Mr. Chase stated good evening...

Chairman Rogan stated good evening, how are you sir.

Mr. Chase stated my name is Joel Chase from Zarecki and Associates...

Chairman Rogan stated from Zarecki, good evening, nice to meet you.

Mr. Chase stated nice to meet you, Zarecki and Associates...

Chairman Rogan stated yeah, go ahead and put it up, you might as well.

Mr. Chase stated I'd have to take it off this, is it all right if I...

Chairman Rogan stated okay.

The Secretary stated it probably can sit on the ledge.

Mr. Chase stated on the ledge, you'll have to hold it.

Mr. Liguori stated we can clip it to the top.

Side conversations ensue while Mr. Chase is setting up his plan.

Chairman Rogan stated just don't get hurt, nope, that's all right.

Board Member McNulty stated we have copies.

Mr. Liguori stated you want to stick it on the chair.

Chairman Rogan stated oh you know, we have nice copies right in front of us.

Mr. Chase stated all right, thank you.

Mr. Liguori stated just take the mic off...

Chairman Rogan stated I'm going to share.

Mr. Chase stated all right, Zarecki and Associates obtained site plan approval with this property in 2010 under the previous owner, since then the property was sold and the new owner has been continuing the driveway improvements per the site plan, however the current owner aesthetically prefers to utilize boulders...

Chairman Rogan stated Michelle, can you just ask them...

Mr. Chase stated in lieu of guide rail or the free standing stone rubble walls.

Chairman Rogan stated sure there's lots of rocks in Putnam County and they won't have to pay for them, I'm sure he's looking to get right of them.

Mr. Chase stated right.

Board Member McNulty stated originally a guide rail, a wood guide rail was proposed here and approved.

Mr. Chase and portions, the majority of it was free standing stone rubble walls and then there were portions of wood guide rail.

Rich Williams stated you want the original plan.

Board Member McNulty stated do any portions of that stonewall remain or have they been all removed.

Mr. Chase stated these were all proposed items. The current owner is proposing to utilize large boulders in lieu of the wood guide rails and free standing stone walls.

Chairman Rogan stated the pictures that you submitted on the, especially photo 5...

Mr. Chase stated yeah.

Chairman Rogan stated even photo 4, it shows a lot of the boulders are just really sitting on the ground, they're not really toed in...

Mr. Chase stated these in the corner here.

Chairman Rogan stated yeah, if you look at, not the 2 that are standing upright, the triangular but beyond that they're just kind of sitting there.

Mr. Chase stated they can be keyed in.

Chairman Rogan stated they can be but then they're not very tall, the problem is, I think that's probably what we're all talking about, the problem is that they're not toed in and they're not really that large some of them, not that I've seen them but just from what the pictures show and what the correspondence has been.

Board Member McNulty stated your detail shows it to be toed in by a 1 foot minimum...

Mr. Chase stated right.

Board Member McNulty stated and a 4 foot spacing, they look larger than 4 feet spaced.

Mr. Chase stated that's what we're proposing, they'd have to modify that area.

Chairman Rogan stated so you're saying this is what you'd like to do, now what you're showing, not what's existing.

Mr. Chase stated right, this was a corner, they just did a few boulders along the corner over there.

Chairman Rogan stated right, I think I would be over with using boulders but they've got to be done right, it's like anything else, they have to be of significant size and significant depth and these that are shown existing, don't meet that for public safety and I think that's really the essence of what we're talking about, to just kind of cut to the chase, so you know, we've seen them in other situations but they were done properly right, we have a few that we've seen over the years.

Rich Williams stated yeah but not in a situation like this.

Chairman Rogan stated right.

Rich Williams stated they weren't as critical.

Chairman Rogan stated right, the slope here is pretty significant.

Rich Williams stated well coming down to it is pretty significant.

Chairman Rogan stated what's the, you know the commercial site that goes in south of, let me get my bearings, near Nolletti, the one that goes in the back, the commercial building DEW and Macal.

Rich Williams stated yeah, DEW and Macal.

Chairman Rogan stated the real steep hill that cut down, as you're driving off the right, do you remember if we did anything there.

Rich Williams stated yeah.

Chairman Rogan stated do you remember what it was.

Rich Williams stated guard rails.

Chairman Rogan stated it was guard rail because that's a steep embankment also, I just couldn't, I haven't been up there since we, you know approved it, so I don't remember but...

Board Member McNulty stated Andrew what's your recommendation as per the detail drawn 4 foot separation, 1 foot embedded.

Andrew Fetherston stated the detail is missing a height, I think the Board is all saying...

Chairman Rogan stated yeah.

Andrew Fetherston stated that the, you know, it's not a passenger car, my inspector went out with Richie and looked at it...

Chairman Rogan stated right.

Andrew Fetherston stated some of the boulders as they are placed right now are mountable by a large vehicle.

Chairman Rogan stated yeah.

Andrew Fetherston stated it would not stop a vehicle, it would go over.

Board Member McNulty stated what's a typical guardrail height.

Andrew Fetherston stated the bottom is like 23 inches, it's considerable, almost 2 feet, the bottom.

Board Member McNulty stated what would the top be.

Chairman Rogan stated 2 by 12's.

Board Member McNulty stated that's what we, that would be the key.

Andrew Fetherston stated 28 or so, almost 30.

Chairman Rogan stated and on something like this with the slope, not only the slope over the wall but the slope you're going into the wall, they wouldn't be 2 by 12's they would be those like 3 to 4 inch thick, rough cut...

Andrew Fetherston stated yeah, we never told the applicant, you know DOT box beam or DOT approve guide rail...

Chairman Rogan stated right, right.

Andrew Fetherston stated we were thinking a timber rail for something like this, again we're not concerned with a passenger vehicle it's your Town ambulance or your fire truck that you don't want to lose when it's icy or slippery, it's not that it wouldn't hold it, it's inadequate...

Board Member Montesano stated nice oil truck would be very interesting.

Chairman Rogan stated an oil truck is a really good idea.

Andrew Fetherston stated we were just thinking recovery would be brutal on that hill.

Chairman Rogan stated yeah.

Andrew Fetherston stated I think the detail, just lacking that height dimension...

Board Member McNulty stated it should be height above driveway way grade, the shoulder looks lower than the driveway, I don't know, I haven't been out to see recently but...

Mr. Chase stated 30 inches above edge of driveway, elevation wise, is that.

Andrew Fetherston stated and you know some of them are, like on photo number 5, that one looks like a tower...

Chairman Rogan stated yeah.

Andrew Fetherston stated and then a couple past it are very low.

Chairman Rogan stated yeah.

Andrew Fetherston stated yeah, I think, you know if you went with like guide rail height, at least it would give you a little more protection.

Chairman Rogan stated yeah.

Rich Williams stated but I think in the added detail, in my non engineering opinion is you can't have a rounded or sloped surface on the front, it has to be flat...

Chairman Rogan stated oh yeah because otherwise it is just a ramp.

Rich Williams stated yeah.

Chairman Rogan stated yeah and that's a good point.

Board Member Brady stated but is 4 feet spaced too much because you're going to have half the vehicle in between those stones before it stops it, if it stops it.

Andrew Fetherston stated yeah, I mean a vehicle is 6 foot wide, a car is 6 foot wide.

Board Member Brady stated that's what I mean, half of the vehicle, coming in on an angle it's you know, it's going to get a good start to pushing that rock right over the wall.

Andrew Fetherston stated yeah.

Chairman Rogan stated is their main concern aesthetics because those wooden because it seems like it would be such an easy thing to just put the...

Rich Williams stated the guardrail in.

Chairman Rogan stated the guardrail in, you know.

Mr. Chase stated the approved timber guide rail was 6 foot on center post with 4 by 8 rails...

Chairman Rogan stated 4 by 8, wow.

Mr. Chase stated so it wasn't, I would believe that the boulders are more significant than that but it is an aesthetic thing, he wants the rural look with shrubs and plantings and...

Chairman Rogan stated yeah, well...

Board Member Taylor stated the other he can't be standing them up, it's not Stone Hedge, you need the center of gravity low to the ground to take the impact, it's easy to just topple one right over the hill and the car will go with it, so it's...

Chairman Rogan stated you're the engineer person supporting him, you know representing him, these are things you've already thought before even coming before us.

Mr. Chase stated right we put the minimum weight of each boulder and I believe the 30 inch min height is a good thing to add to the detail as well.

Chairman Rogan stated the question I would have Andrew, on something like this, since there is so much concern is how do you ensure that they're properly installed because we can't see below ground, in other words do they set them and not back fill them all and then you come along and you're guy says yup, okay they're all, and okay now you're good or that one no, you have to lower it or raise, that's the only way I think I'd go along with this.

Andrew Fetherston stated I think the other consideration for the applicant and the owner is you know you're talking about, there's 24 stones on there, a ton and a half a piece so now we're talking about bedding 30 inches high, so now you've got a 4 foot high stone, you know, I mean, I don't know where you're going to get 24 of these, it should be consideration, you know, you're not going to find these that available and we're talking square, flat, something that will resist toppling over.

Chairman Rogan stated right, yeah, so I guess the question to ask is, they have to be willing upon inspection for our guy to say that one, that one, that one, that one, they are coming out and they're being replaced and if they're not proper, if they don't meet certain common sense engineering criteria like you know shape of the stone, depth, size, mass, et cetera, too far spaced apart, they're going to be painted with an orange dot and they are going to be yanked out or something, I mean it's not going to, you know, I think the message you bring back is look, aesthetics or not, it's probably going to be easier for you to do just do it the way it was approved or some derivative of that if we don't like 4 by 8's, maybe we'll go to 3 by 12's or 3 by whatever to get the aesthetics he's looking for and still maintain safety but Ron hit the nail on the head, you've got these monoliths that are sticking up that are just going to increase topple, you know, I mean obviously the higher you go the better fulcrum you have and the more, you know, you'll be able to push those right over with a vehicle, so I mean it sounds like, it sounds like we're not being unreasonable but let's make sure it's done properly.

Board Member McNulty stated yeah, if you want to do a stone rail, it has to be done properly, the right size stone, the right embedment, the right height, the right shape.

Board Member Montesano stated let's put it this way, my concern right now is the guide rails whether wood or metal are directional for a car, if a car hits it, it moves it away hopefully...

Chairman Rogan stated yeah.

Board Member Montesano stated now if you hit the side, if you take a car and hit the side by the driver's side for arguments sake, you're going to hit that at some speed and that could cause a hell of an impact with the stones sitting there, that's going to be now solid...

Andrew Fetherston stated it doesn't give, right.

Chairman Rogan stated yeah.

Board Member Montesano stated and it won't give at all where the rail is made for that.

Chairman Rogan stated that's a good point.

Andrew Fetherston stated it's not a DOT standard...

Chairman Rogan stated yeah.

Andrew Fetherston stated it is, if you go up to Bear Mountain State Park, they're everywhere.

Chairman Rogan stated sure.

Andrew Fetherston stated and god help you if you go through one, you know, I mean that's the way it is, same thing.

Chairman Rogan stated yeah.

Board Member McNulty stated but we're talking about a driveway here, not a roadway.

Andrew Fetherston stated you're talking about a road, a driveway where your ambulance or your fire truck could go off...

Board Member McNulty stated no, I understand for safety but it's not a regular traffic, compared to the Bear Mountain.

Andrew Fetherston stated right.

Chairman Rogan stated Tommy, you may not realize that this project was before us a potential, how many lot subdivision.

Rich Williams stated 10, 12.

Board Member McNulty stated oh, that I didn't know.

Chairman Rogan stated yeah.

Board Member Montesano stated yeah, the original one.

Chairman Rogan stated so the potential here, this would have been the secondary, they were proposing this as the secondary, weren't they.

Rich Williams stated we were limiting this to an emergency exit...

Chairman Rogan stated they were proposing it as a secondary.

Rich Williams stated I don't think they ever proposed a secondary...

Chairman Rogan stated oh really.

Rich Williams stated yes, we were having the one entrance in and we were just going to gate this off...

Board Member Montesano stated the secondary one was up at the top...

Rich Williams stated there was no second, this was the secondary but it was not going to be a thru-road, it was going to be gated because it doesn't meet grade.

Chairman Rogan stated got it, yeah and because it doesn't meet grade, it makes it all the more dangerous for this kind of situation, so I would say it sounds like you've got at least a pretty clear direction, if you're going to proceed with the rocks, go back and get a hell of a detail and explain to them that it's, each one needs to be inspected and it's not impossible but it's not the best situation.

Rich Williams stated right, do you want to see a detail or are you approving it as is subject to that detail being provided. I just want to be clear because there is a second issue in here...

Chairman Rogan stated I was actually, yeah we were, I was actually thinking let's get the detail first and get the okay and then we'll approve it, so that you guys are fine with it.

Board Member McNulty stated is there an actual for an application for a waiver or an amendment to a site walk.

Rich Williams stated no, there is nothing.

Board Member McNulty stated but we would need that to act on this correct.

Rich Williams stated no.

Chairman Rogan stated it's just a construction detail.

Rich Williams stated no you're just modifying the construction design.

Chairman Rogan stated yeah...

Board Member Brady stated I don't think I'd want to approve it until we saw the detail.

Rich Williams stated okay, there's a second part of this, let me throw it out on the table right now...

Chairman Rogan stated yeah.

Rich Williams stated and that's whose going to inspect it because right now we can't have the Town Engineer go out and inspect it because we can't pay for it, so either the applicant has to agree to pay the Town Engineer's time to go out there and put it in escrow or we've got...

Chairman Rogan stated well let's bring that back to him as well, that one also...

Rich Williams stated figure out another way to pay, to have this inspected.

Chairman Rogan stated let's go back and bring that information, and say if you want to stick with this amendment to the site plan, these inspections are not lengthy, I mean let's face it, it's rocks and it's a hole and it's you know but because of the safety issue and out of all due respect to Rich, this is something that you want people that can kind of certify that you know a car goes over it, it goes back to the guy that inspected and certified it, versus the Town, you know. You, go ahead and ask...

Mr. Chase stated are we preparing another detail to speak to the Town or how would...

Chairman Rogan stated you're amending this detail so that it's clear, so that it shows what we were just talking about, height...

Mr. Chase stated then make a submission too...

Rich Williams stated we'll put you back on for the January agenda.

Chairman Rogan stated toe, is a one foot toe in enough on this.

Board Member McNulty stated I don't know 1.5 tons...

Andrew Fetherston stated for what vehicle.

Chairman Rogan stated well that's it.

Board Member Brady stated that's the problem, yeah.

Andrew Fetherston stated we're playing, you know, let me make one thing clear...

Chairman Rogan stated yeah.

Andrew Fetherston stated we're not certifying stones, the design engineer is signing and sealing that this the protection device that they are designing for that...

Chairman Rogan stated yeah.

Andrew Fetherston stated I'm certifying that...

Chairman Rogan stated that it was installed per the plan.

Andrew Fetherston stated you know I'm saying that it was, yeah, that it was done according to the plan and we're trying to work it out. Yeah, I would suggest the minimum height of 30 [inches] but you know, I'm just cautioning.

Chairman Rogan stated yeah.

Andrew Fetherston stated where are you going to get these, you know.

Chairman Rogan stated you know this property don't you.

Andrew Fetherston stated well, yeah.

Chairman Rogan stated I guarantee these stones are probable coming right off this property.

Board Member McNulty stated that's what it says in the letter, they're coming off the property.

Chairman Rogan stated yeah.

Board Member Montesano stated the object would be, is 30 inches going to sufficient, what, what are we using to hold it in, are we going to dig a hole and stick it in and say that's it...

Chairman Rogan stated well that's what they're proposing, that's exactly it, see it shows a detail of a one foot toe in...

Board Member McNulty stated on a 1.5 ton rock.

Board Member Montesano stated so now you get, as big as they are, water's going to coming down, running off, erosion sooner or later...

Chairman Rogan stated I have a feeling this gentleman is going to go back and say, you know, as your design professional, I think you ought to consider the detail that was proposed.

Rich Williams stated they do have drainage on this plan.

Chairman Rogan stated yeah.

Board Member Montesano stated I realize that but that we just had a couple of storms go by, drainage is wonderful, everything is set here but unfortunately it's that one time, the oil truck comes down that one time and we get the spill, somebody's going to get hit.

Rich Williams stated right but we've got an approved plan and the Building Inspector says you have to go repair, you know put it back.

Chairman Rogan stated yeah.

Board Member Montesano stated okay.

Andrew Fetherston stated perhaps 3 dimensions would be the best, we're going to want something 30 inches in the stone henge, you know so maybe we want length, width and height.

Chairman Rogan stated that's true because you want to have the math.

Andrew Fetherston stated you know then you can see a, something more like a cubic, I mean, you're basically picking items, natural items to represent like a mafia block, you know, so...

Chairman Rogan stated we don't call them that.

Andrew Fetherston stated that's a technical term.

Chairman Rogan stated that's right.

Board Member Montesano stated so is sleeping with fishes.

Chairman Rogan stated if the applicant has any questions, get copies of the minutes, have him read through what we just went through.

Mr. Chase stated okay, okay.

Chairman Rogan stated putting you under the ringer like that, thank you sir.

Mr. Chase stated one more question if you don't mind.

Chairman Rogan stated sure, no not at all.

Mr. Chase stated and the other aesthetic, the other aesthetic walls, like the ones that were on the uphill side of the driveway, those aren't a required item of the site plan or is that...

Andrew Fetherston stated right, you said you hit ledge and...

Mr. Chase stated right.

Andrew Fetherston stated I think they're done, they hit ledge, it's not going to erode.

Mr. Chase stated yeah.

Rich Williams stated alright well there was one issue in that, in that there were pull offs out there and I don't know, I haven't measured them, I don't know the pull offs are the way they're supposed to be but yeah, I mean, I don't care about the walls, they were not a requirement, they were not a safety feature and they were not a wetlands or driveway issue...

Andrew Fetherston stated we can look at that at the same time, if we go out.

Rich Williams stated the pull offs are, you need to make sure, I looked, I didn't measure them off but they looked small and there were retaining walls involved in those pull offs, the back of rock, I don't think anybody cares.

Chairman Rogan stated yeah.

Mr. Chase stated alright, thank you very much.

Chairman Rogan stated plus if he's worried about aesthetics, those stone walls sure would have looked nice.

Mr. Chase stated alright.

Chairman Rogan stated thank you.

Mr. Chase stated thank you.

Chairman Rogan stated nice meeting you, have a good holiday.

Mr. Chase stated you too.

c. Levine Fill Permit – 99 Tammany Hall Road

Mr. Bart Lansky, Esq. and Mr. Adam Levine were present.

Chairman Rogan stated okay we have Levine, 99 Tammany Hall Road.

Mr. Lansky stated good evening Chairman, Board...

Chairman Rogan stated good evening, how are you.

Mr. Lansky stated my name is Bart Lansky...

The Secretary stated thank you.

Mr. Lansky stated I'm an attorney for Mr. Levine.

Chairman Rogan stated okay.

Mr. Lansky stated and we're here informally tonight and we're interested in a fill permit and I know that there has been considerable discussion over the course of some time here with the Board. I know that circumstances have changed somewhat and...

Chairman Rogan stated what circumstances have changed.

Mr. Lansky stated we have a couple of circumstances, personal circumstances have changed, we have and also relevant to the other parties that placed fill, we have now, we've now started litigation against them. We also have Mr. Levine who is no longer working, no longer has the financial resources to go after one of the large plans which would have put forth, there was the Bridgewater plan put forth and a couple ideas about removing all the fill from the property, they are just not feasible at this time. So, we would like to look at what is feasible and I know we have a neighbor who has not yet surfaced completely in terms of how she could surface, so I'd like to start looking at getting some of the materials off of her property, start sorting through some of the materials and to do that, we would need a fill permit.

Chairman Rogan stated okay, what's your specific proposal.

Mr. Lansky stated I can articulate something...

Chairman Rogan stated sure.

Mr. Lansky stated in writing to you...

Chairman Rogan stated that would be great.

Mr. Lansky stated and give you a specific proposal but...

Board Member McNulty stated would it an engineer's proposal.

Mr. Lansky stated no, it would be a proposal of means, methods, ideas, we have, there has been surveying work done, obviously there's been testing done, we have a report done but we only have limited resources at this time and do what I'm trying to do is find, open up a situation which could be a win for all parties and when I say open up, I mean if I can start getting a machine in there and then onto the neighbor's property with her permission, something in writing which we would give to the Town beforehand, and start sourcing the materials, that's going to help me in my litigation with the parties that placed it. It may help me get them to remove it, maybe they have deeper pockets then we do, of course and it will also help us start in the progress of getting materials, we have clean materials and we can move them on to Mr. Levine's property get another taxpayer out of the way of this mess, we would like to do that, without a fill permit we can't do anything.

Chairman Rogan stated sure.

Mr. Lansky stated so...

Chairman Rogan stated my main concern for the Town's interest at this point is that we don't waste any more time with your applicant and by that, and I mean that in the utmost respect to you, Mr. Levine, that you see in the memo that the Town, the taxpayers have expended a lot of money on this already and quite honestly I feel like we've been chasing our tails. So what I would ask is that you go back and prepare a plan in proper form that can be submitted to the Board and we don't come in back and forth and spend any time on this until you have a plan that's properly set up because as you can see, we've spent more money right now than Mr. Levine has and there's no escrow account on this and I don't think it's fair to the taxpayers and that is with the utmost sincerity to Mr. Levine. I really do feel for his situation, maybe some people would say more so than I should but at this point in time, the Town, the taxpayers has expended a lot of money on this and I think you need to come in with, utmost respect, you need to go and look at a plan detail it and outline it and bring it in so that it's something can be approved, we've gone through a lot time to outline what that plan would need, completed survey, a plan that gives the sequencing of removing soil, stockpiling it, what's going to be done. I hope you appreciate how much it costs to remove this material, I think that's why you're talking about sorting, so anything short of that and I honestly don't want you on the agenda.

Mr. Lansky stated I understand.

Chairman Rogan stated okay.

Mr. Lansky stated Bridgewater plan had an initial budget between two hundred and fifty and three hundred thousand dollars.

Chairman Rogan stated I believe it, yeah.

Mr. Lansky stated to remove all the materials, and we're down, Mr. Levine isn't working at this time, we're down to looking to other parties to get funding to do this, so it's easier for us if we start moving stuff because we'll probably get better evidence of what's there, I understand that's not your concern but...

Chairman Rogan stated no, that is our concern, that's our whole concern actually so just please, just change that for a second because our whole concern is what the heck is there, we only know what we sampled, it could be worse on that property, so in fairness, we're very concerned about this material, go ahead, I'm sorry.

Mr. Lansky stated no, no, no, I understand, I've seen the sampling, I believe I have an idea of what's there but none of us really know what's there, so...

Chairman Rogan stated you're right, I would agree with that.

Mr. Lansky stated respectfully, we have, the math is very difficult and you can understand that...

Chairman Rogan stated absolutely.

Mr. Lansky stated we have a house which probably is worth \$400,000 if it wasn't contaminated and it is contaminated to the tune of \$300,000, you have a \$540,000 in a mortgage on the house, you have somebody who's not working, so in trying to source a solution, this is what I came up with and maybe

somebody smarter out there but this is what I think is feasible to get started with a fill permit to source the materials to do what we can as funds come available and to get the bad stuff off the property with manifests to the proper recycling facility, whatever is bad. Whatever is suitable materials to relocate them onto, off of the neighbor's onto our property and to have a dialogue with the Town Planner and Engineer as to what is C&D, what is suitable, what is not suitable, using DEC thresholds and criteria.

Chairman Rogan stated sure.

Mr. Lansky stated so that, I mean that's what we can do, if you're not interested in it, I'm not coming up with the money personally...

Chairman Rogan stated I understand.

Mr. Lansky stated so you know, we can go to court and we can proceed that way, we can even talk about deeding the property to the bank or to the Town or something but this is what we can do, so it's a hard reality.

Chairman Rogan stated and in fairness, the Board has very open, I'm sure you've read the record and how much we've tried to work with Mr. Levine to come up with something that would be manageable for him. The idea of moving the material to his property, obviously the first thing we need to know is that it's not going to contaminate his property further and you can't exactly just put it over an area that is already filled because that's got to be cleaned and sifted, so there's much, this is such a difficult situation, I appreciate that.

Mr. Lansky stated there is, DEC has some testing that they do, when you do a remediation of a brownfield, they have a program which is setup which kind of gives some guidelines, we can look into following some type of programs so that you have something designed by the state who really kind of fills the field on this.

Board Member McNulty stated maybe you can negotiate with the neighbor before even coming back to us, just to get in to do sample without moving anything and determine what you may have there before you even come back to us and that would help develop your plan on how to remove it.

Mr. Lansky stated it is...

Andrew Fetherston stated if I could...

Chairman Rogan stated sure, please.

Andrew Fetherston stated I just want to clarify something that, DEC doesn't do any design at all.

Chairman Rogan stated no, we know that, yeah.

Andrew Fetherston stated they would approve a plan, that's all they would do, the plan would have to be done by someone else.

Rich Williams stated if they would get in this game, which they have continually refused to do.

Chairman Rogan stated avoided, yeah.

Board Member McNulty stated well maybe you're...

Mr. Lansky stated I wasn't saying, I'm sorry, perhaps I misspoke, I wasn't trying to say that DEC would come up with a plan or even necessarily help us with one, I was saying that they really only, have the only guidance documents out there that we could use a matrix, as for testing, I thought that the tests and Mr. Levine can correct me, I thought that there were some test holes done on the neighbor's property, as well as his own.

Mr. Levine stated no, just my property.

Mr. Lansky stated okay, I'm wrong.

Chairman Rogan stated we didn't have permission.

Board Member McNulty stated maybe you can start there and then see what you're up against.

Mr. Lansky stated okay.

Chairman Rogan stated I'm not disagreeing with anything you said, in fact I'm open to it, I just think that I don't want you to come in every month and tell us what you're going to do, I want you to do it. So, next time you come in, I want to see something that we can review that we have a completed survey that was to my knowledge and maybe it's been completed, but to my knowledge it's never been completed because that's part and parcel of this entire process is knowing where things are going to end up and where they lie, so I think hopefully you get a clear idea of what you need to do to come back in order to come back in here because the Board never stopped working with Mr. Levine until we didn't get anything, we were setting up some timetables and, well the record speaks for itself, I don't want to rehash anything.

Mr. Lansky stated I'm certainly not trying to allocate any fault on any of us.

Chairman Rogan stated no, neither am I.

Mr. Lansky stated in terms of surveys and engineers, we've up against some financial realities...

Chairman Rogan stated I understand.

Mr. Lansky stated what I'm looking to do is go through the documents with Mr. Levine, create some type of plan, photos, rough topo lines, idea of, maybe interpose where the test holes were done and then show you rather than have something which is going to cost us too much just to prepare, I'd like to use the resources that are available for an excavator, for sifting, for moving, for things which are going to help us get to fruition.

Chairman Rogan stated okay.

Board Member Brady stated I'd like to have a timeline on it...

Rich Williams stated yeah, if I could just jump in here because there's, there's quite a few complications in all of this.

Chairman Rogan stated you think.

Rich Williams stated yeah, first...

Mr. Lansky stated that's an understatement.

Chairman Rogan stated sorry, that was not meant to be, but we do need to lighten the mood a little bit.

Mr. Lansky stated no, no, I'm...

Rich Williams stated there is no fill permit application pending, so a new application would need to be filed, that's the easy part, because we took such a hit with Mr. Levine's application, we've now changed our code so these charges for any review time would be billed back out of an escrow account which we would set up before we would consider the fill permit application.

Mr. Lansky stated gotcha.

Rich Williams stated so you know, that's one big problem...

Chairman Rogan stated yeah.

Rich Williams stated two, what the applicant, what Mr. Levine and his attorney are asking you at this point is essentially to approve a fill permit to leave the fill on Mr. Levine's property, if it turns out to be non-contaminated but we know some of Mr. Levine's fill has to come off first, perhaps the fill on the other property is not contaminated but that's unlikely, in which case they are now moving contaminated material from one site, combining it with the material on the other site, we have no assurances that from that point it's going to be taken off site and that's what we've been looking for, for a plan, how much, where it's going to go, what you're going to do with it.

Chairman Rogan stated and Rich...

Rich Williams stated and...

Chairman Rogan stated how do you sort and Andrew, jump in please, how do you, with an excavator or with a machine, how do you actually sort contaminated fill if it's not chunks, it's one thing a chunk of asbestos or something, I get that, you say that's a piece of junk...

Rich Williams stated you sort out the wood and the logs and the rocks and you screen it...

Chairman Rogan stated yeah.

Rich Williams stated and you work it down.

Chairman Rogan stated yeah.

Mr. Lansky stated perhaps we could articulate a little bit more what we're calling contaminated, what I believe from the results that we have there is we have some, what typically would be fill materials, inert materials, concrete, pieces of blacktop mixed in with a fair amount of logs which came out of maybe Hurricane Sandy that was, not Sandy...

Chairman Rogan stated not Sandy.

Mr. Lansky stated the previous one, Irene...

Chairman Rogan stated oh you're saying they actually brought in...

Mr. Lansky stated I think there's timber there...

Chairman Rogan stated oh wow.

Mr. Lansky stated I think there, is a big piece of that is timber; I think there is some dirt there which came from an urban environment which means it has a higher level of pesticides like any almost yard down in southern Westchester or the Bronx. I don't think what we, I don't think we have industrial waste, I don't think we have C&D, I think we have materials which are often used for fill and it came up a little higher on the pesticides, which is typically if it's coming from that area. I think we can develop a plan, I'm worried, if we say the threshold to get started whatever it is \$10,000, \$20,000, \$30,000, we're starting to delay the plan and that's just the concern.

Chairman Rogan stated well just a common sense approach, you see in the memo that they figured that we've probably expended ten grand, we were in for two years...

Mr. Lansky stated yeah.

Chairman Rogan stated so I think it would, it would not be, it would not be reasonable to say well come in for three months and a little bit of review that you're going to need an additional \$10,000, I think rightfully so for the taxpayers, it would make sense to try to recoup some of that but I think we're past that point, so the other thing is though, Mr. Levine, the area that was cleared that's not your property, the trees that were cut down on that we just cut down and dumped, I kind of assumed that all along but I didn't really know.

Mr. Levine stated no, a substantial amount of those trees were just lying there and they were all cut up, most of the timbers is on the left side and even Rich was there when we did test holes...

Chairman Rogan stated okay, I mean like you pushed it off to the side.

Mr. Levine stated and we found significantly more dirt and I think in 2 holes we found a piece of a log, there was nothing of concern...

Rich Williams stated can I, no, I agree but...

Chairman Rogan stated well that was on...

Rich Williams stated it appeared that they were starting to dump wood on the neighbor's property, that's what we're referring to.

Mr. Levine stated that was from the trees that were there.

Rich Williams stated no, clearly the wood was on top, if they were going to cut the trees down and leave them, the trees would have been under the soil...

Chairman Rogan stated yeah, true, they wouldn't have filled right on an end cut.

Rich Williams stated and that's the concern, one of the concerns we all have is we don't know what's under the soil, whether they just dropped the trees, took the wood off, cut the brush, laid it flat, in which case its

down there decomposing or just dropped the trees and when you go to start moving that soil out, you've got large trees...

Chairman Rogan stated just buried there.

Rich Williams stated that are all tangled, that are, which is going to be an absolute nightmare.

Mr. Lansky stated what, I saw in one of your memos Mr. Williams, a requirement to move wood off the site, what is the concern about wood.

Rich Williams stated it's not listed as a suitable fill material within our code, the concern is if you bury, it decomposes, creates voids, creates sink holes...

Chairman Rogan stated sink holes, yeah.

Rich Williams stated I mean I'm sure you've heard the story of the people down in New Jersey who were walking across the front yard one day and their kids fell in the hole. We had another situation right up here in Ridgeview, where a huge hole just opened up right in the people's front yard, simply because you bury this organic material, it decomposes, you've got a void now in the soil.

Mr. Lansky stated wow, okay.

Board Member Taylor stated if I could say something here...

Mr. Lansky stated sure.

Board Member Taylor stated first of all you said there wasn't C&D, there is clearly C&D...

Mr. Lansky stated I...

Board Member Taylor stated there are tiles, there are other things, just let me finish...

Mr. Lansky stated sure.

Board Member Taylor stated we made it very clear that there are certain things we need, in terms of information for us to make decisions, you, if you're coming back to us, you need to provide that information just a plan without solid information will go nowhere with us, so you need to see what those criteria were, that's what stopped the process before and I for one, will not go forward with anything until we have something concrete to base a decision on.

Andrew Fetherston stated hey Shawn...

Chairman Rogan stated yes sir.

Andrew Fetherston stated we're doing a brown field site right now, there is a man on site full time, looking at what's moving around, we're not doing the environmental but we're doing the civil engineering on it. I agree with Ron that and I'm sympathetic to not wanting to spend the money on the consultant but on the actual clean up, I'm sympathetic to that but you need a roadmap, you need instructions and you need verification and that's not going to come without that.

Chairman Rogan stated yeah.

Mr. Lansky stated well respectfully, opening a fill permit is not closing a fill permit, if we open a fill permit, you still have every right and power to get the testing and to get everything before you, you give us a clean bill health and you close it out. If you put the road blocks in front of opening permit, we may get nowhere.

Chairman Rogan stated it go nowhere.

Board Member McNulty stated we had a fill permit, we got nowhere, we denied it.

Rich Williams stated that's not, no, the fill permit...

Mr. Lansky stated it's not, it doesn't mean it's...

Rich Williams stated let's be clear about what we're talking about, Mike jump in...

Mr. Liguori stated yeah...

Rich Williams stated a fill permit is a permit issued by the Town pursuant to a statutory provision which says certain materials can be left on somebody's property you know if they meet the conditions on the code, that's what we're talking about. Let's not confuse that with you know, bringing fill in, sorting it, taking it off, not leaving the fill, if you just want to take the material off the site, we still need that roadmap the engineer referred to but it's a different roadmap and it doesn't need a fill permit. That's where we are today...

Chairman Rogan stated right.

Rich Williams stated is we're looking for that roadmap through the Building Department, through and enforcement action. That doesn't require a fill permit, the fill permit is going to be just to leave the fill on the site.

Mr. Lansky stated oh, as we said in terms of removing all the materials, it's just not feasible, so some, leaving some on the site would be part of the plan unless of course we can truly connect all this to somebody with deep pockets and then it becomes a very simple equation but without doing that, with using the resources of the homeowner, there is no way all this material is coming off site.

Rich Williams stated well then we may be able to solve this very easily, the Planning Board clearly articulated requirements that would be imposed on that property, if that fill, any of that fill remains on the site, your applicant...

Mr. Lansky stated a restricted deed.

Mr. Liguori stated right.

Rich Williams stated Mr. Levine said no, we're not going to do that and that's when the fill permit got denied, is he now changing his position and he's willing to...

Mr. Lansky stated well that is something we would have to discuss, I mean I can here not to, I came here to have a dialogue.

Chairman Rogan stated and that's what we're having.

Mr. Lansky stated and that's, I didn't come here for any other purpose.

Chairman Rogan stated I think the dialogue is good, I think it's important for everyone to be on the same page and okay.

Mr. Lansky stated if there's anything else, otherwise I'll thank you for your time.

Chairman Rogan stated thank you very much, okay.

Mr. Lansky stated gentlemen, sir.

Board Member Taylor stated okay.

Chairman Rogan stated thank you.

d. Genovese Site Plan Site Walk Comments

Chairman Rogan stated okay, we have site walk comments from the Genovese site, again I went there after the Board, anything anyone wants to talk on that or...

Board Member McNulty stated I went to the site but I missed the meeting last month about what was happening and I went back and read through the minutes and it's C-1 zoned property, right, correct and it seemed like the primary function of this new applicant would be to manufacture, correct.

Rich Williams stated light manufacturing.

Board Member Taylor stated fabricating.

Board Member McNulty stated and that, I don't see that as part of our code if you read the code for a C-1 zone, you can manufacture what you research, if it's a by-product...

Rich Williams stated you can manufacture what you research.

Board Member McNulty stated let me pull it out, how it reads.

Rich Williams stated please, let me save you some time.

Board Member McNulty stated okay.

Rich Williams stated both warehousing and light manufacturing in the C-1 zoning district with special use permits which have been obtained for that site plan by the previous applicant.

Board Member McNulty stated they are permitted, use permits, manufacturing or assembly of those items solely incidental...

Chairman Rogan stated listen to what he said though, say it one more time.

Rich Williams stated okay, warehousing and light manufacturing are special use permit within the C-1 zoning district which the previous applicant has already obtained for that site.

Board Member McNulty stated okay, well I just find an inconsistency with the code.

Mr. Liguori stated but are we to argue with the definition.

Board Member McNulty stated it may be approved but I'm coming second hand after the meeting, I'm just looking at it, believe me I don't want to block production here but I want to make sure we're on the same page, which says the special use accessory use for a C-1, manufacturing or assembly of those items solely incidental to the use of the premise as a research facility or retail operation.

Rich Williams stated correct, within the permitted uses of the C-1 zoning district are both retail and research operations, accessory to those operations without having to go get the special use permit, are manufacturing of products, incidental, incidental to that operation.

Board Member McNulty stated without getting a permit.

Rich Williams stated without getting a special use permit.

Board Member McNulty stated well that's where I'm confused because it seemed like they wanted to do their research in the second phase but they want to come in and do manufacturing, am I confused on this.

Mr. Liguori stated if you look at the use tables, okay, you look at what's permitted, you have what's permitted by, I don't think there's anything that's as of right in the district, you have to come to the Planning Board.

Rich Williams stated everything, any non-residential use requires site plan approval.

Mr. Liguori stated site plan approval, some...

Rich Williams stated but you still have the list of as of right permitted uses.

Mr. Liguori stated okay, there are, so there are the uses that are as of right subject to site plan approval and then...

Board Member McNulty stated it was permitted accessory uses...

Rich Williams stated yes.

Mr. Liguori stated yup, then there are permitted accessory uses but then there's a use designation that are uses by special permit, manufacturing.

Board Member McNulty stated special permit and that's where they fall, under the special permit.

Chairman Rogan stated yes.

Rich Williams stated the first phase.

Board Member McNulty stated okay, now I'm clear. I didn't get that far through all the code, I saw accessory uses, it doesn't make sense.

Mr. Liguori stated a lot of the applicants stop short.

Rich Williams stated Tommy, you need to get at least through the parking requirements.

Board Member McNulty stated I did, I did it wrong.

Laughter

Chairman Rogan stated should we adjourn so we can go outside.

Board Member Brady stated into the parking lot.

Board Member Montesano stated what are we doing with the sign.

Board Member Taylor stated we tabled it until...

Chairman Rogan stated we tabled it and nobody's here, we should at least, yeah, thank you Mike.

Board Member McNulty stated that was the only comment I had on that, other than...

Rich Williams stated other than that the comments are okay, I'll send them out.

Chairman Rogan stated yeah.

Board Member Taylor stated and we haven't heard back from them.

Rich Williams stated I have had a couple of conversations both with the proposed applicant and the engineer about you know, the status of where they're going and they're still working on details.

Chairman Rogan stated I had also specifically asked Rich and it takes a little bit of research but to look into and formally request either through FOIL or whatever the process is out there, a request of any records of any complaints either to Building or Health Department, substantiated or otherwise, so we could get a sense of if they're causing any environmental or community issues where they currently reside. I realize anybody can complain about anything and it doesn't mean that it's legit but it gives you a sense so, I believe they work under the same FOIL as, they kind of follow federal...

Mr. Liguori stated all municipalities follow FOIL, it's our state law...

Chairman Rogan stated yeah, this is Chicago.

Board Member Brady stated state.

Mr. Liguori stated oh, this is Chicago, oh okay, alright.

Board Member Brady stated yeah, yeah.

Chairman Rogan stated but I looked online and it seemed like they also follow...

Mr. Liguori stated I'm sorry I didn't realize...

Rich Williams stated they have similar requirements.

Mr. Liguori stated I was thinking Queens because that's where the guy was saying that's where his office was.

Rich Williams stated actually Michelle found someplace where they were manufacturing out in Pennsylvania, closed down not too long ago.

Chairman Rogan stated okay.

Rich Williams stated so we are researching this, we are pursuing it.

Chairman Rogan stated and that doesn't mean to try to, just trying to be informed.

Board Member McNulty stated yeah, I agree, reading through the minutes, Mike Griffin's question was what mine came, about odors and then also sent an item out to everybody about pultrusion...

Chairman Rogan stated yes, pultrusion.

Board Member McNulty stated right because I didn't know what that was.

Chairman Rogan stated we had a lot of new terms that night that we heard.

Board Member McNulty stated fenestration.

Chairman Rogan stated yeah, that's what, something in any opening or something.

Board Member Montesano stated that's why we couldn't get here.

Front Stret Café Sign Application Discussion

The Applicant did not appear.

Chairman Rogan stated okay, let's go back to that sign application which I have here in front of me that I can't seem to find.

Rich Williams stated sure, just to jump in here, I didn't do a review on this because essentially it is replacing the existing sign out there with colors which conform to the Hamlet, it's not bigger in size than the sign that was originally approved and it will be in the same location.

Chairman Rogan stated and this was Magnolia's.

The Secretary stated yes.

Rich Williams stated yes.

Chairman Rogan stated oh, so that sign, same.

The Secretary stated it's the exact same size as the Magnolia's sign.

Board Member McNulty stated the square footage meets the requirement.

Rich Williams stated it meets the requirements, yes.

Chairman Rogan stated and it meets the Hamlet colors which is great.

Board Member McNulty stated we have to do SEQRA.

Chairman Rogan stated yes.

Board Member McNulty stated okay, I make a motion for the Front Street Café application to declare a negative declaration for SEQRA.

Chairman Rogan stated can I have a second.

Board Member Montesano seconded the motion.

Chairman Rogan asks for all in favor. Motion carried by a vote of 5 to 0.

Rich Williams stated (*whispering – inaudible*) the sign...

The Secretary stated as far as I know.

Board Member McNulty stated also make a motion on the 21 Front Street Limited to approve their sign as submitted and displayed in the photograph that Michelle displayed.

Board Member Montesano seconded the motion.

Chairman Rogan asked for all in favor. The motion carried by a vote of 5 to 0.

e. 2013 Meeting Schedule

Chairman Rogan stated okay and we have a meeting schedule for next year, I don't see anything offhand that (*inaudible – spoken over*).

The Secretary stated it was revised from the one that I e-mailed everybody, just so that...

Chairman Rogan stated what was revised specifically, Michelle.

The Secretary stated the January 2014 meeting, the date was changed and December 23rd is a Monday, I think I had it as a Wednesday or a Tuesday, so those are the only things that were changed.

Chairman Rogan stated okay.

The Secretary stated those are the only things that were changed.

Board Member McNulty stated what was the first thing.

The Secretary stated the January 2014 meeting was changed.

Chairman Rogan stated January 9th. Hey, yours shows different than mine, I think you have an old version.

The Secretary stated you probably do Tommy, I did give you a new one.

Chairman Rogan stated you have an old one, here look, January 2nd, this is January 9th, throw that one away.

Board Member Brady stated Michelle...

The Secretary stated yes.

Board Member Brady stated okay.

Chairman Rogan stated I mean, we can, here's the thing, even though we put out the schedule, if it's something that we can't make, we can do that any time, we can always change the date, Zoning does it all the time, if people can't make Board meetings, they just, you have to have enough time to notice it, okay...

Board Member Montesano stated alright.

Chairman Rogan stated motion we approve the meeting schedule for 2013, as submitted, can I have a second.

Board Member Brady seconded the motion.

Chairman Rogan asked for all in favor. Motion carried by a vote of 5 to 0.

Board Member Taylor stated this is the one we're approving.

Chairman Rogan stated okay, this is the one, yes, that's correct. I'm going to put a little hole through it.

Board Member McNulty stated can you send me a new one Michelle.

The Secretary stated certainly.

Board Member Brady stated I would love that too.

Board Member Montesano stated I want everybody to have a new copy.

Chairman Rogan stated and anything from anyone this evening or our esteemed guests...

Board Member Montesano stated I'll give you this one back, you can print it on this side.

Board Member McNulty stated I have a couple things.

The Secretary stated wait, you have minutes.

Board Member Brady stated we have minutes, the minutes.

Chairman Rogan stated okay, hello Charlie.

Town Councilman Cook stated the Town Board wishes you all a very Happy Hanukah, Merry Christmas and Happy New Year and continue the fine work in 2013.

Chairman Rogan stated thank you.

5) MINUTES

Chairman Rogan stated minutes of August 30th and November 1st, August 30th and November.

The Secretary stated we didn't have any meeting in October, you did the September work session and the November regular meeting.

Chairman Rogan stated oh that's right.

Board Member McNulty stated what agenda do I have, I have January 3rd, oh that's the next meeting, oh minutes, I don't have anything under minutes.

The Secretary stated I don't know where you've been.

Chairman Rogan stated I'll make a motion that we approve those minutes.

Board Member Montesano stated we didn't get notified.

Board Member Taylor seconded the motion.

Chairman Rogan asked for all in favor. The motion carried by a vote of 3 to 0.

Board Member Montesano stated I abstain from November 1st.

Board Member McNulty stated I abstain from November 1st, also.

Board Member Montesano stated I wasn't notified where it was.

Board Member Brady stated I've got to abstain from August 30th.

Chairman Rogan stated alright August, we had enough for the November, so we have enough for August.

Board Member Taylor stated that's why the August because we didn't have a quorum.

Chairman Rogan stated we didn't have a quorum, okay. You have a few things you said.

Board Member McNulty stated just wanted to, Rich any update for Patterson Crossing with tenants or...

Rich Williams stated no.

Board Member McNulty stated Costco, no feedback for anyone.

Rich Williams stated nope.

Board Member McNulty stated okay and they're not up for renewal, I think we talked about that, their application, does it have to renewed anytime soon.

Rich Williams stated I'll report back to the Board at the next meeting, I don't recall.

Andrew Fetherston stated Watchtower.

Rich Williams stated I thought it was coming in February.

Chairman Rogan stated oh.

The Secretary stated they've received their variances through the Zoning Board, they'll submit when they're ready.

Chairman Rogan stated yeah.

Rich Williams stated and they are currently preparing to come back to the Planning Board.

Andrew Fetherston stated I was just asking Rich about the treatment plant up at the, what was Big Birch...

The Secretary stated Thunder Ridge.

Andrew Fetherston stated yeah.

Rich Williams stated there is a log jam between the owners and New York State DEP.

Mr. Liguori stated no surprise.

Chairman Rogan stated just before coming to the meeting tonight Rich, I was over at the A&P shopping center and when you drive into the closest corner of the A&P and the stormwater ponds and somebody said this is on all the time but the red light was flashing on the alarm panel there, do you know what that goes to.

Rich Williams stated yes, yes that's their pump station for the sewage plant, it's for the sewage system.

Chairman Rogan stated I mentioned it to the manager or a lady at the front deck to mention to the manager and a customer said that thing's on all the time.

Rich Williams stated it is.

Chairman Rogan stated so it's alarming.

Rich Williams stated they keep turning it off but it keeps going back on, that's why the system is failing.

Board Member McNulty stated also Rich, maybe coming up to 2013, pick up again on the outstanding violations we have with a number of parties in Town, I think you and I in September sat down and chatted for a minute.

Rich Williams stated sure.

Board Member McNulty stated is the Town in a position to pursue this, if we bring something to the table, maybe, maybe Charlie has anything to say about that legally if we had to.

Rich Williams stated you know, it really comes down to identifying what the violations are, substantiating them, having the Building Department issues violations and sending them to court with Laura Roberts and generally we want to try to make sure whatever fines compensate everybody for their time, so you know unless we're going to go into supreme court, there's not a huge expense with this.

Board Member McNulty stated so we can pursue it.

Mr. Liguori stated but the Building Department too, it's not going to be, you guys as a Planning Board, you're not, you don't go around finding violations and you know...

Board Member McNulty stated we're not enforcers, so we can make recommendations to the Building Department, with some of these issues.

Rich Williams stated sure.

Mr. Liguori stated if you're going to let them.

Board Member McNulty stated and then move forward from there.

Rich Williams stated or inquire as to why there is no violation outstanding.

Mr. Liguori stated right.

Rich Williams stated and maybe they'll have a logical reason.

Mr. Liguori stated or inquire the Town Board.

Board Member McNulty stated so, we'll work on it, put something together for that at the next meeting and we can make some recommendations.

Chairman Rogan stated that sounds great, very good.

Board Member McNulty stated and the last thing I just want to bring up, I attended with Rich, the Patterson County Chamber of Commerce, I sent an e-mail out, I don't know if everybody go it or...

Chairman Rogan stated yes.

Board Member McNulty stated whatever, it was an interesting concept about cluster development of development areas, commercial areas and how we can best utilize our resources we have in our towns throughout the county and bring it back to a Town level to maybe enhance that or bring it forward, we can identify areas in our Town through the planning process like Front Street, Putnam Lake, Commerce Drive, which we've done some already but how to bring about and partner with prior, jump in Rich if you have more to say.

Rich Williams stated it was little bit more than that, it was about cluster development and cluster initiatives where you're looking at business that develop a synergy by being in close proximity to each other, classes of business such as you know, maybe light manufacturing and research facilities or retail/personal services and theme events...

Chairman Rogan stated sure.

Rich Williams stated you know the paper I was asked to write, which was thrown out at the point, had to do with commercial recreation and theater, cultural activities, arts and crafts, I cited a number of references where other communities such as Kentucky, I think Georgia, Virginia had developed this into a little more of a cohesive program, I threw it out there as something to consider, you know in Putnam County, it certainly is, you know a colleague of Andrew's brought up that, you know we sure would like to have research, we sure would like to have manufacturing, you know, good solid jobs but we've been searching for them for a very long time...

Mr. Liguori stated 30 years plus.

Rich Williams stated yeah and...

Board Member McNulty stated well big issues that came up again in the meeting and the problem is the infrastructure, you know being able to support broadband communications, sewer and water, those all some common problems that hinder us for bringing that kind of development.

Rich Williams stated and having universities, having educational institutions within close proximity, they don't have to be in Putnam County, they can right over the border into Dutchess but we would draw a benefit of the research, you know, some areas...

Chairman Rogan stated regionalized planning.

Rich Williams stated yeah, some of them, some communities like Albany, they have those research facilities and it would you know, take an active steps to develop them further so that they then start drawing in the manufacturing jobs where the research company develops a product and then it goes into manufacturing right there.

Chairman Rogan stated all we have the ability to do is to feed and house our people that work someplace else, we've got a million restaurants, that's really what we do around here, like minor...

Rich Williams stated so you take...

Board Member McNulty stated but it is somewhat how our Master Plan is geared too, so maybe we have to go back to that and urge some tweaking of the master plan to maybe better allow us to update our codes or make recommendations to help foster all these development...

Rich Williams stated we're certainly going to start work...

Board Member McNulty stated so this kind of has to come back to the local area to get this initiated and get back up into current times.

Rich Williams stated the office is going to start working on the Master Plan this coming year, Michelle is just about complete with inputting the surveys into a database and then we just to have to run the analysis on that, we'll have that, we'll have the census and then we can start putting it all together.

Chairman Rogan stated the timing is actually good when you see some of our agendas, it's got to, I mean I know there's never enough time for everything but that's got to free up a little bit of, especially if we can try very hard to make out meeting minutes shorter.

Rich Williams stated the only thing it's freed up is me going on vacation.

Chairman Rogan stated well deserved and overdue, let's end on that note.

Board Member McNulty stated that's all I have.

Chairman Rogan stated motion to adjourn.

Board Member McNulty seconded the motion.

Chairman Rogan asked for all in favor. Motion carried by a vote of 5 to 0.

The meeting adjourned at 8:30 p.m.