

**TOWN OF PATTERSON  
PLANNING BOARD MEETING  
December 7, 2006  
AGENDA & MINUTES**

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**PLANNING DEPARTMENT**

P.O. Box 470  
1142 Route 311  
Patterson, NY 12563

Melissa Brichta  
*Secretary*

Richard Williams  
*Town Planner*

Telephone (845) 878-6500  
FAX (845) 878-2019



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**TOWN OF PATTERSON  
PLANNING & ZONING OFFICE**

**Planning Board  
December 7, 2006 Meeting Minutes**

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

Present were: Board Member Mike Montesano, Board Member Dave Pierro, Board Member Shawn Rogan, Board Member Maria DiSalvo, Board Member Charles Cook, Rich Williams, Town Planner, Ted Kozlowski, ECI, Anthony Molé, Attorney with Town Attorney's Office Curtiss, Leibell & Shilling.

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

20 Members in the audience

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

Vice Chairman Montesano led the salute the flag.

Vice Chairman Montesano asked for a moment of silence in honor of the Chairman of the Planning Board, Herb Schech who passed away.

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

The Secretary read the legal notice.

Mr. Joe Buschynski, Bibbo Associates and Mr. Pete Monteleone, owner was present.

Mr. Buschynski stated good evening, my name is Joe Buschynski with Bibbo Associates representing White Birch Realty, with me tonight is Pete Monteleone, President of White Birch Realty. He is the owner of the property at 35-37 Commerce Drive, which is in the business park off of Fair Street. The property contains an existing commercial building, 39,000 square feet of floor area. Presently it is occupied by four tenants. We were previously before the Planning Board for site plan approval to make additions to the site to bring the building up to a condition where it would serve a public and private garage requiring additional parking and screening. We submitted a plan for improvements, which included a new parking area for truck repair parking, drainage improvements to collect some of the roof runoff and pavement runoff. We were

bringing that drainage through areas to treat stormwater, a bio-retention filter. We added an oil interceptor at the other end of the building. We are including new landscaping for the site, screening was required by the nature of the use, the parking and the trucks at the rear need to be screened from the road. There was subsequently a need by the owner, one of the tenants for some changes to the plan and we resubmitted a drawing which included an enlarged area for bus turning and the proposal was to add a couple of garage doors at the space of Coach Tours which would allow their buses to circulate through their space better in one side of the building and out the other and turn back to bus parking. We thought that we could improve upon the parking arrangement that we originally had and rearrange the area for large vehicle parking. We rearranged the method of screening that parking by proposing plantings that would assist in obscuring that view from Commerce Drive. We also added an overhead door at the back of the building for use by Coach Tours so that they would have another essentially front access to their space.

Vice Chairman Montesano asked are there any questions from the audience on this project. There were no questions.

Board Member Pierro made a motion to close the public hearing. Board Member Rogan seconded the motion.

Vice Chairman Montesano asked all in favor.

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

Motion carried by a vote of 5 to 0.

Vice Chairman Montesano asked gentlemen, lady any questions.

Board Member Rogan asked Rich do you have anything.

Rich Williams stated there are a couple of things that I think the Board needs to wrestle with; first, there has been a number of modifications made out at the site, which are not reflected on this plan. I think this plan needs to be modified to show what those changes are, nothing significant. I don't think there is anything that hasn't benefited the site except for a couple of issues, which I will discuss in a second. Actually, I will discuss them right now. One of those issues is the stonewall along Commerce Drive it was shown to be constructed pretty much uninterrupted all the way through. They have farther down on Commerce Drive put a secondary entrance coming in around behind the building that was not shown on the plans. The issue is it shows the entrance going into what is also designated as wetland buffer. I think there is some merit to having that secondary entrance for emergency purposes but I also think that it needs to be securely closed up and protected and only used for emergency purposes at this time unless something else occurs, some other approval from the Planning Board occurs.

Board Member Rogan asked what are they showing as what would be the finished material of that secondary access, gravel.

Rich Williams replied that is not shown on the plans, the gate is not up or what they are showing. They haven't shown any access really going in there right now it is just dirt. That is another question that I did

raise in the memo that I prepared for the Board as to whether you wanted that to be a permanently improved access in there or just grass it back over.

Board Member Rogan asked Joe, what is the width of the entrance road.

Board Member Pierro stated we did discuss this at the site walk if you recall.

Mr. Buschynski replied I would say a couple hundred feet from the pond. I believe it is as wide as this opening here about forty feet.

Ted Kozlowski asked and what is the purpose of the opening.

Mr. Monteleone replied it was a driveway.

Mr. Buschynski stated it was a driveway in use by a former occupant.

Mr. Monteleone stated we used it to get the stone out and we just left it open and put piers. We can close it or if in the future, if we are going to be able to future develop that site we have to come back and use that because that is the only place we could go in from.

Mr. Buschynski stated but it could be closed at this time if you prefer.

Mr. Monteleone stated actually it could be chained across as access or we could close it permanently.

Rich Williams stated like I said, it has some benefits for emergency purposes. If we ever have to get in say the driveway is blocked, or there is a fire and we need to get in from around behind it. It is not a bad thing to keep there but,

Board Member Pierro stated the former landlord allowed that to be a turn around for the buses and hopefully we won't need that now that we have done,

Ted Kozlowski stated it should be closed off for now because people are just going to go in there and dump and do all the things that,

Mr. Monteleone stated no I am going to close it.

Board Member DiSalvo asked how would you close it with gates.

Vice Chairman Montesano asked for emergency access would you want more gravel than grass or.

Mr. Monteleone replied gate or chain.

Rich Williams replied I think for an emergency just grassing it over at this point. There is no need to really put a permanent driveway in at this point. The frequency of use is not going to be great.

Board Member Pierro stated I think if you do put gravel there or grass pavers it will be inclined to be used for more than emergency access.

Vice Chairman Montesano stated what I am worried about is if you get the fully loaded pumper to come through when it is soft ground there, Board Member Rogan stated it is not going to go through. Vice Chairman Montesano stated it is going to sink and until you drive one in and get it stuck it takes quite a bit to get it out. What I am looking at is I can see if it was gravel maybe we have got to have some kind of compromise.

Rich Williams stated I would not recommend a permanent access through that site.

Vice Chairman Montesano stated no I would not make it permanent but what I am saying is if it was chained over as an emergency someone attempting to use that as an emergency, let's say you have a bus accident on the loop and you have got to get in there because it is causing a problem. How do we get in. If we have that as an emergency access fine, we have an opening in the wall, should we have something else added to that ground where it would be able to support an emergency vehicle.

Board Member Pierro stated I appreciate your concern Mike but I don't see that as a large issue now because they are using it for eighteen wheelers to dump rock in there now and to pull out of there and they have used that roadway, that bed for buses. I would be satisfied with it being chained off or barred off.

Vice Chairman Montesano stated I agree with you that it is going to be chained off. What I am looking at is should we make any,

Board Member Pierro stated I don't think that is necessary because if we make any improvements they will use it. If we leave it grass and chain it off it is more incline to be left until such time where they come in for a permit or a design to develop the parcel any further.

Board Member Rogan stated acknowledging what Rich said about it having some merits as a secondary access I don't see the need for it nor do I see the location is appropriate given that the whole access road is within the hundred foot buffer. If they came in proposing that, that is what we would be saying. We would be saying that it is not the appropriate location that further development that accesses off an area that you have to go through the buffer would not be appropriate. Personally, from what I remember from our site walk was that that area was going to be re-vegetated, that we were going to put the wall through and that is the way I personally would like to see it done.

Mr. Buschynski stated there is two openings Shawn.

Board Member Rogan stated I am talking about the opening that is shown on the plans near the pond isn't that where the,

Mr. Buschynski replied no.

Board Member DiSalvo stated no this one is further down.

Ted Kozlowski stated this one is further down away. It is not even really shown on the plans.

Mr. Buschynski stated it is on the smaller scale plan.

Board Member Rogan asked can you point to it on your map about where it would be located.

Mr. Buschynski pointed it out for Board Member Rogan.

(Unable to hear Ted Kozlowski, no mic).

Board Member Rogan asked I thought it was going to be re-vegetated why would it need to be part of the plan.

Ted Kozlowski stated that intrusion has been re-vegetated. This is something else.

Rich Williams replied it is shown on the,

Mr. Buschynski stated the second opening occurs here where there is a gap.

Board Member Rogan asked so that is not the opening that we walked when we were on site.

Rich Williams replied no.

Board Member Rogan asked and that opening is existing and also being used.

Mr. Monteleone replied where that fifteen foot opening is right there.

Ted Kozlowski stated it is actually the only opening that does not go through a wetland.

Board Member Rogan stated it just goes through the buffer.

Ted Kozlowski stated yes.

Board Member Rogan asked Ted what is your feeling on this.

Ted Kozlowski replied I don't want to see it used as a roadway. I don't want to see it improved as a roadway. If there is merit in keeping it as an emergency where once in awhile a vehicle has to go in I don't have a problem with that because it has already been used in the past. It is not really a functional buffer but I just don't want to make that into something larger and more impactive. There is no need for it.

Rich Williams stated the other change, which we have not talked about, is the dumpster location. They have relocated the dumpsters over by where the bus dump is.

Mr. Buschynski stated from here to here referring to the plan.

Rich Williams stated and the concern with that is that it is now abutting a storm drain so anything, any leachate that might be coming out of the dumpsters there say the wood finishing place or anything has a direct conduit via that storm drain right into the stream. I did talk to Mr. Monteleone, the project owner about that situation today and he came up with a proposal, Joe are you aware of this.

Mr. Buschynski replied yes.

Rich Williams asked okay do you want to outline it, which I think is an acceptable solution to the problem.

Mr. Buschynski stated basically the pad on which the dumpster sits would be bounded by a channel, formed in the concrete and directed to the back away from the pavement to the front. It would be slightly pitched.

Mr. Monteleone stated the same as the previous one.

Board Member Rogan asked so the pad would have a channel.

Mr. Buschynski replied the pad would have a channel directed.

Board Member Rogan asked would the pad also be curbed on three sides. Doesn't that further help any,

Mr. Buschynski replied we have a short radius on the channel as it went around the corners.

Board Member Rogan asked how deep would the channel be.

Mr. Monteleone replied five and a half inches.

Board Member Rogan stated okay not (made a motion with his fingers referring to the size).

Mr. Monteleone replied no it would be a six inch height so any water will go right to the side. Where we relocated it would be a better spot for the trucks to hook up because now everything is from the front. (Unable to hear the rest of his statement no mic). Each guy will have his own container. (unable to hear no mic).

Board Member Rogan asked what else do we have, Mr. Chairman.

Board Member Pierro asked is there anything else Rich that you have that you wanted to bring attention to.

Rich Williams replied there is a number of other issues in the memo but I think most of them can be addressed fairly easily by Joe or between Joe and myself.

Board Member Rogan stated so we are up to getting these issues addressed, getting a performance bond and wrapping this up.

Rich Williams stated we actually already have a performance bond covering the site. I would just suggest that if you do a resolution that we include these improvements in that performance bond.

Board Member Rogan asked you have a performance bond.

Rich Williams replied there is a performance bond for the original site plan.

The Secretary stated in place, posted.

Board Member Rogan stated the original performance bond that we approved when this site was approved. This is just an amendment to it so the improvements would be part of that bond. Has that bond had to be recalculated for just these improvements.

Rich Williams replied it has not but most of the improvements are already complete. We are still holding the full bond for the full site plan.

Board Member Pierro asked so it is adequate.

Rich Williams replied I believe there is more than enough in that bond at this point. Anthony, do you want to jump in on this at all.

Anthony Molé shook his head no.

Board Member Pierro stated as long as he feels it is adequate.

Board Member Rogan asked is the rest of the Board comfortable with this.

The Board replied yes.

Board Member made a motion in the matter of White Birch Realty LLC, 35-37 Commerce Drive that he Planning Board grants a negative determination of significance of SEQRA for the amended site plan and approve the changes on the Bibbo Associates plans dated November 7, 2006 including the comments stated in the Town Planner's memo dated December 7, 2006. Board Member DiSalvo seconded the motion

Vice Chairman Montesano asked all in favor.

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

Motion carried by a vote of 5 to 0.

Mr. Buschynski asked so as part of this proceeding is this revised plan receiving your approval. Are these revisions receiving.

Board Member Rogan replied the revisions are but you need to modify this plan to meet the, Vice Chairman Montesano stated the memo. Board Member Rogan stated the issues raised in this current memo that we have discussed and the other ones are straight forward.

Mr. Buschynski thanked the Board.

Mr. Monteleone thanked the Board and wished them Happy Holidays.

**2) WIRELESS CONNECTIONS – Sign Application**

The Applicant was present.

Board Member Pierro asked Rich, were you able to speak with the Applicant regarding our concerns that were raised at the work session.

Rich Williams replied I did speak with the Applicant yes.

Board Member Rogan and that was, Dave if you want to.

Board Member Pierro stated I think our concerns were that the smaller sign at the base of the Wireless Connection logo exceeded the square footage requirement for one.

Board Member Rogan stated no it didn't.

The Secretary stated it did.

Board Member DiSalvo stated and it was out of character with the rest of the signs.

Board Member Pierro stated and the size was out of character with the rest, the sign and the main sign logo was out of character with the rest of the signs in that area.

The Applicant stated we agree to put it under eighteen square feet. That is what it says in the memo.

Board Member Rogan stated I think if I can jump in, one Board Member mentioned the character of the signs in the area they all tend to be block letter signs and yours conforms to that with the exception of the Verizon Wireless logo, which appears below it. The store fronts don't typically have logos for businesses such as Verizon or other businesses located under it. It does not meet the character of the other signs near it so we are wondering if the Verizon sign is absolutely necessary and if so why.

The Applicant replied yes it is because I am an authorized retailer for Verizon and their regulation is sixty-five percent my sign and thirty-five percent their sign underneath that.

Board Member Rogan asked do you have that in writing.

The Applicant replied I can get that in writing for you, sure. All authorized agents must have that because we are representing Verizon Wireless.

Board Member Rogan asked so if we only gave you just for the sake of argument only gave you ten square feet would you have to shrink your entire sign to meet that ten square feet.

The Applicant replied I would have to.

Board Member Rogan asked and just make everything smaller.

The Applicant replied yes which I think the computer store right next to me has the channel letter with the box right underneath it.

Board Member Rogan stated that was the one that I noticed when I drove through and that was the only one I saw.

Board Member Cook stated around the corner though there is a couple of them.

Vice Chairman Montesano stated the insurance company is there.

Board Member Cook stated that also has the same thing.

Board Member Pierro stated one of those signs around the corner though as per Rich is not permitted, correct.

The Secretary stated we are not sure.

Rich Williams replied definitely one I think both.

The Secretary asked I just need his name for the record.

Board Member Rogan asked Sir, can you state your name.

The Applicant replied my name is Dan Hong, I am the President of Wireless Connections.

The Secretary asked can you just spell your last name.

Mr. Hong replied H-o-n-g.

The Secretary thanked Mr. Hong.

Vice Chairman Montesano asked do you have the store next to Dunkin Donuts, in the Home Depot area.

Mr. Hong replied no I have another store in Brewster.

Vice Chairman Montesano stated what I am looking at is that is the problem with this one here they are on the others. When you go around and look anybody that is authorized,

Board Member Pierro asked are they on the lower façade, Mike. That little area here, they on here.

Vice Chairman Montesano replied the sign is actually exactly like this would be. The name would be this and then this comes right in. The Danbury Fair Mall has one in there and they have this, their name and then this. I don't like it but.

Board Member Rogan stated I am willing to support approving the sign as is within the constraints of the eighteen square feet but conditioned on a letter from Verizon stating it is necessary.

Mr. Hong replied I will get it for your.

Board Member Rogan stated I don't doubt you. I just want it for the record because I don't think that the Verizon portion is the best choice for the signs in that plaza.

Mr. Hong replied I can get it for you that is no problem.

Board Member Rogan asked how does everybody else feel.

Board Member DiSalvo stated I would agree with that.

Board Member Cook stated I agree with the exact same thing.

Board Member Rogan asked Dave.

Board Member Pierro replied I am not happy with it but I will go with the flow.

Vice Chairman Montesano asked do you want to make a motion on it.

Board Member Rogan made a motion in the matter of the Global A.V.T also doing business as Wireless Connections that the Planning Board grants a negative determination of significance of SEQRA and approve the sign not to exceed eighteen square feet as depicted in the application and also conditioned on the letter from Verizon stating that this is a requirement of the Applicant doing business with them.. Board Member DiSalvo seconded the motion.

Vice Chairman Montesano asked all in favor.

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

Motion carried by a vote of 5 to 0.

Mr. Hong asked so I submit a sign to,

Board Member Pierro stated to Rich.

Mr. Hong thanked the Board.

### **3) CLASSIC COUNTRY KITCHENS & FURNISHINGS – Sign Application**

Board Member Rogan asked could you state your name for the record please Sir.

Mr. Robert LeBlanc stated his name.

Board Member Rogan stated the size of the sign proposed is well within the allowable. They are proposing fifty-three square feet, we are allowed sixty-eight square feet.

Board Member Rogan asked you are using the existing box.

Mr. LeBlanc replied yes.

Board Member Rogan asked is it illuminated from the inside.

Mr. LeBlanc replied yes.

Board Member Rogan asked Rich any problems with any glare off that sign.

Rich Williams replied no.

Board Member Rogan stated and we are not in the Hamlet so we don't have to commit to the Town Hamlet colors. Does anyone want to do the motion on this.

Board Member DiSalvo made a motion in the matter of Classic Country Kitchen & Furnishings that the Planning Board of the Town of Patterson finds the proposed action will not have a impact on the environment and hereby issues a negative of declaration of significance of SEQRA and grant the sign application, Classic Country Kitchen & Furnishings, 2970 Route 22 in Patterson as submitted in the application. Board Member Pierro seconded the motion.

Vice Chairman Montesano asked all in favor.

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

Motion carried by a vote of 5 to 0.

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

Mr. Eriberto Beltran, Applicant was present.

The Applicant spelled his name for the Secretary.

Board Member DiSalvo stated we had some questions about the colors of the sign.

Board Member Rogan stated do you want to explain to this gentleman the requirement for the Hamlet.

Board Member DiSalvo stated you submitted a sign application for a sign with like a white background and tan lettering and black.

Mr. Beltran stated yes.

Board Member DiSalvo stated we have some restrictions for the Hamlet where you are a part of, the Hamlet of Patterson to allow certain colors of signs like the Town Hall sign out here with the green and the

gold leaf lettering. We have the library, Vice Chairman Montesano stated Patterson Greenhouse. We would need some kind of colonial colors. Did you speak to him about this Rich.

Rich Williams replied I did not speak to him. I did take the memorandum that I did do for the Board and dropped it off at his place of business. I don't know if you received that or not from one of your workers.

Mr. Beltran stated I did yes.

Board Member Pierro asked did you understand that.

Mr. Beltran replied I don't understand too much.

Board Member Pierro asked how about we arrange to have an interpreter who lives locally. We will set up an appointment, I will have somebody call you.

Mr. Beltran stated that is better if I have that.

Board Member Pierro stated I have a lady who lives around the corner from you whose fluent. I will arrange that. I will call you one day this week and we will set something up.

Board Member Rogan stated hopefully what you will do is find out the colors that are okay, that are acceptable and you can use those for your sign. The size of the sign and the lettering is fine but the colors need to be, they will give you a certain choice. There will be three or four colors, you can use gold leaf lettering. It is basically a green, blue or a red background.

Mr. Beltran stated okay no problem.

Board Member DiSalvo asked did we determine the location of the sign yet.

Rich Williams replied no that was an additional issue we need to know where the sign,

Board Member Pierro asked can I try Rich.

Board Member Pierro explained some in Spanish to the Applicant for a few minutes.

Mr. Beltran stated the letters are gold and the edges are black.

Board Member Pierro stated the edges are black, Buenos. Where it is Blanco here no per mite. I will come down with a color.

Mr. Beltran stated okay.

Board Member DiSalvo ask where are we going to put the sign.

Mr. Beltran replied up to the door entrance.

Board Member Pierro stated above the door entrance it is on the application I thought. Where is the other location he can put it or where is it required.

The Secretary stated he has the whole building.

Rich Williams replied yes I mean that is a big broad area. It is nice to have a sketch showing where it is on the building.

Board Member Pierro stated I will stop in. I will bring an interpreter down and we will discuss the location.

Mr. Beltran thanked the Board.

Board Member Pierro stated I don't know how to say map or diagram in Spanish.

Rich Williams asked are you approving it.

Board Member Rogan replied they want to know a location.

Board Member Pierro stated no we want to know location.

Board Member DiSalvo asked this will be held over until the next work session.

Vice Chairman Montesano stated yes.

Board Member Rogan stated we can probably do it at the work session.

##### **5) FELDHAUSEN/D'OTTAVIO – Lot Line Adjustment**

Mr. Feldhausen was present.

Mr. Feldhausen stated hello, my name is Bob Feldhausen.

Board Member Rogan asked how are you Bob.

Mr. Feldhausen replied good, thank you. How are you all.

Board Member Rogan replied good.

Board Member Rogan stated it seems like a pretty straight forward lot line adjustment.

Mr. Feldhausen stated I think it is.

Board Member Rogan stated we are swapping one for one just to clean up some lines.

Mr. Feldhausen stated yes the original survey for D'Ottavio was incorrect so he mistakenly put his driveway on my property.

Board Member Rogan asked since they are looking at the map could you explain the reason for asking for the lot line adjustment.

Mr. Feldhausen replied what had happened was the survey that D'Ottavio's had got, after I had moved in the survey that D'Ottavio's got for their property prior to them moving in was incorrect. His property was actually on mine. I had a survey done on my property so I had it staked out and that is when they realized that they had made a mistake. We are trying to correct in a very simple way just to get his driveway back to him and then I will take a little bit of his property in the back.

Vice Chairman Montesano asked could you do me a favor, this is what is being given up, (referring to the plans) now.

Mr. Feldhausen replied yes.

Vice Chairman Montesano asked and this would be the new property.

Mr. Feldhausen replied the new is a dark line (unable to transcribe other Board Members talking at the same time).

Mr. Feldhausen stated the driveway is very close to my property line no matter what. What will happen is the I don't know how well the drawing is but presumably his driveway will no longer be on my property.

Vice Chairman Montesano stated what I am looking at on this thing the way the line is right now the driveway looks like it is touching the corner of the property.

Board Member Rogan stated which is fine driveways can be to the property line.

Vice Chairman Montesano stated I thought that you had to have a side clearance.

The Secretary stated you do now.

Vice Chairman Montesano stated what I am looking at here is if this is the new line we are right there.

Rich Williams stated the issue right now is the driveway is on someone else's property that is totally non-conforming. They are moving it away making it more non-conforming,

Board Member Rogan stated you mean more conforming.

Rich Williams stated in that case we are okay. If somebody was coming in for a new driveway under today's standards they would have to have a ten foot setback.

Board Member Rogan stated to clarify Rich you said making it more non-conforming you meant less non-conforming. You mean more conforming.

Rich Williams stated more conforming correct.

Board Member Rogan asked does anybody else have any problem.

Vice Chairman Montesano stated all we need is a motion.

Board Member Pierro made a motion in the matter of Robert Feldhausen and Michael D'Ottavio that the Planning Board approves the lot line adjustment with the seven general conditions stated in the resolution dated December 7, 2006. Board Member DiSalvo seconded the motion.

Vice Chairman Montesano asked all in favor.

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

Motion carried by a vote of 5 to 0.

Mr. Feldhausen thanked the Board.

#### **6) CAMP RE/MILLWORKS INC Lot Line Adjustment**

Ms. Theresa Ryan, Insite Engineering was present representing the Applicant.

Board Member Rogan asked Theresa, please answer the million dollar question on this.

Ms. Ryan replied go ahead.

Board Member Rogan stated you are good you know what the million dollar question is. What is the reasoning for this lot line adjustment to include, what is it twelve acres on to 250.

Ms. Ryan replied Millworks really has additional property that they have not used and Camp Re expressed interest in that property because they don't own the entire the lake and this will give them that additional property that they need to encompass the lake, plus they are taking whatever Millworks is willing to let go.

Board Member Rogan asked would they be interested in using that property as the current zoning, which is commercial, or as residential.

Ms. Ryan replied I did not ask that question. I just got the memo tonight so we can ask that question.

Board Member Rogan stated fair enough.

Board Member Rogan stated we were just thinking and we were talking about a somewhat similar situation where someone was proposing residential by going through commercial and this would kind of be the opposite situation going through residential property to get to commercial. We definitely do not like that idea. Even though it is only a lot line adjustment at this point in time I think knowing the intent for that property not so much the specifics but the intended use is very important.

Ms. Ryan stated from what I understand Camp Re has no intentions to do anything with that property at this point. Like I said, they are just protecting their rights at the lake. They want to own the rest of the lake because except for that one piece they own everything else.

Vice Chairman Montesano asked do you want to go out and take a look at this.

Board Member Pierro replied yes before the snow flies.

Vice Chairman Montesano asked is there anything you require for the Applicant to put in.

Ms. Ryan stated there are no improvements.

Board Member Rogan stated there are no improvements but I would say though if you could put in a somewhat of a visual line of where the separation of the two lots would be.

Ms. Ryan stated okay.

Board Member Rogan asked is the rest of the property delineated. Do you have property line survey ribbons up or anything.

Ms. Ryan replied no.

Ted Kozlowski stated there are a lot of stonewalls.

Ms. Ryan stated there is this access drive here that point would be pretty visible. This you would not know we would have to mark that somehow. There are stonewalls all along this side of the property all the way around. I don't know what is over here then the stonewall picks up again on this side, comes around to that corner right there. There is nothing along this line that is staked out.

Board Member Rogan stated I would just want to know where just so we can locate things.

Ms. Ryan asked it does not have to be surveyed right, we can put approximate stakes.

Vice Chairman Montesano replied yes within reason.

Board Member Rogan stated and then some idea from the Applicant of an intended use, by that I mean zoning wise.

Board Member Rogan stated if they have got plans for the camp property as residential is this going to be part of that.

Board Member Rogan asked Anthony and Rich, forgive me if this is something that we have already spoken about in the work session but given that the new zoning follows property lines and we have a situation of this property currently being zoned commercial, the other property being zoned residential when this parcel transfers, if this parcel transfers over to the to the camp property can we change that designation so that this twelve acres or so reverts to residential.

Anthon Molé asked the twelve acres that remains or the acres that you,

Board Member Rogan replied the acres that we are transferring. The acres that remain are already used as commercial so that would not be applicable.

Anthony Molé asked is this property now a mixed use or is it all commercial in a residential zone.

Ms. Ryan replied this is a commercially zoned piece right here so this back portion is commercial would go to,

Board Member Rogan stated property that is residential.

Anthony Molé stated it may require a zone change for that portion of the parcel.

Board Member Rogan stated I still think it would be prudent for the Board to consider, that rather than having because if that didn't occur we would have a 270 acre parcel of which 12 acres was commercially zoned which really does not make sense.

Ms. Ryan asked what if they gained access,

Board Member Rogan stated then it should stay in ownership of Millworks so it is cleaner.

Ms. Ryan stated Millworks does not have plans for it Camp Re might.

Board Member Rogan stated that is a great question. My inclination is to say that they don't have access, if they subdivide it off they don't have access through that property. Getting access from once commercial site to another would not be a great.

Rich Williams stated frontage.

Board Member Rogan stated and given the layout that you are showing there isn't a whole lot of room. You have a septic area. You have a lot going on in that width of that property. I think my feeling is on this is that if it transfers over the Board should push for that to be re-zoned to residential. I think it is cleaner.

Board Member Pierro asked can we do the lot line adjustment conditioned on it being re-zoned, no.

Anthony Molé stated it would certainly be an appropriate application for a zone change if the property is conveyed.

Ms. Ryan asked and that is something that the Board would pursue. You would not be requiring the Applicant to do that.

Board Member Pierro replied I don't think that we could.

Rich Williams stated that would be a recommendation to the Town Board and it is clearly the discretion of the Town Board whether they would pursue that or not. That is why I said you really can't condition the lot line adjustment. You can not consider the lot line adjustment because of such issues.

Board Member Rogan asked what about the opposite. Could we make a recommendation to the Town Board and have them condition their approval on whether or not this,

Anthony Molé stated I know what you are going to say but I don't think the Town Board would grant a zone change for a portion of a parcel unless it were conveyed.

Board Member Rogan stated so it is a matter of simply figuring this out.

Ms. Ryan stated if you want to grant us a final approval tonight then you can go ahead with your request.

The Board laughed.

Board Member Pierro stated I still want to see it before we take any action on it.

Board Member DiSalvo stated yes.

Rich Williams stated I think there is some unanswered questions. One of them being the well that is located on the other property.

Ms. Ryan replied that is not in use right now. Is it, the well.

**A woman in the audience** replied no.

Board Member Rogan asked so we are going to formally abandon that.

**The woman** replied it has been. It has been abandoned.

Board Member Pierro asked can we make the map reflect that it is an abandoned well.

Board Member Rogan stated it is not abandoned. It is just abandoned in use. Abandoned means filled with concrete.

Ms. Ryan stated Millworks may not be using it now but maybe Camp Re has some use for it. Would it be necessary to abandon that if Millworks isn't using it now.

Rich Williams stated the reason you would want to abandon the well is due to potential for ground water contamination.

Board Member Rogan stated we are going to look at that well head when we are out there see what the condition of it is. If it is something that can be capped and held securely we can consider it.

Vice Chairman Montesano asked do you want the well marked when we are out there.

Board Member Rogan stated no I think that we are going to be able to find.

Ms. Ryan stated yes you will.

Board Member Rogan asked and the section to be taken off of Millworks is approximately twelve acres.

Ms. Ryan replied yes it is about eleven point seven.

Board Member Rogan stated my main issue with this is what the property is going to be zoned as because I don't like the idea of having it attached if it is going to stay as commercial. That is it let's go take a look. Does anybody have anything else.

Ms. Ryan thanked the Board.

## 7) D'OTTAVIO SITE PLAN

Mr. Steve D'Ottavio was present.

Board Member Rogan stated good evening Steve.

Mr. D'Ottavio stated good evening.

Board Member Rogan stated Steve, I will tell you that we haven't struggled with architectural drawings as much since I have been on the Board anyway as we have with this building. The colors help. It is because it is such a darn lineal building. It is very long and it is going to sit on a high area. What do you have for us it looks like you brought us something.

Mr. D'Ottavio stated this is a sample of the block that I would be using if you guys approve it. This material here in that color.

Board Member Rogan asked is that put up in like a board fashion like a 2 x 8.

Mr. D'Ottavio replied yes. This would be the roofing color in that material.

Board Member DiSalvo asked so it would be a metal roof.

Mr. D'Ottavio replied just this part referring to the plan.

Board Member Rogan stated just what you see.

Mr. D'Ottavio stated yes.

Board Member Rogan stated the rest will be flat.

Mr. D'Ottavio stated I don't really know what I am going to make these pillars out of. If you guys have any suggestions. If you want white pillars or.

Board Member Rogan stated wouldn't you match it with what the gable is. If you can match it with the color of what the gable is that would set that off, tie it in.

Mr. D'Ottavio stated I could frame it and just put that material around it.

Board Member Rogan asked what do you think Rich.

Board Member Pierro stated I am still not happy with the architecture at all.

Mr. D'Ottavio asked what do you suggest.

Board Member Rogan stated the materials are great.

Mr. D'Ottavio stated just keep in mind this is a warehouse. This isn't a five million dollar horse veterinarian's clinic.

Board Member Pierro stated of course not.

Board Member DiSalvo stated it is just that it is so visible.

Board Member Pierro stated we left the work session last week with an assignment. We were all going to look around and see if we could find something because this site is so exposed to Route 22 and we understand that it is a warehouse. I understand the challenges that you have in designing a building that is a warehouse use.

Mr. D'Ottavio stated I am open for suggestions.

Board Member Rogan stated we acknowledge that you have been from the beginning. We are also acknowledging that none of us are architects unfortunately.

Mr. D'Ottavio stated I have to try and keep it in the budget of what a warehouse is going to be worth. This concept was warehouse right from the start. The original picture that I brought in as a concept picture was very similar to that unfortunately I don't have it with me tonight.

Board Member Rogan stated I think we just tried to get you to add gables.

Board Member Pierro stated we had asked you to put in those doghouse dormers to give it some more architecture.

Board Member Pierro stated I was looking at Mavis Tire today and that is as ugly as you can get it is a garage but it has some character to it. The roof you can see the roof eaves, the roof line from the front. It has a nice colored roof and the building is pretty decorative and even along side either side of the garage doors have somewhat of a pillar post affect.

Mr. D'Ottavio stated I am really looking for like maintenance free stuff also.

Board Member Rogan stated I don't blame you there.

Mr. D'Ottavio stated I am not looking for a shingled roof or a pitched roof.

Board Member Rogan stated I feel that Mr. D'Ottavio has worked with this Board from the beginning it has been a long arduous process. I really wish that I could say hey, Steve here is the style we want to see. It is a difficult one. The materials I like. The colors I think I am even fine with. That is going to help blend in. I think what this Board needs to do is either give very, very clear direction tonight or approve the architectural's that we have. What we spoke about a long time ago was we didn't want this building to replicate maybe problems that we have had in your area, very close to your area on 22 whereby the Board approved an architectural plan without fully realizing what the building, appreciating what the building was going to look like. Then the building goes in and we say oh, boy.

Board Member Rogan stated I did not see any buildings driving around in the last week that jumped out at me.

Board Member DiSalvo stated actually the building that I was looking at on Route 6 is similar to the materials that Steven submitted tonight not so much the green roof but the beige tones.

Board Member Rogan asked Rich any other suggestions on this as to what to do. What do you think about the pillars about tying them in with the gable colors.

Rich Williams stated they should match the gable color. If I had any suggestion at all I am just not a big fan of the green roof.

Board Member Rogan asked you don't like green.

Rich Williams replied no.

Mr. D'Ottavio stated pick a color out of there Rich.

Board Member Rogan stated Edie, did you hear that he does not like green.

Rich Williams stated roofs.

Board Member Rogan stated I am just teasing.

Ted Kozlowski stated make it a forest green.

The Secretary stated it is on the chip it is.

Board Member Rogan stated that is his crayons.

Rich Williams stated that may be the problem.

Mr. D'Ottavio stated let me hold it up to there.

Board Member Rogan stated that is a lot different.

Ted Kozlowski stated there is a big difference in color there.

Board Member Rogan asked Steve this is for the lot to the south, correct.

Mr. D'Ottavio replied correct.

Board Member Rogan asked and we are looking at whatever you build on one we are going to be considering for the other.

Mr. D'Ottavio replied you would have to approve it similar or above.

Board Member Rogan stated so we could approve architectural's for one building that would be also approved for the other site unless the person that decides to build the building says that is not what I want, I want to build this then they have to come back to us.

Mr. D'Ottavio stated right.

Rich Williams stated right.

Board Member Rogan stated or they shouldn't get a building permit without coming back to the Board.

Rich Williams replied right.

Mr. D'Ottavio stated you can put it that you guys have to approve the look of the second building too.

Board Member Rogan stated no we shouldn't have to. The intent is that if we approve one the Building Inspector should say wait this is different you have to go back to the Planning Board.

Mr. D'Ottavio stated or you can put it that you have to come back anyway if that is the way you want to do it.

Board Member Pierro stated I am just wondering to myself if those dormers in the front if they were made larger would they take away from the lineal appearance of the building.

Mr. D'Ottavio stated I don't know from this picture if you can get the full affect. I can't be spending like a thousand dollars to get these pictures drawn and bring to you guys, I am sorry.

Rich Williams stated larger ones is going to push the peak above the roof line and that is going to look out of character.

Board Member Pierro stated another two feet we can make those larger though because it does not appear from here it does not appear that the peak of that doghouse dormer is above the façade there, the green portion of it. It may break that lineal line up a little bit.

Board Member Rogan stated I think seeing it once it is built is going to be, you know what is going to happen is we are either going to say, you know what it is much better than what we thought or paper or we are going to say oh, man and we are going to have to apologize. I am hoping that obviously it is going to be the other way.

Mr. D'Ottavio stated I am not looking to build an ugly building.

Mr. D'Ottavio stated I drove around and looked at a lot of buildings. We are peaking at what I can afford to build now.

Board Member Rogan stated understood.

Board Member Pierro stated okay if you are comfortable gentlemen.

Vice Chairman Montesano stated go ahead and go for it.

Board Member Rogan stated we have two different reso's.

The Secretary stated yes one for building "A" and one for Building "B".

Board Member Pierro stated I will stumble into Building “A” and you can stumble into Building “B”.

Board Member Pierro made a motion in the matter of Steven D’Ottavio, 2400 Route 22, Patterson, New York that the Planning Board grants Final Site Plan Approval inclusive of a Wetlands Watercourse Permit with the five general conditions and five special conditions outlined in the resolution dated December 7, 2006 for Building “A”. Board Member DiSalvo seconded the motion.

Vice Chairman Montesano asked all in favor.

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

Motion carried by a vote of 5 to 0.

Board Member Rogan made a motion in the matter of Steve D’Ottavio, 2400 Route 22, that the Planning Board grants Final Site Plan Approval for Building “B” with the five general and five special conditions contained in the resolution prepared December 7, 2006. Board Member DiSalvo seconded the motion.

Vice Chairman Montesano asked all in favor.

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

Motion carried by a vote of 5 to 0.

Mr. D’Ottavio thanked the Board.

Board Member Rogan stated Steve, thank you for everything. You have been, Vice Chairman Montesano stated you have been very tolerant of us.

## 8) BARNES SUBDIVISION

Mr. Harvey Barnes was present.

Mr. Barnes asked I have the site plan and I have the subdivision plan what would you like to see.

Board Member Rogan replied subdivision.

Vice Chairman Montesano stated then just state your name when you get up to the microphone.

Mr. Barnes pinned up the plan.

Mr. Barnes stated my name is Harvey Barnes and I guess we are just taking another look at the subdivision to see if we can get it approved tonight.

(TAPE ENDED)

Mr. Barnes stated I noticed a number of items on here I don't see anything major. I don't know if there is anything major on here.

Rich Williams replied no we are down to procedural requirements.

Board Member Rogan asked Rich have you discussed stormwater.

Board Member Pierro stated we haven't discussed anything.

Board Member Rogan stated from what I remember stormwater was the biggest issue that you had on this.

Rich Williams stated I went back and forth on my feelings on what they were proposing to do out there and decided just to let it go and just work with the design that they are showing out there. Instead of trying to reinvent the wheel.

Board Member Rogan asked we haven't done Lead Agency on this yet, ladies and gentlemen.

Vice Chairman Montesano stated we haven't done Lead Agency and we haven't done SEQRA either.

Board Member Rogan stated no that would be after.

The Secretary stated you did the referral to Town Board right at the last meeting.

Board Member Rogan stated no not yet.

The Secretary stated I thought you did.

Board Member Rogan stated we haven't done a recommendation to the Town Board on this either.

Board Member Rogan asked and the variance for the,

The Secretary stated that is the Town Board.

Board Member Pierro stated for the overlay zone because it is larger.

Board Member Rogan stated this is similar to, the useable area is larger than what, and I am drawing a blank on why he needs the variance. I know this is similar to the Thomas Subdivision that we are setting aside area that does not specifically conform.

Rich Williams stated the Open Development Area requires certain dimensional requirements including limitations on the lot size of 80,000 square feet plus it requires that anything over that be set aside as permanently protected open space neither of which is going on here. What he is doing as an alternative

seeing that it is only a two lot subdivision is to protect the area that otherwise would be set aside by a conservation easement.

Board Member Rogan stated which I think this Board's feeling was that meets the intent of the open space overlay anyway similar to the Thomas Subdivision which abuts this property that we were putting land that would be somewhat restricted or very strict from a development standpoint. It is somewhat restrictive from the user's standpoint and that I think we are meeting the intent and for that reason I would make that recommendation that we,

Board Member Rogan made a motion that the Planning Board recommends that the Town Board approve the variance from the Open Development Overlay District for this subdivision. Board Member Pierro seconded the motion.

Vice Chairman Montesano asked all in favor.

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

Motion carried by a vote of 5 to 0.

Board Member Rogan stated we might as well do the Lead Agency that is straight forward.

Board Member DiSalvo made a motion in the matter of Harvey Barnes Subdivision that the Planning Board declares themselves Lead Agency and authorize the Planning Department to circulate said notice to other agencies involved to review an approval of this application.

Board Member Rogan stated well said.

Board Member Cook seconded the motion.

Vice Chairman Montesano asked all in favor.

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

Motion carried by a vote of 5 to 0.

Board Member Rogan stated so what are we up to we have some design issues to work out.

Board Member Rogan asked how did we end up with the septic area and the slope issue. We are still maintaining fifteen percent or less.

Rich Williams replied they are before the Health Department on the septic system I believe. I have not heard back.

Board Member Rogan stated the driveway location has already been approved by DOT.

Board Member Rogan asked does anybody have any other issues on this.

Board Member Rogan stated I said initially I thought it was a fairly easy subdivision.

Mr. Barnes stated the Putnam County Health says that they need an approval for the subdivision before they give an approval on the Health Department.

Board Member Rogan stated yes because the lot does not exist. They can't give an approval.

Rich Williams stated but they do a realty subdivision.

Board Member Rogan stated you have final plat approval.

Rich Williams stated not for construction but a realty subdivision approval prior to us and sign off on the plat.

Board Member Rogan asked so Rich what are we doing as far as the outstanding design issues on this.

Rich Williams replied I am sure Mr. Barnes is going to take the memo and give it to his engineer who is just going to adjust the site plan for this. The issues aren't all that critical. Mr. Barnes needs to approach the Town Board and request a variance. The Town Board is going to have a public hearing, make a decision. If they make a favorable decision he comes back here hopefully by then he has wrapped up his testing with the Health Department and we are good to go.

Board Member Rogan asked so if he wraps that all up we set a final public hearing, he gets his performance bond done and,

Rich Williams replied everything is set.

Board Member Rogan stated you are moving along Sir.

Board Member Rogan asked are you clear on what you are doing.

Mr. Barnes replied no but I will call Rich.

The Secretary stated your next step is basically talk to Rich to make the request to the Town Board. You want to get on their agenda.

Rich Williams stated just send a letter in to the Town Board.

Board Member Rogan thanked Mr. Barnes.

**9) BURDICK FARMS SUBDIVISION**

Mr. John Kellard, Kellard Engineering, an Associate with Kellard Engineering and Mr. Conditto, Applicant was present.

Mr. Kellard stated good evening I am John Kellard.

Board Member Rogan asked is this gentleman from your office.

Mr. Kellard replied yes Doug Schroeder, an Engineer from my office.

Board Member Rogan stated sorry Doug.

The Secretary stated we are not use to you.

Board Member Rogan stated yes a new face we wanted to know who we were dealing with.

Board Member Rogan stated John, the only three issues that I wanted to discuss tonight and I thought they were really straightforward issues were and I am referring to some fairly old plans, actually they are dated September 28<sup>th</sup>. The lots may have changed so forgive me. Lot 21 which is the only lot in the loop, I know we have gone back and forth on this in terms of the layout with the intent, with any of these lots changing around as far as our perspective is, the intent of creating more useable backyard for these houses so that we don't end up with an issue where right after the house is built the people are in zoning looking for relief because they can't put a pool or a shed or something in their backyard.

Mr. Kellard stated and you mentioned your concerns back during the public hearing in September. We looked at I believe there were nine lots, we looked at eleven of them. I think we resolved,

Board Member Rogan asked eleven of the nine.

Mr. Kellard replied we saw a couple of other lots that we could improve on. We tried to improve on those also. I believe we ran into a snag on Lot 32 where it didn't fly with Health Department. We had to move the house not all the way back put partially back to the other location. I guess the one issue is 21 and we need it resolved also.

Board Member Rogan stated 21; I spoke to Joe Paravati, Health Department, no problem with moving the lot line over to the roadway, no problem with putting the house southerly corner as long as you maintain fifty foot separation and do a pump up system. That is no problem at all. Show it and it will be so.

Mr. Kellard stated that is our difficulty the fifty feet I believe.

Board Member Rogan stated not if you move your property line to make the roadway your property line. I think you will end up with plenty of area. The septic system will be in the backyard admittedly but you still end up with a lot more building envelope area.

Mr. Kellard stated it was our original submission but our original submission wasn't well received by Rich. We came up with that option.

Board Member Rogan stated it also cleans up the lines of course between the property line and I mean let's face it the open space line that will be between Lot 21 and the road will merge into Lot 21 over time and be used. It will be mowed. That is not the intent of the open space parcels of course. I have also said that I am willing to, the Board has been willing to allow slight increases in the lot sizes to gain that backyard space because I do think it is critical to these houses and these lots not to have a thousand square foot of useable or less in some cases useable area in the backyard for accessory structures. Let's see what we can do with Lot 21. I think with Lot 32 the same thing applies. I would bring the house as close to the fifty foot separation as possible. The conversation seemed to be here is where we are showing the house, here is where the Planning Board wants it then the response back from the Health Department was put it back where it originally was. The response from the Health Department should have been put it back a minimum of fifty foot away.

Mr. Kellard stated we agree with you.

Board Member Rogan stated I think if we maintain that fifty foot we will be doing the best that we can with that lot.

Mr. Kellard stated we agree with you on 32.

Board Member Rogan stated and then while looking at 32 we noticed the lot right next door, 31 must have been a concern because right now you are less than fifty foot separation. It is the lot to the south.

Mr. Kellard asked do you mean 33.

Board Member Rogan stated let me see the plan.

Rich Williams stated yes it was 33.

Board Member Rogan stated was it 33, I apologize.

Board Member Rogan stated that lot, 33 looks like that is going to be tough. I would not be surprised if you are going to lose a bedroom on that house because the size of the septic area doesn't look like you have hardly got fifty foot separation between the house.

Mr. Schroeder stated these are a hundred scale plans. I think we do have fifty feet.

Board Member Rogan stated it is a rather large septic area.

Mr. Kellard stated we have been working through those details with the Health Department.

Board Member Rogan stated you basically, I did some offsets, one inch offsets for fifty foot you barely have fifty foot from the offset to the rear envelope which would mean that the people would have absolutely no useable backyard space for structures; pool, anything. I certainly don't support a lot like that. I would not deny the subdivision based on that one lot but I don't support it, which brings me to a conversation that we had when your Attorney was present and I believe the gentlemen from Toll Brothers were here with and I don't know Anthony, if we ever have gotten any more details on this. We spoke about putting language together that would somehow come up at people's closings on probably all of the lots and Vinny is shaking his head back there. He probably remembers the context of it better than I do but it would

basically put people on notice that there are some concerns and they should be duly noticed that you may not be able to put a pool in your backyard.

Mr. Conditto stated Toll submitted a form that you guys saw (unable to hear the rest of his statement no mic).

Board Member Rogan stated those are my only issues that have come up that need yet to be obviously that one not but the other lots in terms of moving the houses around again, with the intent as we initially stated of making sure that we maximize rear yard area. Understanding that people are going to spend six to eight hundred thousand dollars for a house if they can't put a pool in their backyard they are going right to zoning and I think that would represent poor planning.

Mr. Schroeder stated on 33, we had tried to move the side line over so you have more of a side yard but that is when the Health Department came back and kicked the house back to where we had it originally. We lost that side yard.

Board Member Rogan stated and again, I think that they would probably be comfortable with any location for the house so long as you meet your separation distances. I don't think that they really care where you put the house as long as you meet your separation distances. They always say they don't approve houses they approve septic's and wells.

Mr. Kellard stated absolutely.

Board Member Rogan stated I don't think that is going to be your biggest hurdle.

Mr. Kellard stated 32 we will set fifty feet off the system and the clay barrier and the same with 33. What we will do on 21 is we will go with the Rich plan, we refer to as the Rich plan. We are just going to have to put a smaller house on that lot (unable to transcribe plans being shuffled in the microphones).

Rich Williams stated I will take another look at it but I don't see why you can't have a big house on it.

Mr. Kellard stated the shape of this house.

Board Member Rogan stated some work better on some lots than others.

Mr. Kellard stated we will have to revise the house but we will keep this configuration.

Board Member Rogan stated before we move on to any of the engineering or the planning concerns from Gene, Rich or if Ted has anything else, does the Board have anything else so we don't fragment this discussion all over the place. Does the Board have any other issues they want to talk about.

Vice Chairman Montesano stated no.

Board Member Pierro stated no I am comfortable going right to Gene's memos.

Board Member Rogan stated what I would ask is Rich just to give us a summation of where we stand with the engineering and with the Town Planner's comments because that seems to be the substantial portion left to be resolved.

Rich Williams stated I will tell you what I do know and perhaps Mr. Kellard can fill in the blanks or Doug. Gene did issue a memo about a month ago. They have met at least on two occasions to try and address the issues and work through the plans to try to get them where they are a finished product. I am not exactly sure where they stand on the issues. I did check in with the Town Engineer, he did not feel that the plans were at this point sufficiently ready for a final approval. I will let Doug because I have not been privy to the meetings and I am not sure exactly what the issues are other than the original memo. From my stance, I finally did get through the plans as best as I could not a comprehensive review, work has been something as of late, gentlemen and I did provide a number of comments. There are still a number of issues that I saw on the plans. I don't know if they have been identified or addressed at this point because I would imagine there has been a couple of revisions, which we have not seen. I know some of the other outstanding issues that we are waiting on is we have not seen a finished Stormwater Pollution Prevention Plan or the latest draft anyway, also the easements, the conservation easements, the drainage easements we haven't seen them as of yet. They are still an outstanding detail.

Board Member Rogan stated and to be reviewed by Anthony as well.

Rich Williams replied yes absolutely.

Board Member Rogan asked have we heard anything as of late from the DEP in regards to this.

Rich Williams replied I have not heard from any of the agencies. I talked with Joe Paravati on a couple of the lots.

Board Member Rogan stated that is Putnam County.

Rich Williams stated but overall I don't know where they stand with this subdivision nor do I know where DEP stands.

Mr. Kellard stated DEP has issues we have a memo from DEP. They are really not that bad. We have a hand full of issues to deal with. We don't see any problem meeting them we just don't want to resubmit the SPP until we resolve everything with Gene. Gene's comments, Doug met with Gene yesterday I think we are going to meet all his issues. It is not changing the design of the subdivision at all. It is just detailing the capacity of pipes and routings and so forth. There is no redesign of a subdivision.

Mr. Schroeder stated no not at all.

Mr. Kellard stated they are technical engineering issues, which we are going to work through with him. We are just about done with them. It was an interim meeting that Gene was good enough to meet with Doug and go through what changes we are making and I think they worked things out.

Board Member Pierro asked Rich, are there any further documents from Stantec dated beyond November 13<sup>th</sup>.

Rich Williams replied no I don't believe I have seen anything.

Board Member Rogan stated I think Gene's position is that memo stands as current because those conditions have not been addressed.

Rich Williams stated there were two memos on that date I believe.

Board Member Pierro stated yes one is stormwater and the other one is Final Subdivision Plat.

Mr. Kellard stated he won't issue a new memo until we make a full submission back to him.

Board Member Rogan asked you haven't submitted anything for him to review.

Mr. Kellard replied no. We just met with him to show him the changes we were making and make sure he was in agreement with them before we submit the final package. We are scheduled to do that before the 19<sup>th</sup>.

Board Member Rogan asked Rich do you want to speak for a moment about the issues that you have raised in your memo. The types of concerns and types of revisions that are needed.

Rich Williams replied sure. There is some cleanup on the subdivision plat, the area tables don't match with some of the lots. The E-911 numbers need to be placed on the Final Subdivision Plat. There is no monuments shown at this point that needs to be shown on the plat. I believe they have gotten some specific guidance from the Engineer at this point as to where those monuments should be. I identified some drainage issues with some lots, made some suggestions about ways they might change around some of the outfalls from the roof drains. Some additional notes that they need to throw on the plat. Overall there is thirty-five minor changes.

Board Member Rogan asked housekeeping.

Rich Williams replied yes.

Rich Williams stated I don't think anything is going to affect the property boundaries at this point or the layout. I do know that some of the issues that you raised with the houses they are not currently reflected on the plans. Also remember gentlemen, we are not approving just a subdivision. We also need to approve the site plan on this. I am also saying that to remind myself because I didn't do the reso on that.

Board Member Pierro stated I appreciate your efforts both your organization and Mr. Condit on the amount of work this has taking and what we have accomplished over the last few years on this but I just, I don't feel comfortable going any further until I hear from Gene and additional comments from the November memo. I think there are pretty significant issues that have to be addressed here. I know they are not insurmountable but I don't think it would hurt any of us to wait until the next meeting to get through this. I know that when you left here after last month's meeting that you were very close to your approval. After going through Gene's memo I am a little concerned. I know that you will get them done. This is only one Board Member's opinion. I am only one vote out of five here so.

Board Member Rogan stated what I would say is that for Gene to give the message that he wasn't comfortable without these revisions being made I thought was somewhat significant because as a Board I think we are all pretty comfortable now with where we sit with this project but I also always rely heavily on our professionals.

Mr. Kellard stated absolutely.

Board Member Rogan stated as your client does with you certainly and should. My feeling is that if these issues are readily resolved then I guess resolve them and let's finish you guys up and move along in your

process. It is hard to make an argument that things are so easy we can get them done and therefore approve it and then we can sit here and say they are so easy to get done then get them done and we will approve it when they are done. I understand both sides of it.

Mr. Kellard stated they are technical issues, we are working through them, and we are going to get through them. I don't believe they are changing the overall subdivision plan itself.

Board Member Rogan stated I hope not because I don't know if we can do any more changes, right Vinny. You feel the same way don't you.

Mr. Kellard stated our concern is if we submit on the 19<sup>th</sup> is Gene going to have sufficient time before the next meeting to be able to respond to the Board and hopefully receive our approval at the next meeting in January.

Board Member Rogan stated that is a great question. I don't know what the time frames are.

Board Member Pierro asked what do you think Rich.

Rich Williams replied oh hell, I think their problem is me.

Board Member Rogan stated but having acknowledged that Rich just said his issues compared to Gene's your issues are more housekeeping.

Rich Williams stated with having time to get it all done.

Mr. Kellard asked I guess the issue there is do we really need the easement documents in place to receive an approval from the Planning Board. Can that be a condition of their approval that we give you the metes and bounds and the easement descriptions as a condition.

Rich Williams stated in the past the Board has approved subdivisions conditioned on some documents. My personal opinion is I like things that is complete. I don't want to get into a situation where we approve a subdivision and we haven't even seen a draft of the easement document that we are trying to work through and all of a sudden we get a draft of an easement which is totally un-workable and all of sudden we have both sides digging their heels in. One side saying this isn't any good and the other side saying this is all you are going to get.

Mr. Kellard stated I can understand getting you a draft. I just don't think that we will have all the metes and bounds done especially if we are shifting some,

Rich Williams stated wouldn't expect that.

Board Member Rogan stated it is more of the language right.

Mr. Kellard stated if you want to see the language to make sure it agrees with the format the Town is looking for fine.

Mr. Conditto stated (hard to hear no mic) we are submitting in your deadline and we would like to see you guys give us an approval for next month.

Rich Williams stated Vinny we would love to do that for you, trust me. The quicker I get everything done the happier I am.

Board Member Rogan stated I don't have anything else.

Mr. Kellard stated we will make our submissions by the 19<sup>th</sup> and hopefully there won't be much going on on Christmas break.

Vice Chairman Montesano and Board Member Pierro thanked them.

Mr. Kellard and Mr. Conditto thanked the Board.

## 10) GREENLANDS LLC SITE PLAN

Ms. Carrie Hilpert, Attorney with Shamberg, Marwell, Hollis & Davis and Mr. Paul Suozzi and Mr. Andrew Suozzi, Applicants were present.

Board Member Rogan stated we have a lot of information on this and I know your client knows that we have been kicking around every scenario on this that we can come up with.

Board Member Rogan asked Anthony, could we ask that you from a legal standpoint review maybe the possible scenarios that could happen from this Board's perspective. What I mean is the scenarios that are legitimate to this Board not something that we can't do but within our purview.

Anthony Molé stated sure. I think what you are getting at as far as one of the items listed in the letter to the Board; initially a discussion was had whether the Board had the authority to amend the site plan to include this one unit as a separate use than office use. You do. The one concern that I had that I made clear to the Board in my letter was that if and I had a conversation earlier today about this with Carrie, if the Board were to grant the amendment to the site plan for a particular use for one unit, say personal services which the application is for you have to keep in mind that the Applicant can change that use to another type of personal service or another type of use within that subsection without coming back to the Board. They would have to go to the Building Department but they would not have to come back to the Board. In considering the impacts you should consider the impacts of not only of the actual particular use proposed but other uses that fit into that category under the code.

Board Member Rogan stated understood which actually we spoke about I think it was at the work session just a week ago about looking at this as a generalized approach. Do we approve this one area of the building, twenty percent of the building being used for personal services period.

Anthony Molé stated but also the remainder of the building of course remains office and if they were to change any of the other units they would have to come back to the Board for an amendment to the site plan.

Ms. Hilpert stated and we would actually probably be limited by the Special Permit provisions that are under Section 154-34 because we would have to apply for a Special Permit, go before,

Anthony Molé stated it could be considered a retail center.

Ms. Hilpert stated which would put us before the Zoning Board and also put us before you for site plan and we don't even meet the area requirements for that.

Board Member Rogan stated understood.

Ms. Hilpert stated the Code itself constrains us to pretty much one use at that site for customary personal service.

Board Member Rogan asked in light of some of Rich's memo that we were presented with tonight, are you still seeking personal services as the use for that or are you seeking health club. It would appear that,

Ms. Hilpert stated I have not seen Rich's memo.

The Secretary asked you didn't get it.

Ms. Hilpert replied no.

The Secretary stated I emailed it to your right after you called.

Ms. Hilpert stated I did not get it.

Board Member Pierro stated why don't we take a three minute recess so you can review that.

The Secretary stated I am sorry I thought you got it.

Board Member Rogan asked Mr. Chairman take five minutes, let them read that and discuss it.

Vice Chairman Montesano stated it sounds reasonable.

Ms. Hilpert thanked the Board.

Vice Chairman Montesano called a recess at 9:01 p.m.

Vice Chairman Montesano called the meeting back to order at 9:07 p.m.

Ms. Hilpert stated thank you for giving me the time to review this briefly. In light of what has been set forth in this memo, and whether or not we are a health club rather than a personal customary service use I am not ready to really agree to the health club definition. I think we would still maintain without doing further research that we are a personal customary service use, this yoga studio. I would like additional time to address the points that are raised in this memo if we could hold it over until the next meeting.

Board Member Pierro stated of course.

The Secretary stated I apologize, I don't know what happened. I feel bad.

Ms. Hilpert stated that is okay it happens.

Board Member Rogan stated I think that is certainly fair.

Vice Chairman Montesano stated I think it would be.

Ms. Hilpert stated thank you very much.

Board Member Rogan stated all we can say is Happy Holidays.

Board Member DiSalvo stated in the meantime Richie, can we get a list of what the Town's personal services are.

Rich Williams replied I thought I attached to the memo. I do have a list that I use as a guideline for personal services.

Board Member Pierro stated I think if we are going to discuss this issue we ought to allow their counsel to be present.

Ms. Hilpert stepped back into the room.

Board Member Pierro stated we just had a question from one of the Board Members to have the Town Planner provide us with a list of what is in the,

Board Member DiSalvo stated in the Code for personal services.

Rich Williams stated let's be very clear about this, it is a list that I have gleamed from other zoning codes, the American Planning Association,

Board Member Rogan stated it is not all inclusive.

The Secretary stated it is not listed out in our Code.

Rich Williams stated it is not all inclusive but it is not in our Code either. Our Code provides a definition for personal services. I have a list that I consider personal services and when a use comes in I take a look at it, I compare it to the list but it is guidance for me that I use it is not in the Code.

Ms. Hilpert asked is health club defined in your Code.

Rich Williams replied I don't know if it is or not. It might be.

Ms. Hilpert stated I didn't see it when I looked through it.

Rich Williams stated I just want to emphasize that whether it is personal services or health club they are both permitted uses within the C-1 Zoning District.

Ms. Hilpert stated correct.

Rich Williams stated you still wrestle with the same issues and site design.

Anthony Molé stated I think it may be defined in the Board had recent changes to the Code with regards to definitions. You may have to get a copy of the Code.

Ms. Hilpert asked not the one off line.

Anthony Molé asked is it online.

Rich Williams replied it is not online yet.

Ms. Hilpert stated it is not online yet okay.

Anthony Molé stated we can get that out to you.

Ms. Hilpert thanked the Board.

Board Member Pierro stated I didn't see it in there Rich.

Rich Williams asked see what.

Board Member Pierro replied in the C-1 Zone that it was a permitted use.

The Secretary stated they are saying in the new Code.

Board Member Pierro stated 154-34.

Board Member Rogan asked what health club.

Board Member Pierro stated it is there (f).

Board Member Pierro stated I didn't really have much time to review it. I was only looking at subdivision (A) because that is what Tony referred to in his memo.

(Unable to hear Anthony Molé)

Vice Chairman Montesano advised New England Equine we took care of at the work session.

## **11) GREEN CHIMNEYS SCHOOL – Amended Site Plan**

Ms. Theresa Ryan, Insite Engineering was present representing the Applicant.

Ms. Ryan stated in addition to the site plan application we submitted a wetland permit application. We have got Rich's comments. We are going to have to give some additional information relative to the wetland application. There is also an escrow fee and a wetland application fee required from the Applicant and some additional information for the ZBA application for the Special Permit, which we can provide.

Ms. Ryan stated Rich also brought up that a suggestion that maybe since you have done it on other applications that we identify the buffers related to the wetland. That is something that we would like the Board to make a decision on so we know if we need to put signs on the plan or not.

Ted Kozlowski stated it is required of the Code so you have to put the markers up.

Ms. Ryan asked and does it say how often the signs are, where they are to be located.

Rich Williams stated that is a different issue.

Board Member Rogan stated you are talking about two separate things. You are talking about the plans versus in the field.

Rich Williams stated yes I had suggested in the memo that I did that the Board may want to consider putting up signs even though we don't have trees but somehow you could erect a sign so that these people are aware that when they are in the area conducting whatever activities they are located in a buffer to the stream and wetlands.

Ted Kozlowski stated I am looking for a posted sign.

Rich Williams stated but understand it is not like a forested area.

Ms. Ryan stated it is all lawn. It is all part of their activity areas.

Vice Chairman Montesano asked can we make up some kind of a post with a sign on it.

Ted Kozlowski asked are we talking about the pond that is going to be dredged.

Ms. Ryan replied the duck pond yes.

Board Member Rogan asked the areas that you are talking about where it is not forested, where you are looking to delineate this area, what is it used for.

Ms. Ryan replied when they have activities there they use it. It is an open area. You can walk right up,

Board Member Pierro stated we walked it.

Ted Kozlowski stated it is really pedestrian use.

Board Member Rogan stated then why don't we move those, even though it may not be say a hundred foot offset then why don't we move those markers to where the actual forested line is even though it won't be a true hundred foot line. If it is in the middle of a field for the purposes of people it is not going to make a difference. It is area that is utilized.

Ted Kozlowski stated it is almost park like.

Board Member Pierro stated I don't see four by four posts with those placards on it being so intrusive.

Board Member Rogan stated only if they use it for a ball field.

Ted Kozlowski stated a woodland edge, a natural buffer that is more appropriate than sitting in the middle of a lawn.

Rich Williams stated it is educational.

Ted Kozlowski stated it is but it is kids it is going to get run into it. It is going to get run over. I don't know how aesthetic that would be plus if that is used for playing and stuff that is going to be in the way.

Ms. Ryan stated this is the duck pond right here referring to the pond and there is a little bit of wooded area here, trees and most of it is back in here and the buffer is way out here. This is all open area without any trees or anything. I am not sure where we would put those.

Board Member Pierro stated there is a shed there that you could put one on.

Ted Kozlowski stated I think considering,

Ms. Ryan stated there are fences all along here but this is all just open area without any structures.

Ted Kozlowski stated but I think as part of the purpose of Green Chimneys it is an educational component maybe it would be just better if they had one or two large educational signs. The significance of the pond, the stream and where it goes. A wetland educational piece saying that a hundred feet from this is regulated by the Town of Patterson, something like that.

Ms. Ryan stated we could probably put it on the fences where they meet the buffer line.

Board Member Pierro stated that would be fine.

Ted Kozlowski stated if they come in for any improvement they have to go for a permit application.

Board Member Rogan asked did we already reschedule the public hearing. Did we do that at the work session. We talked about rescheduling the public hearing at the next one.

The Secretary stated I don't believe that you did.

Board Member Rogan stated originally it was intended for tonight then there was some criteria that wasn't met.

Board Member Pierro asked do you want to schedule the public hearing.

Board Member Rogan asked Theresa are you okay for a public hearing next meeting.

Ms. Ryan replied yes.

The Secretary stated it is also a wetland so make sure Ted is okay with it.

Board Member Pierro asked what is the date of the next meeting.

Vice Chairman Montesano and Board Member Rogan replied January 4<sup>th</sup>.

Board Member Pierro made a motion in the matter of Green Chimneys School for Little People that the Planning Board schedules the public hearing, what are we doing it on,

Ted Kozlowski stated there are still some missing pieces to that. One is we don't have a fee, correct.

Rich Williams replied correct.

Board Member Rogan stated do it contingent upon.

Ted Kozlowski asked do you want to make that contingent upon meeting the criteria.

Board Member Pierro replied absolutely, put that in the motion Missy.

Board Member Pierro continued to stated I lost my train of thought with the motion a public hearing on,  
Board Member Rogan stated amended site plan and wetland watercourse.

Ms. Ryan stated we may need help determining what that fee is.

Board Member Rogan stated on January 4, 2007. Mr. Chairman I will second the motion.

Vice Chairman Montesano asked all in favor.

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

Motion carried by a vote of 5 to 0.

Ms. Ryan thanked the Board.

## 12) CORNWALL HILL ESTATES LOT 1 – Re-subdivision

Ms. Theresa Ryan, Insite Engineering, Mr. Bruce Major and Mr. John Boyle, Applicants were present.

Board Member Pierro stated Mr. Chairman I am recusing myself from this matter and stepped down from the dais.

Ms. Ryan stated I think you are all aware of the Cornwall Hill Estates. What the Applicants are proposing to do is re-subdivide the existing Lot 1, which now consists of 12.8 acres. The lot would be complying relative to frontage and lot area and building setbacks, no variances would be requested.

(TAPE ENDED)

Ted Kozlowski stated Theresa, I have been out to the parcel that is just to the south of where that septic system is.

Ms. Ryan stated N/F Keasbey.

Ted Kozlowski stated yes. I was out there several years ago. I have not been out there recently but I do believe there is a vernal pond in that area, within a hundred feet of that septic. I really think the Board should do a site walk on this lot. There is a tremendous, not tremendous but it is a significant slope going down through that area. There is a lot of water ponding up in the spring. I know that first hand so I think you ought to look at that before you consider the location of the house and septic.

Board Member Rogan stated I mean the types of comments that you are probably expecting from us on this lot, is the Applicant here tonight.

The Applicant replied yes.

Board Member Rogan stated just making sure.

Board Member Rogan stated is that for a five or six acre lot, what would this end up being this lot over four acres right.

Ms. Ryan replied 4.3 something like that.

Board Member Rogan stated the amount of useable area is probably less than one acre and in lieu of what you just heard us say to Burdick Farms Subdivision in planning for people to be able to utilize their property I am not in favor of this particular layout. I would like to know what the useable area is as defined from the rock ledge that would be behind the proposed house. I know that where you have shown the driveway cutting in is going to require significant blasting and grading and probably retaining walls. We are going to go out and take a look at it but I can't think of a time that I have ever driven by this that I haven't seen some kind of standing water or signs of standing water.

Mr. Boyle stated not on our piece, Edie's piece.

Board Member Rogan asked it is further down.

Mr. Boyle stated quite often there is standing water.

Board Member Rogan asked you have deep test holes dug out there right now currently.

Mr. Boyle replied we dug them and they stayed over night, twenty-four hours and all were dry.

Board Member Rogan stated really okay then I apologize.

Mr. Boyle stated we would agree to what you worked out with Burdick Farms as far as putting something in the deed document that you can't use your backyard for a pool or accessory building or whatever.

Board Member Rogan stated understanding also that on those lots that we were speaking about they still did have some backyard but we were trying to put people on notice that there are constraints. In this case, at least from what you have shown there does not appear to be any useable area.

Mr. Boyle stated it is almost the same as the two houses on Devon that are there. It is all front yard and no back.

Board Member Rogan stated that I would argue was probably not a great plan. We are going to take a look but I don't have a warm and fuzzy feeling about this subdivision because that property could just as easily be three and a half acres of wetland behind the house. It is really the same kind of concept. We are looking at, the reason we have four acre zoning is for open space and for these bulk dimensions but I think in the future we are going to have to look to a better system that talks about useable area versus steep slopes and wetlands. I am not saying that it has to be four acres of useable area I think that this might be border line not enough useable area but we will have to see.

Ms. Ryan stated we did do that calculation under the overlay district, the supplemental and it will yield two lots. Rich made some recommendations relative to staking if you are okay with that we will just go ahead.

Board Member Rogan stated yes just septic, centerline of driveway and house location.

Board Member DiSalvo asked Ted where is the property that you were referring to with the vernal pool.

Ted Kozlowski stated right here referring to the plan, Couch Road ends and the pool is somewhere in this area. It is going to be within a hundred feet of that septic.

Board Member DiSalvo stated I thought there was a house back in there.

Ms. Ryan stated I don't think there is a house on that piece.

Ted Kozlowski stated no.

Vice Chairman Montesano stated no it is on the piece above it. Isn't there one above it.

Ted Kozlowski replied no.

(Unable to hear too many talking at the same time).

Mr. Boyle stated there is a stonewall that seems to be the property line based on the monument, on the south side is Edie's property and that is where the pool is, south of that stonewall.

Board Member Rogan asked Theresa, why are you showing the driveway accessing this house for grading purposes at one of the most difficult sites on the road frontage. Is it a thing of site distance.

Ms. Ryan replied site distance because of the speed limit of Cornwall Hill Road.

Board Member Rogan stated that is a fast road. I don't know what it is legally but that is forty-five, fifty mile an hour.

Mr. Boyle stated it is a forty speed.

Ms. Ryan stated we need significant site distance for that speed.

Ms. Ryan thanked the Board.

### 13) CINGULAR WIRELESS TELECOMMUNICATIONS

Mr. John First, Attorney with Cuddy & Feder representing the Applicant.

Mr. First stated good evening. My name is John First with Cuddy & Feder. We are the attorneys for the Applicant, Cingular Wireless. I am here on behalf on Neil Alexander who you may be more familiar with. I am subbing for him tonight. Cingular had resubmitted an application for a one hundred and thirty foot monopole at 2022 Route 22 in the Town of Patterson. It is for four carriers at the southeastern corner of the host property, which is owned by Millworks Incorporated. The site was chosen as a result of extensive analysis of various sites within the Town and in conjunction with discussions with the Town. We would like to refer the matter to the Zoning Board. We are a public utility. There is no strict definition in the Code and it is our understanding that we require a use variance and a we will need an area variance as well. So, before we get started with the site plan we are probably going to need that use and area variance first. That is why we are here tonight.

Board Member Rogan stated we were hoping to do that site walk at the same time as the Zoning Board and also it sounds like this is on the parcel that we were just talking about for the lot line adjustment.

Mr. First stated correct.

Board Member Rogan stated we may end up hopefully doing those at the same time.

Board Member Cook asked do you have a picture or a graphic of the pole.

Mr. First asked a photo simulation is that what you are talking about.

Board Member Cook replied yes.

Mr. First stated I don't believe a photo simulation was submitted but we can provide one to help you out in the site plan review process absolutely.

Board Member Rogan stated actually if you are going to go through that trouble it would probably be a good idea if we could get that simulation done from perspective of the Route, this is off of Route 22 isn't it.

Board Member Cook stated yes.

Board Member Rogan stated from Route 22 so that we can get an actual I am sure you can overlay the simulation into an actual photo.

Mr. First stated right.

Board Member Rogan stated that would be helpful.

Board Member DiSalvo asked this type of a cell tower is there one constructed around here, the local area similar to this design.

Mr. First replied I am not sure off the top of my head but I will have to get back to you.

A gentleman stated I will take a look into that and see where the closest one is that is similar to this design.

Board Member Rogan stated and obviously, this Board's concern pretty straight forward will be, is this absolutely necessary in this location. Is it the only location on the property or are there other areas.

Rich Williams stated Shawn if I might just interrupt you that is a matter for the Zoning Board of Appeals.

Board Member Rogan asked it is not a site plan issue where they locate it.

Rich Williams replied it is not really a site plan issue no.

Board Member Rogan asked really why would it not be a site plan issue.

Rich Williams replied it would be if we are talking about the fall zone or visual appearance but when you are looking at the area and use variance standards it is really an issue with the Zoning Board whether it is appropriate to be located in this area.

Board Member Rogan asked appropriate based on visual and use, use meaning coverage.

Rich Williams stated yes.

Board Member Rogan asked because of the zoning requirement we are taken out of that.

Rich Williams replied you really don't have,

Board Member Rogan asked it is not under our purview.

Rich Williams replied yes authority. You can look at the site plan the citing of the improvements for those issues.

Board Member Rogan stated okay that makes it easier from my perspective.

Vice Chairman Montesano stated we are going to try a joint venture with the Zoning Board and ourselves to go out and take a look at it and go from there.

Vice Chairman Montesano asked are there any other items that we can request for information while the gentleman is here.

Board Member Rogan stated in lieu of that I have nothing else.

Board Member Pierro asked can we schedule a, maybe it is premature but can we schedule a hundred thirty foot balloon to go up in the general area where this is going to go.

Board Member Rogan stated it does not matter to us.

Rich Williams replied again, that is an area variance issue.

Mr. First stated I think first we have to do that through the use variance process with the Zoning Board. We also need a height variance with the Zoning Board as well. It is my understanding the procedures in this

Town is you apply to the Planning Board for the site plan review and they therefore at the beginning of the process refer you over to a use and area variance because a lot of the site plan issues may be moot if you don't get that use and area variance which are a little bit more difficult even though we are a public utility. We need to obtain those first before proceeding with the site plan review.

Board Member Pierro asked do you have any idea what the rough distance from the cell tower site is to any adjoining residences if there is any.

Rich Williams asked property lines or residences.

Board Member Pierro replied residences.

Rich Williams replied (hard to hear) residences probably over four hundred feet. The adjacent property,

Board Member Pierro stated I am not concerned as long as it is a little more than a hundred and thirty feet. It is not in the fall zone that is what I am concerned with.

Rich Williams stated the adjacent property is.

Board Member Rogan asked you say fall zone do you mean as if this was to fall over.

Rich Williams replied if the tower was to fall over it would land on somebody else's property.

Board Member Rogan stated okay thank you.

Mr. First asked so is it being referred to the Zoning Board.

Rich Williams replied at this point you have made an application to the Planning Board and the State Law allows you now to go directly to the Zoning Board of Appeals.

Mr. First stated okay I was not sure if there was a motion that had to be passed.

Rich Williams replied there really isn't.

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

Mr. First asked so we can go proceed and file our application with the Zoning Board at this time.

Vice Chairman Montesano replied yes.

The Secretary stated they asked for the photo simulation you may want to also submit that with your zoning stuff. They will probably ask for it also.

#### **14) GENOVESE FLEX BUILDING**

Mr. Phil Doyle, with LADA and Mr. Joe Buschynski, Bibbo Associates was present representing the Applicant.

Board Member Rogan asked so this is north of Ballyhack.

Board Member Pierro replied yes.

Board Member Rogan stated I can't envision this site for some reason.

Board Member DiSalvo stated Brewster Honda.

Board Member Pierro stated where Brewster Honda wanted to go. This driveway is right along side of Bonniello's property line.

Mr. Doyle stated good evening, Phil Doyle and Joe Buschynski. This is the old Hamilton Corporate Park, Brewster Honda was taking a look at this property. The lawn mower repair is just to the north.

Mr. Doyle stated we have seen Rich's memo. This is an application for a fifty thousand square foot it is called a flex building. It is being proposed by a company called Game Sportswear. Game has their offices in Yorktown and they also have two facilities in Port Chester where they actually do the sewing of the garments. The fellow who is the President of Game his name is Enrico Genovese, he was going to be here tonight but I think he has his company office party. Enrico was looking to reorganize the facilities and put them into one building. As I understand it he is one of the last companies in the country that is actually still doing sewing in this country. What he does is he will have part of the building for sewing and assembly and part of the building for warehouse. We have to go to the Zoning Board of Appeals and get a Special Permit for warehousing and also for light industrial in the C-1 Zone. There are wetlands on the site but we are not disturbing anything within the wetland or within the hundred foot review area. Across the street from us on the other side of Route 22 you have State Wetlands. The wetlands are over on the other side of Route 22 and (unable to hear no mic). We picked the point furthest north on the site where it is the flattest grades and hopefully the farthest away from the wetland.

Ted Kozlowski asked who flagged the wetland on your site.

Mr. Buschynski stated the boundary shown here was done by Tim Miller Associates for Brewster Honda.

(Unable to hear Ted and Joe Buschynski because some Board Members were talking at the same time).

Mr. Doyle stated that is a good question. I would like just to get some guidance. I am not sure whether you have to recommend us to go there or we send an application.

Rich Williams asked for the Special Use Permit.

Mr. Doyle replied yes.

Rich Williams stated you can go. It is not a variance.

Mr. Doyle stated you and I talked on the phone Rich about the architecture and I was here a few minutes ago sitting while the fellow that was here it took five years to go through the process.

Board Member Pierro stated that was a severely compromised lot though.

Mr. Doyle stated you are sitting there you say five years that is long heck of a time.

Rich Williams stated we are confident that Joe could do a little bit better.

Board Member Pierro stated that lot had shared access driveways, shared septic systems and an incredible number of easements plus there was a stream going right through the thing.

Mr. Doyle stated because one of the things, Enrico has hired an Architect named Bill (unable to hear last name). Bill does a lot of light industrial buildings (unable to hear plans rattling in the mics).

Mr. Doyle stated my understanding is it is going to be a split face block building, different types of bands along the building. The front is the part facing the parking lot, which faces north. I would like to be able to give some direction to Bill since he isn't here tonight. Rich had indicated in the memo a Victorian, Colonial suggestions, thoughts.

Board Member Rogan stated the underlying theme is how visible is it from 22 and I was just looking at your plan here where it shows the cross section of the line of sight and I think the leniency of this Board I mean from the style of the building you want to build is somewhat determined by how visible it is. The gentleman who was here earlier has a highly visible site. We were really trying to achieve something there that would be architecturally pleasing.

Board Member DiSalvo stated I think when we were considering Brewster Honda they were going to be behind the tree line.

Board Member Rogan stated and that is what they are showing on their plan. That is why I think we will need to go out there and take a look and we will get a better sense.

Ted Kozlowski stated that is opposite an entrance to a big residential area.

Mr. Doyle stated Old Route 22 is right down here kind of on an angle and when I had been on the site, the thing that I noticed and Rich had mentioned it when you walk inside the site there is a lot of scrub vegetation, the larger trees seem to be right through here and we are trying not to touch those. The road (hard to hear not using the mic well) would be I cross sectioned, the plateau up here but the building sits here and when you are down on Route 22 you are catching the top of the building through the trees but you are not going to see the entire building.

Board Member Rogan stated because of the foundation plantings and such.

Mr. Doyle stated right we want that to disappear. We can do some screening here with some additional plantings and we can also tell Bill to detail that side of the building as well. I just wanted to get a little feedback because I know I have got to talk to Bill and give him some direction.

Vice Chairman Montesano asked do you want to go out and look at this.

Board Member DiSalvo replied yes.

Vice Chairman Montesano asked now.

Mr. Doyle stated this time of the year is the best time to see it.

Vice Chairman Montesano stated okay then we are going to need centerline of the road.

Board Member Rogan stated the four corners of the building, just a stake in the center of the proposed septic area because that is a thirty-five foot elevation change from,

Mr. Buschynski stated it is a nice walk.

Board Member Rogan stated this is the perfect time for.

Ted Kozlowski asked how much room are you going to need to construct in front of that building in relation to that buffer of trees that you wanted.

Mr. Doyle replied on the plan we left about fifteen, twenty feet here. (hard to hear other Board Members talking at same time). This is just going to be a frost wall so that is probably all we are going to need for scaffolding and for the foundation excavation.

Ted Kozlowski stated but that is the finished product generally on the construction site they expand beyond that. If you are going to want to protect that buffer of trees you are going to have to in your plans fence that off not with snow fencing. You are really going to have to protect that. That is very close to 22. You are not leaving yourself a lot of room there with regard to the tree protection.

Mr. Doyle stated I don't want to go any further obviously.

Ted Kozlowski stated no but if that is the finished product but when they are constructing especially in front of that building they are going to be way into that. You are going to have to sequence that and protect that off or else that is not going to work.

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

Mr. Doyle asked if we can get it staked we will arrange through Rich a site walk, and we will make an application to go to the Zoning Board of Appeals for a Special Permit.

Board Member Rogan stated that would be great look forwarding to see it.

Mr. Doyle and Mr. Buschynski thanked the Board.

(Unable to hear too many talking at same time).

## 15) MINUTES

Board Member Pierro made a motion to approve the September 28, 2006, October 5, 2006, October 26, 2006, and November 2, 2006. Board Member DiSalvo seconded the motion.

Board Member Pierro	-	aye
Board Member Rogan	-	aye with an abstention of November 2, 2006
Board Member DiSalvo	-	aye

Board Member Cook - aye with an abstention of October 26, 2006  
Vice Chairman Montesano - aye

September 28, 2006 and October 5, 2006 minutes were approved by a vote of 5 to 0.

October 26, 2006 and November 2, 2006 minutes were approved by a vote of 4 to 0.

Board Member Rogan made a motion to adjourn the meeting. Board Member DiSalvo seconded the motion. Motion carried by a vote of 5 to 0 and meeting adjourned at 9:51 p.m.