

TOWN OF PATTERSON**PLANNING BOARD MEETING
December 29, 2009 *Work Session*****AGENDA & MINUTES**

	Page #
1) Verizon Wireless at 801 Route 311 – Public Hearing	10 – 11
2) Clocktower Frame – Sign Application	11 – 12
3) Steakhouse 22 – Sign Application	12 – 13
4) Ice Pond Estates – SEQRA Determination	13 – 23
5) South Patterson Business Park West - SEQRA Determination	23 – 24
6) Wireless Edge at Quail Ridge – Lead Agency	24 – 31
7) Other Business	
a. Field & Forest – Request for Bond Reduction	32
b. D’Ottavio Site Plan – Request for Bond Reduction	32 – 33
c. Tom’s Barber Shop	1 – 10
d. O’Mara Wetlands/Watercourse Permit Application – Site Walk Comments	33 – 37
8) Minutes	

PLANNING DEPARTMENT

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

Michelle Russo
Sarah Wager
Secretary

Richard Williams
Town Planner

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



**TOWN OF PATTERSON
PLANNING & ZONING OFFICE**

ZONING BOARD OF APPEALS

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

PLANNING BOARD

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

**Planning Board
December 29, 2009 Work Session Meeting Minutes**

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

APPROVED

Present were: Chairman Rogan, Board Member Pierro, Board Member Montesano, Board Member DiSalvo, Board Member Cook, Rich Williams, Town Planner and Ted Kozlowski, Town of Patterson Environmental Conservation Inspector

The meeting began at 7:30 p.m.

Michelle K. Russo was the Secretary and transcribed the following minutes.

Chairman Rogan stated happy holidays to everyone, unless everyone minds, we have Mr. Salinas here for Tom's Barber Shop. We are going to put him in under other business, if we can ask him why he's here tonight, we'll take care of him first and see what he's got going on.

7) OTHER BUSINESS

c. Tom's Barber Shop

Mr. Tomas Salinas was present.

Mr. Salinas stated yea...

Board Member Pierro stated Shawn, as a matter of course, I recuse myself on this earlier application and I think it would only be right if I recuse again because I sold this building to this gentleman.

Chairman Rogan stated thank you.

Mr. Salinas stated the reason that I came here is because I want to make a little change, this, I don't know if you want it open.

Chairman Rogan stated please, open it.

Mr. Salinas stated (inaudible)...

Chairman Rogan stated an amended site plan, we're looking at.

Rich Williams stated I don't know.

Mr. Salinas stated change this, I am not so happy about this, normally I can get five cars over here, you know by knocking down my garage.

Chairman Rogan stated right.

Mr. Salinas stated and you know I think if I do it like this I can keep my garage and to me it is better looking to go like this, to put a few like this that once I get it all ready, I want to change in the back.

Chairman Rogan stated you want to change the location of the fields.

Mr. Salinas stated (inaudible) this, I want to keep my garage because it doesn't make sense you know to knock it down. I get only five parking spaces over here. Which I can keep it, as long as I park, most of the time I stay all day in the building...

Board Member DiSalvo stated put your car over there.

Mr. Salinas stated I can put my car over here and I can park five cars over here, I was thinking the best idea, you know if I keep this, I have to put fields over here and put in maybe mulch or whatever, it doesn't look good.

Board Member DiSalvo stated it's all wasted.

Chairman Rogan stated so you would need to get approval to put the fields over here.

Mr. Salinas stated yea I want to move it over, keep my garage, you know put blacktop over here, make it parking like this and maybe like I said most of the day I stay all day in the building so I can keep my car over here.

Chairman Rogan stated we would need to, is there enough room between the garage the fields to get your car back there...

Mr. Salinas stated yes because if you see over here, it is going to be the same distance, you know from the...

Chairman Rogan stated same distance from what.

Board Member DiSalvo stated it is the same there so (inaudible).

Mr. Salinas stated the garage is just a little bit down.

Chairman Rogan stated oh okay.

Mr. Salinas stated so I have plenty of room over here, from here to here I have 47 feet, oh no, 47 from here a little bit more but its close, maybe two feet. I can put the garbage container over here, from the garage I have about six feet away...

Board Member DiSalvo stated this looks like Grady's...

Mr. Salinas stated you know I want to, I want to keep, I want to put it...

Chairman Rogan stated still going to do everything else though, the fence and the blacktop...

Mr. Salinas stated that is what I want to do.

Chairman Rogan stated still pitching it towards the...

Board Member DiSalvo stated you want to like refurbish that garage, fix it up.

Mr. Salinas stated yea, that is why.

Chairman Rogan stated good.

Mr. Salinas stated you know because like they say, if I knock it down this garage, I was thinking first, because I was thinking, I can get parking like this but now (inaudible) so what's the point in knocking it down...

Chairman Rogan stated is the garage, Tom is the garage something that you can actually put a car in or is it a tool shed.

Mr. Salinas stated I can fit my car pretty good; it's 20 feet long so.

Chairman Rogan stated the reason I'm asking is because these spots would block the entrance to the garage so...

Mr. Salinas stated oh yea but you know I own the building and most of the time I'm in the building so, you know they can park everybody this is just for the customers.

Chairman Rogan stated yea.

Board Member DiSalvo stated what would you do, like vinyl siding, like you'd match the building.

Mr. Salinas stated I want to put everything blacktop, peach to the tree and make lines like this.

Chairman Rogan stated right.

Rich Williams stated (inaudible).

Board Member DiSalvo stated that way you pull out.

Mr. Salinas stated yes, so my car I can park over here and I can still have customer parking up close, where my car I can fit in the garage, you know what I mean.

Board Member Montesano stated I think if everybody parks normally...

Mr. Salinas stated it looks a lot better like this.

Board Member DiSalvo stated then we still have that matter about after hours, how can we secure this parking lot, it was a concern with the neighbor and then the tenant parking...

Board Member Cook stated how do you get in here.

Board Member Montesano stated you pull in.

Chairman Rogan stated this is the street, you pull in off street parking.

Board Member Montesano stated this is the street coming in, you usually pull right in here.

Board Member DiSalvo stated and this is where that bigger parking lot is for the wood company, right, that is pretty much flat I don't even think there is a curbing on that side.

Mr. Salinas stated because you know, if I make it like this, people can park like this, plus who has time to knock out over here, (inaudible) another one over here, it doesn't look good.

Chairman Rogan stated yea. This corner spot was a very difficult spot anyway...

Board Member Montesano stated yea.

Mr. Salinas stated exactly.

Board Member Montesano stated right now at the present time, when you go down past there, they are parking this way.

Mr. Salinas stated people were parking like this for years you know, that is why I want to put blacktop.

Board Member Montesano stated the one across the street.

Board Member DiSalvo stated so how would we prevent these cars from driving up to here now.

Chairman Rogan stated over the septic area.

Board Member DiSalvo stated yea.

Chairman Rogan stated that is going to be grass right...

Board Member Montesano stated yea.

Chairman Rogan stated the same way we were going to protect this, whatever the curbing or whatever was, we would have to do the same thing, whatever this was, its curbing I'm assuming.

Board Member DiSalvo stated some kind of block.

Board Member Montesano stated unless people wanted to drive over it anyway.

Chairman Rogan stated Rich, do you have any initial thoughts on this or anything.

Rich Williams stated sure I already went through this with Mr. Tomas [Salinas] and explained the process to him somewhat. It is never a good idea to have a situation where you are backing in and out of a true street, however this is a very low volume street, its not really going to be a huge impact, they are currently doing it, everybody on the street is doing it, it seems to be functioning fine. This layout for me works a lot better than the original layout which was very tight, it was going to be very hard to maneuver...

Board Member DiSalvo stated and he has the five spots right here.

Rich Williams stated you're decreasing the amount of impervious coverage out there but we have the issue now, you've got the item four there, so you're going to have to talk about that. So you're reducing the amount of stormwater, you don't need all that curbing, you can just do some concrete wheel stops, it's a lot less expensive. You know, we are still going to have to do something with the ADA but you know, we just move the signage forward, we move all the signage forward, we do the same thing that we were going to do before with the permit parking.

Board Member Montesano stated that ADA, that first space here is closest to the sidewalk, so if you make that an ADA spot, that means that you can theoretically come right through...

Board Member DiSalvo stated the back...

Rich Williams stated the spot is fine, the issue is getting up on to the sidewalk or getting into the...getting up on the sidewalk, where the ramp is going to be, you know how they are going to get up there.

Board Member Montesano stated not just blacktop, just level it or slope it in this way...

Chairman Rogan stated try to match the blacktop to the curb as close as...

Rich Williams stated you have to have an aisle...

Chairman Rogan stated yea.

Rich Williams stated in which to do that.

Chairman Rogan stated it doesn't look like there is space for the aisle. Okay, so what you're basically saying here then is that the items you just spoke about, incorporating this schematic, making sure all the items are on the plan and filing for an amended site plan, right.

Board Member DiSalvo stated from the Health Department's point of view, how big of a deal is this to move this.

Chairman Rogan stated well it is so close I can't imagine that he is going to have a problem with it but we would certainly put in, obviously, any approval we do that they have to get approval from the Health Department for the amended location but he is just, the grade isn't an issue.

Board Member DiSalvo stated where is his tank, his septic tank.

Rich Williams stated I suggested, I had talked to the Health Department about this, they said they thought it would probably work out, he's still got to do deeps and perc's...

Chairman Rogan stated so it's...

Rich Williams stated and I instructed Mr. Salinas to go and talk to architect and go to the Health Department and get a preliminary feel for...

Chairman Rogan stated yea.

Mr. Salinas stated they told me to put it over here or over here [points to plan].

Chairman Rogan stated okay, do you have it in writing.

Mr. Salinas stated not yet.

Chairman Rogan stated you just have to get it in writing that they will approve it there.

Mr. Salinas stated I think they called you and you said no, I have to (inaudible).

Chairman Rogan stated okay.

Rich Williams stated they called me and I said no.

Mr. Salinas stated that is what they told me.

Rich Williams stated no, that is not true.

Mr. Salinas stated then, you know...

Rich Williams stated they called me or I called them or I'm not sure how...

Mr. Salinas stated they told me that they don't have any problems to put it like I said, to put it over here or over here.

Board Member Montesano stated we don't have any problems either.

Board Member DiSalvo stated (inaudible) do it with a back hoe.

Chairman Rogan stated okay, yea just have to dig a deep test hole and make sure they don't hit rock right at.

Board Member DiSalvo stated and just move the pipes on to that side.

Mr. Salinas stated from here...

Board Member Montesano stated just tell them that is where you want to put it, we have no problem with it...

Chairman Rogan stated they are keeping that [septic] tank in the same location.

Board Member Montesano stated it's not our headache.

Board Member Cook stated but you have to get that approval in writing Tom.

Mr. Salinas stated yea, I can do that.

Chairman Rogan stated that's not a problem, if you can get that in writing and if you can get your gentleman...

Mr. Salinas stated they will have to come and test the ground over here again, that is the only way...

Chairman Rogan stated that's all and have your, the gentleman that prepared the plans for you, just show all the details for this layout now, this is just a sketch concept, with the requirements for the handicap and the signs and the you know, the thing that Rich had mentioned. It sounds like everybody is on board here with it, it doesn't sound like a big deal, if it works better for you and you know.

Board Member DiSalvo stated these parking spaces are up to our, the standard size...

Rich Williams stated I haven't seen it, I don't know.

Mr. Salinas stated (inaudible).

Chairman Rogan stated yes it's just the first time seeing it.

Board Member DiSalvo stated is there a way to, if he's going to need a little room here, is there a way to...

Board Member Montesano stated well you just have to see how that reads...

Chairman Rogan stated we could just give a waiver.

Board Member Montesano stated if that walkway can be included as part of the parking...

Board Member DiSalvo stated keep the length the same, because they'll need it backing out.

Board Member Montesano stated that means you can park a van, theoretically open up the side and the guy can come out, right onto there, as long as he pulls in forward.

Rich Williams stated it doesn't work that way Mike.

Board Member DiSalvo stated do you have a lot people that come in, that come in with a cane or a wheelchair...

Mr. Salinas stated you know, people who are handicap, they never park over here...

Board Member DiSalvo stated they park here.

Mr. Salinas stated they park in the front, it's more easier, you know because...

Board Member Montesano stated park out on [Route] 311.

Mr. Salinas stated I see people, you know I say I have parking in back but they don't want to park back there. Young people you know, they go over here, they park over here but never in the back.

Board Member Cook stated so you have to get your architect to show this one space as a handicap with the handicap dimensions and the other four, the dimensions that he knows about that the Town approves.

Mr. Salinas stated yea because over here, this is the one already, that is 36 inches but I measured from here to here, I have about 9 feet.

Chairman Rogan stated 9 feet.

Mr. Salinas stated so its like a normal park, that is how I figured out it was five parking, five spaces.

Board Member Cook stated if he lays it out, you may find the fifth spot coming over here and you will be parking in the garage, so.

Mr. Salinas stated well like I said, I spend most of my time in the building, so I can put my car over here.

Board Member Cook stated you may need, if this handicap spot is larger and pushes these down so you don't have enough space, this may become the fifth spot.

Mr. Salinas stated we could do that.

Board Member Cook stated but let him lay it out.

Board Member Montesano stated that shouldn't be a problem.

Board Member Cook stated okay.

Mr. Salinas stated okay.

Board Member Montesano stated now we'll have to park up on the roof.

Board Member DiSalvo stated so what does he have to get on our agenda for February.

Chairman Rogan stated he has to submit something.

Rich Williams stated he has to fill out an application.

Chairman Rogan stated well it sounds like if you can make it work, everybody is kind of okay with it, just whether or not it can work out.

Board Member Montesano stated all we need is something from the Health Department.

Chairman Rogan stated and 9 feet would require a waiver, correct, because we are...

Board Member DiSalvo stated so you have to fill out an application and come back maybe in February.

Rich Williams stated I would have to go back and take a look at it, you've already given him a waiver.

Chairman Rogan stated oh, that's true.

Board Member DiSalvo stated we wouldn't do it now anyway.

Chairman Rogan stated okay Tom.

Mr. Salinas stated all right.

Chairman Rogan stated all right, thank you for your time.

Mr. Salinas stated yup, thank you.

Chairman Rogan stated talk to your friend, amend the site plan and we will see what we can do to help you.

Mr. Salinas stated except maybe over here, over here there is a lot of space, so I am looking for the handicap over here.

Chairman Rogan stated no because I don't think you would be able to get to...it's too far.

Board Member Montesano stated no, you wouldn't be able to get out.

Chairman Rogan stated let your professional look at the plan that you...

Mr. Salinas stated because the way (inaudible) I was not happy anyway.

Chairman Rogan stated okay.

Mr. Salinas stated that is why I come tonight.

Chairman Rogan stated yea, he said you weren't happy.

Mr. Salinas stated I said what is the point to knocking down the garage and put a lot of stuff over here and get only five space.

Chairman Rogan stated right, well because it is a very limited area, even with the garage, even if you remove this garage, you're probably not going to get more than five.

Mr. Salinas stated that is why I said, you know the best way for the site is like this.

Chairman Rogan stated yea.

Mr. Salinas stated I have five space, I can keep my garage and I have another space over here.

Board Member Cook stated this is all street level, I don't remember.

Board Member Montesano stated yes, that is all...

Board Member Cook stated so you can just come up, you can pull in any of these spots right off the street, okay.

Board Member DiSalvo stated he'll have to stripe them...

Board Member Montesano stated you can pull in there now, that is what they do, they are right, there are no stripes on it, so they are all like this, just make sure you're on the driver's side.

Chairman Rogan stated okay.

Mr. Salinas stated so if we can do again, then I have to bring, in next month.

Chairman Rogan stated yea, well he has to get them to us so Richie can review it and we'll take a look at it and get your, you have to get it from him first, file an application for an amended site plan to change, okay.

Mr. Salinas stated okay, so I'll see you next month, right.

Chairman Rogan stated as long as you get your guy to do it, yea.

Mr. Salinas stated (inaudible) quick, all right, thank you.

Board Member DiSalvo stated bye, bye.

Chairman Rogan stated bye.

1) VERIZON WIRELESS AT 801 ROUTE 311 – Public Hearing

Chairman Rogan stated Verizon Wireless at 801 Route 311, that is the silo.

Rich Williams stated yes.

Chairman Rogan stated we have a public hearing on that.

Rich Williams stated they did submit architectural for the Board to take a look at.

Board Member Montesano stated yea.

Chairman Rogan stated at our site walk, someone was talking, I think it was Lars from Zoning Board, was talking about seeing one of these silo cell towers somewhere else and looking, you know how they have to change the dome on it, looking at that and seeing that it didn't really change the dome.

Board Member DiSalvo stated I thought we asked for what it is going to look like.

Chairman Rogan stated we are going to get, we asked for...

Board Member Montesano stated he said its not going to change other than possibly the color.

Rich Williams stated I didn't even think the color was changing.

Chairman Rogan stated I thought it was going to be very similar but...

2) **CLOCKTOWER FRAME – Sign Application**

Chairman Rogan stated Clocktower Frame, does anybody have the paperwork on that.

Board Member Montesano stated I don't have it with me, no.

Chairman Rogan stated oh that's the one on, we already have it.

Board Member DiSalvo stated it's at Patterson Woodbench.

Chairman Rogan stated okay, they were proposing to go to Zoning if I remember correctly because they wanted to keep what they had for the size.

Rich Williams stated that is what he said when he came in, he submitted the application, I took a look at it. Based on, there are no dimensions on some of the signs, if not all of the signs but based on the appearance, it appeared that it didn't meet Zoning. I identified that they needed to show those dimensions and that if they exceeded the 25 square feet, they would need to make some changes or go to the Zoning Board. Haven't seen or heard anything from him since.

Chairman Rogan stated okay.

Rich Williams stated we did the site walk, I talked to Dick Henke and there has been no movement.

Chairman Rogan stated you remember we measured the length of that sign, it was a little bit smaller than a sheet of plywood, wasn't it.

Rich Williams stated yea, it was about 25 square feet.

Chairman Rogan stated yea, pretty darn close. We could always, at the meeting, we could always react to the application in approving nothing larger than what our Code allows and if it's larger than that then you know, they have to...

Rich Williams stated yes but you are already sitting there with a sign that meets our, meets or exceeds our Code requirement and they are proposing a second sign on top of that.

Chairman Rogan stated oh, I'm sorry, I forgot about that.

Rich Williams stated you know, so...

Chairman Rogan stated they have to go to Zoning anyway, all right, should we even have them on the agenda or should we just, guess just talk to them.

Rich Williams stated I think Charlie has been looking for my site walk comments on this, which is why its on there. It's the only way I am going to get my site walk comments out.

Chairman Rogan stated comment noted, good job Charlie, keeping him honest, okay.

Board Member Cook stated you'll have them for next week right.

Rich Williams stated I will.

Board Member Montesano stated that's good.

3) STEAKHOUSE 22 – Sign Application

Chairman Rogan stated Steakhouse 22, everybody we were looking at their sign application earlier tonight, based on the application it looks about as straight forward as they come, going back to the old style sign, white background, black letters.

Board Member Montesano stated same name as before.

Board Member DiSalvo stated I think it's adding tavern or something, right.

Rich Williams stated I haven't looked at it, I don't know.

Chairman Rogan stated restaurant and tavern, Country House Restaurant and Tavern. This seems to indicate a 32 square foot sign, based on the dimensions. Did they get a, do you remember if they got, I haven't looked at any of the...

Board Member DiSalvo stated I thought it was 4 by 8.

Chairman Rogan stated yea, that 32 [square feet].

Board Member DiSalvo stated that is what's there now, a sheet of plywood.

Chairman Rogan stated yea, so that is what I'm wondering, if they got a waiver or a variance.

Board Member DiSalvo stated I think that was the discussion when we were approving the Steakhouse sign, that the signs were there pre-existing.

Rich Williams stated pre-existing.

Board Member DiSalvo stated now we are going still pre-existing.

Chairman Rogan stated (inaudible), all right, so let's, Mr. Troetti will probably be in next week and we'll take a look.

Board Member Montesano stated well all they have to do is paint that one word, right, that is all they are going to change...

Chairman Rogan stated well no, they are not proposing.

Board Member Pierro stated they are changing it from Steakhouse to Country House.

Board Member Montesano stated Steakhouse to Country House, yea...

Board Member Pierro stated I think you ought to pull the minutes from the last sign approval and see what you did there.

Chairman Rogan stated Michelle, you're not listening.

The Secretary stated I am listening, I am actually looking for the minutes.

Chairman Rogan stated you're awesome, I figured you were, you were doing something there.

4) ICE POND ESTATES – SEQRA Determination

Chairman Rogan stated Ice Pond View Estates, we had mentioned the possibility of doing another site walk out there, also Ron Davies, is that his name...

Rich Williams stated Taylor.

Chairman Rogan stated Taylor, where do I get Davies from...

Rich Williams stated I don't know...

Chairman Rogan stated I've said that a couple of times, right.

Ted Kozlowski stated Ron Davies...

Chairman Rogan stated yea, who is that.

Ted Kozlowski stated from Davies, you're thinking of from the Kinks.

Chairman Rogan stated no I'm not, that may be who you're thinking of. Ron Taylor from the Historical Society had requested to go with us. Maybe we can schedule something for January; maybe one of our warmer Saturdays, we'll run over there and take a look.

Board Member DiSalvo stated well we want some of those walls and there was some kind of a foundation that was visible.

Board Member Montesano stated just have Ron stay away from the well, we don't want to have him drop in.

Board Member DiSalvo stated we'll play it by ear.

Chairman Rogan stated actually I think last meeting we had asked them about one large wall and they had used it as a property line, the one wall that runs parallel.

Board Member DiSalvo stated the one that is as wide as this...

Chairman Rogan stated no it's as wide as this room in some spots, anyway. So they had incorporated that, but I just because of some of the changes they made thought may be we might want to take another look at that layout and some of those areas.

Board Member DiSalvo stated oh yea.

Chairman Rogan stated because we didn't really, we walked the site initially, I don't know if we saw the whole site...

Board Member DiSalvo stated no.

Chairman Rogan stated you may have on additional trips but let's see if maybe we can nail something down for early January...

Board Member Montesano stated that's a long walk.

Chairman Rogan stated depending on what the snow does.

Ted Kozlowski stated make a tentative date now and then you know, call it off.

Board Member Cook stated we are going to hold off on the SEQRA until we do the walk right, or no.

Chairman Rogan stated I just want to make sure we are, I want to take a look at the plan they have now and just re-familiarize myself with some of the layout issues.

Board Member Montesano stated just tell them that.

Board Member DiSalvo stated walk it...

Board Member Pierro stated I think they were hinting towards just requesting a SEQR Determination at the last meeting sooner than later.

Chairman Rogan stated yea.

Board Member Pierro stated be prepared for them to come in and ask.

Chairman Rogan stated I am not saying to hold up the SEQR Determination because I don't think based on the area that we walked, we didn't see anything out there that this proposal would significantly impact but I'm just thinking in terms of specific changes to some of the lots.

Ted Kozlowski stated (inaudible) Ice Pond Estates.

Board Member Montesano stated yea.

Ted Kozlowski stated all those lots that are along the...

Board Member DiSalvo stated the road.

Ted Kozlowski stated the wetlands impact the buffer and...

Board Member Montesano stated we discussed that with them when they were here the last time.

Chairman Rogan stated we did.

Rich Williams stated right now they are proposing the lot, the initial concern of having those lots extended to the wetland was to hold the property lines back and they didn't want to do that. They didn't want to lose lots, the current proposal has a line of very large boulders along the wetland buffer line so as to kind of delineate where the wetland is.

Board Member Montesano stated they are moving boulders to that line.

Rich Williams stated there is enough rock out there to...

Chairman Rogan stated oh yea.

Board Member Montesano stated I realize that, what I am hoping is that the boulders are large enough where you don't get the guy to come rolling in and try to move them.

Chairman Rogan stated oh yea.

Ted Kozlowski stated are you guy comfortable with the road and the traffic that this is going to generate.

Board Member DiSalvo stated no.

Ted Kozlowski stated isn't that road going to be paved, that is a dirt road there, is it not.

Chairman Rogan stated yea, great questions.

Ted Kozlowski stated and now you've got what, 30 homes going in...

Board Member DiSalvo stated I don't know why we are not giving it so much consideration as we did with Burdick Farms with all of these other issues.

Ted Kozlowski stated well that is going to dump on to that road or Route 312.

Board Member DiSalvo stated right but when we were doing Burdick Farms all of these issues came up but now with this Ice Pond, no body seems to care.

Ted Kozlowski stated Rich, are they required to pave the road.

Chairman Rogan stated no one cares...

Rich Williams stated are they required...

Board Member Montesano stated are they required no, we try to get them to do a section of the road for the improvement.

Ted Kozlowski stated I think if you are going to do a site walk, you ought to look at that, I don't know if that road is going to be able to hold up...

Board Member DiSalvo stated I wouldn't move on the SEQR Determination, we were there on the old plan.

Ted Kozlowski stated you know because that is 30 homes, let's assume 2 cars per house...

Board Member DiSalvo stated two or three.

Ted Kozlowski stated then you have service vehicles and then you have garbage pick up, snow plowing and you know, this will be a lot more traffic on that road...

Board Member DiSalvo stated landscaping and...

Board Member Montesano stated let's put it this way, when we did...

Ted Kozlowski stated that's no man's land now.

Board Member Montesano stated we had improvements done for Burdick Farms, for Bullet Hole Road, so why can't we have the improvements and just bring them right up now, that certain improvements have to be done to the road.

Ted Kozlowski stated I thought that road was brought up in the past.

Board Member Cook stated I recall that, I think it was this application that the Superintendent of Highways there asked that this road be improved.

Ted Kozlowski stated paved.

Board Member Cook stated paved.

Ted Kozlowski stated it's, I think it comes down, doesn't it come down to like in a bowl there from either end.

Chairman Rogan stated yea.

Rich Williams stated the main entrance is up on the high side.

Ted Kozlowski stated right but the road once they get on...

Board Member DiSalvo stated its still narrow and wide and narrow and wide.

Board Member Montesano stated coming down Ice Pond [Road] from the curb, right...

Ted Kozlowski stated I think the road is going to become an issue.

Board Member Montesano stated and then you've got, you can either go straight out and end up on [Route] 312 or you can make the one to Tammany [Hall] Road and go out that way but you've got to do some kind of...

Ted Kozlowski stated plus I don't think you have neighbors that are going to be, that are right around there where they are going to fight over paving that road, whereas you had Couch Road...

Board Member Pierro stated my recollection is...

Ted Kozlowski stated you know I just (inaudible).

Board Member Pierro stated my recollection is that the stop sign intersection had to be improved with Burdick Farms and I don't see that changing at this point.

Chairman Rogan stated actually, you are slightly incorrect though because the main thing was with Burdick Farms, when we got down to a certain point it was the ability for the Town to be able to do some changes out there, which the Town acquired the property, remember.

Board Member Pierro stated the Town acquired the property where the silo was and where the barn was...

Chairman Rogan stated I don't know that there was going to be, on the final was there going to be anything to that stop sign, Ice Pond [Road]/Bullet Hole [Road] interchange, I thought getting the property was the...

Rich Williams stated the...

Board Member Pierro stated there was (inaudible).

Rich Williams stated there were improvements along the frontage but not re-aligning the road for that stop sign down.

Chairman Rogan stated it was from the stop sign up to McManus [Road South], which there was some re-alignment.

Ted Kozlowski stated let's assume...

Board Member Pierro stated that re-alignment...

Chairman Rogan stated that was from a higher...

Board Member Pierro stated that re-alignment may still have to occur to give better site distance to...

Chairman Rogan stated the problem is you...

Board Member Pierro stated I think this is going to take a close look at Burdick Farms...

Rich Williams stated let me just interject here, the road was brought up early on as being an area of concern that they were going to need to address. It has been mentioned every time, we already have or we are going to have, I'm not sure which it is right now but my focus has been someplace else this week completely, a traffic study. I know they are either working on it or its done and been submitted, they are looking at it, I don't know where we are with that but they know that, they have hired a traffic consultant.

Board Member DiSalvo stated is that Brewster or Carmel School District.

Rich Williams stated Brewster.

Board Member DiSalvo stated so they would...

Rich Williams stated I believe.

Board Member Pierro stated Ice Pond...

Chairman Rogan stated you know, Carmel School bus goes all the way down and they turn around in Tammany Hall [Road].

Board Member Montesano stated no they turn around...

Chairman Rogan stated they turn around in Tommy Thurber...

Rich Williams stated do they turn around.

Board Member Pierro stated yes.

Chairman Rogan stated yup, they pull in, they do a three point there and then they head back towards.

Rich Williams stated yea that is (inaudible) because the other side of Tommy Thurber I know the kids go to Brewster.

Board Member Pierro stated right.

Chairman Rogan stated yea, you're right.

Rich Williams stated so Tommy Thurber is the cut off.

Chairman Rogan stated right because they pick up kids at that intersection and then they turn around and head back toward Patterson, toward Carmel.

Board Member DiSalvo stated yeah but you don't know what the size of this property, you know the, some lots may be in the Carmel School District.

Chairman Rogan stated oh I think they are all, I actually think they are all in Carmel.

Rich Williams stated I can, listen I have the school lines, I can tell you.

Board Member Montesano stated they should be all in the Carmel School District.

Board Member DiSalvo stated so now you are going to have school buses, one or two going down that road.

Ted Kozlowski stated twice a day at least.

Board Member Montesano stated and now they may change the route there.

Board Member DiSalvo stated I mean, do they go into the development or are they going to have to turn around and...

Board Member Montesano stated that is for them to figure.

Rich Williams stated what you just heard is that they turn around at that intersection...

Chairman Rogan stated at the intersection of Tommy Thurber.

Board Member DiSalvo stated that's further north.

Chairman Rogan stated its much further, closer to Brewster.

Rich Williams stated Tommy Thurber, it's...

Chairman Rogan stated a couple hundred yards.

Rich Williams stated I was going to say three hundred feet, it's up the road.

Chairman Rogan stated okay, yea, we see the buses turn around there all the time.

Rich Williams stated the buses are on Ice Pond already.

Board Member DiSalvo stated but they are for Brewster Schools.

Chairman Rogan stated no, they are Carmel Schools.

Board Member Montesano stated no, they are Carmel Schools.

Chairman Rogan stated they come in from Burdick Farms, they come in that way and they turn around and they head back towards Patterson and Carmel.

Board Member DiSalvo stated so they may have to add another bus.

Rich Williams stated the kids...

Board Member DiSalvo stated there are more kids.

Rich Williams stated but the kids are getting picked up from Brewster Schools also, I know the families closer down on the other side of Tommy Thurber are going to Brewster, they must be getting picked up by the buses.

Board Member DiSalvo stated that is going to be like a main thoroughfare for school buses.

Ted Kozlowski stated can I just, if I, you guys know, I live on Big Elm Road, it was a dirt road Rich when I moved in. Everybody was happy with the dirt road and then Big Elm Subdivision development, less houses then what is going in on Ice Pond. Once Big Elm [Subdivision] was developed, everybody in that development petitioned the Town and they were all upset because they wanted Big Elm paved because they were sick of...then the Town wound up paying for Big Elm to get paved.

Rich Williams stated the Town certainly paid for Big Elm to be paved, as I recall, it was the residents on Big Elm that couldn't take the dust anymore, who came to the Town.

Ted Kozlowski stated I didn't want Big Elm paved.

Rich Williams stated your neighbors didn't agree with you.

Ted Kozlowski stated those people, but there are a handful neighbors compared to 20 homes, 25, all yelling and screaming and paying a lot more in taxes than everybody else and that is what is going to happen here in this development. You are going to have nice fancy homes on a paved road and then come that first winter, especially March, that's mud season, that road is going to be mush.

Rich Williams stated you have to use that door over there because this one is locked.

Ted Kozlowski stated you really have to consider having this developer pave that road because the Town is going to wind up putting out.

Chairman Rogan stated it's actually not that far because when you go down the hill from the Patterson side, at the bottom of the hill is where the pavement ends, I think there was an issue though, wasn't there an issue with the stream there, that they can't pave a certain part of that road.

Board Member Pierro stated yes, there is not only an issue with it but I thought was had discussed them doing some improvements to the...

Board Member DiSalvo stated like what.

Rich Williams stated it hasn't been determined. We don't know the level of the impact of the traffic at this point...

Board Member Pierro stated but we had discussed that issue, whether or not there was enough pipe width to carry stormwater off that site to across the street.

Board Member DiSalvo stated but where is it going to go, the pipe.

Rich Williams stated you totally lost me.

Board Member Pierro stated the bottom portion of that road, Ice Pond, floods out often...

Board Member DiSalvo stated (inaudible).

Board Member Pierro stated it used to and Charlie had been doing some work up there...

Rich Williams stated right.

Board Member Pierro stated and I thought, my recollection was that there was some discussion about doing some kind of remediation there.

Rich Williams stated I don't recall that.

Board Member Pierro stated yea.

Board Member Cook stated I'm done...

Board Member Pierro stated I thought they also were willing or discussed or mentioned assisting in the improvement of the road.

Board Member Cook stated maybe you can check your file on this, I am sure that there is a letter from Mr. [Charlie] Williams on this...

Chairman Rogan stated I think you're right.

Board Member Cook stated saying to the applicant that they need to pave the road or cover the expense or whatever.

Chairman Rogan stated Charlie has done a lot of improvements to that road to prepare it for paving in the last three years.

Board Member Pierro stated right, absolutely.

Chairman Rogan stated he has widened it, he has put in the drainage along the side, at least to the effect of check dams and its actually not that great a distance from the Brewster line where pavement begins, which is just past Tommy Thurber, just a hundred feet past up and around, right to entrance of the nature preserve.

Board Member Pierro stated right.

Chairman Rogan stated its not that great a length of road, so it's a good idea to get on line.

Board Member Pierro stated the other concern I have is we ought to review the minutes or any discussions we had on the Burdick Farms because I recall discussions, explicit discussions about the property to the, this is the stop line going out from Ice Pond to your in-laws property there.

Chairman Rogan stated Bullet Hole.

Board Member Pierro stated I specifically remember some talk about a retaining wall here on this property to either move this portion of the road over a little bit, I don't remember what the reasons were for it but we had discussed that.

Board Member DiSalvo stated was it the house up on the hill here.

Chairman Rogan stated that's down hill.

Board Member Pierro stated no this is the barn property.

Board Member DiSalvo stated okay.

Board Member Pierro stated there was a, old...

Chairman Rogan stated Gunderman's property...

Board Member Pierro stated yea.

Chairman Rogan stated Gunderman.

Board Member Pierro stated Gunderman is further down but I recall some discussion about strengthening this part of the bank here for increased traffic and we had talked about softening the curb on the lower end side, across from Donald, is it Don...

Chairman Rogan stated Henry.

Board Member Pierro stated Henry, from Henry's house, softening that curb there, I thought, my recollection was there wasn't a lot of sight distance in either direction at the current configuration of this road.

Chairman Rogan stated yeah.

Rich Williams stated I pulled up the Highway Superintendent's letter it just says with regards to a 25 lot subdivision, it's going to be the applicant's responsibility to improve the road...

Board Member Pierro stated right.

Rich Williams stated that's all it says.

Chairman Rogan stated (inaudible).

Ted Kozlowski stated Charlie has done a lot work down there because it needs it.

Chairman Rogan stated it definitely does.

Ted Kozlowski stated he's not down there for the fun of it so now we (inaudible).

Board Member Pierro stated but that letter, Charlie's letter went to the applicant.

Rich Williams stated it was to the applicant.

Board Member Pierro stated so...

Rich Williams stated it was to Adler because Adler was inquiring about road improvements and condition of the road as part of their traffic analysis.

Board Member Pierro stated that hasn't changed.

Rich Williams stated no.

Chairman Rogan stated well in fairness, if they are preparing a traffic impact study and we haven't received it yet, we haven't received it in time to review prior to the next meeting, then we are not under any pressure to be talking about a SEQR determination when we don't have a component of what we...

Board Member Pierro stated that I agree.

Board Member DiSalvo stated it's a whole new application.

Chairman Rogan stated were looking for, why don't we collect that information from them, start talking again about improvements and get out there again and you know, look at the existing conditions with the new proposal because there have been some changes that they have made along the way and go from there, sound good.

Board Member Cook stated sure.

Board Member Montesano stated sounds like a plan to be.

Chairman Rogan stated uh-oh.

Rich Williams stated ask me anything you want about stormwater retrofits, that is all I want to know right now.

Board Member Montesano stated is stormwater wet.

Rich Williams stated is stormwater wet, it depends on the amount.

5) SOUTH PATTERSON BUSINESS PARK WEST – SEQRA Determination

Chairman Rogan stated and South Patterson Business Park, we have some architectural or some elevation drawings, we have another set of plans that Rich is going to take a look at between now and next week.

Board Member Pierro stated it looks like a vast improvement, I looked at it the other day.

Board Member DiSalvo stated it looks like Steve D'Ottavio's building.

Chairman Rogan stated the plans...

Board Member DiSalvo isn't that two lots.

Chairman Rogan stated no, there is all the back area which you would have to get through all the wetlands. Ted they have a validation block on here from Brian Drum of the DEC for the wetlands on South Patterson Business Park...

Ted Kozlowski stated west, yes.

Chairman Rogan stated Business Park West, yes.

Board Member Cook stated they are not changing the size of the building, they just want to change what the use...

Rich Williams stated the use and based on the change of the use, they are going to change some of the layout of the, you know outdoor parking, traffic circulation (inaudible).

Chairman Rogan stated nothing too exciting.

Board Member DiSalvo stated depends on the tenants.

Board Member Pierro stated previously...

Board Member Cook stated circulation of traffic but not increasing the size of the building, increasing how the building is used.

Rich Williams stated I haven't looked at it but in my conversations with Ron, not Ron...

The Secretary stated Rob.

Rich Williams stated Rob, no, they weren't increasing the size of the building.

Board Member Pierro stated previously Charlie, the loading docks were on the side of the building and they had those weird hammerheads where tractor trailers could pull off to the north of the building and then back into a loading dock, now they have taken them and put them around to the rear.

Rich Williams stated except for the one.

Board Member Pierro stated except for this one.

Rich Williams stated what.

The Secretary stated (inaudible).

Rich Williams stated (inaudible).

6) WIRELESS EDGE AT QUAIL RIDGE – Lead Agency

Chairman Rogan stated and the other Wireless Edge that we took the site walk on, we are up for Lead Agency.

Rich Williams stated I'm sorry what, yes.

Chairman Rogan stated on that, that went to Zoning, right and what happened at Zoning.

Rich Williams stated Zoning said let the Planning Board do SEQR.

Chairman Rogan stated we, because remember everybody was talking about the idea of coming in from the opposite direction, at least investigating that so that the impacts were more associated with the people that are benefitting from it.

Board Member DiSalvo stated right, right.

Chairman Rogan stated so we need to take a look at that.

Board Member DiSalvo stated well Mike and I went out with Charlie and we kind of felt that, being that the people are benefitting from the cell tower that they should have the impact of the road going through where the basketball court is, at that end over there.

Chairman Rogan stated unless the roadway was some ridiculous thing that needed to be built but it seems somewhat doable when we walked it...

Board Member Montesano stated well the thing is...

Board Member DiSalvo stated they already have something back there.

Board Member Montesano stated you are going to have equipment eventually coming through until the tower is put up...

Chairman Rogan stated yea.

Board Member Montesano stated that is number one that means why not inconvenience the people that are going to make the money. The second would be whenever they want a truck coming through there for any reason you are still going to inconvenience a majority of people. You guys are making the money; it should come through your property.

Board Member Pierro stated we had discussed this initially at the site walk and that is one of the reasons why we sent Shawn and Rich on a...

Chairman Rogan stated trek.

Board Member Pierro stated a long trek out into the back, it wasn't but they say they felt it wasn't as long.

Chairman Rogan stated there was, it felt shorter up that way but it was, there was already a cut through from like a cul-de-sac between two houses where they had drilled some wells up in there and looked like there were a lot of remnants from when they built the subdivision of, what do you call that, spoils basically...

Rich Williams stated yea.

Chairman Rogan stated you know, piles of dirt that were dumped in there, that they can probably even use for part of the road bed, so you know.

Board Member Montesano stated one other, did we ever clarify or get clarification that they are allowed to put a building on that open space under the Homeowners' Association, that open space was...

Chairman Rogan stated I have no idea.

Board Member Montesano stated documented by the State Attorney General's office when they wrote all that nonsense up.

Board Member DiSalvo stated I think we mentioned it to Buzzy one night and he said he asked the attorney for that and the attorney looked at him like he didn't know anything about it.

Chairman Rogan stated which attorney.

Board Member DiSalvo stated the attorney for the cell tower, no, no, the Homeowners' Association attorney.

Board Member Montesano stated the Homeowners' Association because basically when you fill those forms out and send them up to the State Attorney General's office, that is open ground owned by everybody in the development.

Board Member Pierro stated by the HOA.

Board Member Montesano stated right, so do they have the right to take that open because they got a grant, you've got this hand because you're giving us this hand.

Chairman Rogan stated well wasn't that the crux of the Meadowbrook Farms controversy was that they were trying to use open space or Homeowners' Association land for...

Board Member Montesano stated right.

Board Member DiSalvo stated intended to.

Chairman Rogan stated for phase two, for structure.

Board Member Pierro stated the difference being that was a separate entity...

Chairman Rogan stated right.

Board Member Pierro stated attempting to get access to the HOA land, this is the HOA trying to get access to their land.

Chairman Rogan stated they are the majority vote, so.

Board Member Montesano stated the thing is if...

Board Member Pierro stated unless it was deemed...

Board Member DiSalvo stated we don't know.

Board Member Pierro stated conservancy land...

Chairman Rogan stated right.

Board Member Pierro stated to another organization, which I don't believe is the case, I believe this is the HOA's property and they have the right, unless they were, I don't know I wasn't around when that subdivision was done, was there any benefit given to the...

Board Member Montesano stated what I remember of that is that...

Board Member Pierro stated can I finish Mike.

Board Member Montesano stated oh I'm sorry, go ahead.

Board Member Pierro stated was there any benefit given to the developer for keeping that land open space.

Rich Williams stated there wasn't any benefit other than, I think as Mike was about to say was a cluster subdivision.

Board Member Montesano stated right.

Board Member Pierro stated right, so there is no reason why they couldn't, I don't see any reason why, unless you tell us there is a reason...

Board Member DiSalvo stated (inaudible).

Board Member Pierro stated they can't use that property.

Rich Williams stated with a cluster subdivision you can not then develop again for a residential subdivision...

Board Member Pierro stated okay.

Rich Williams stated but you are allowed to use that land within the limitations that have been imposed by the Planning Board...

Board Member Pierro stated right.

Rich Williams stated in this particular case, there is a note on the plat which says there can be no further development on that parcel, unless approved by the Planning Board.

Chairman Rogan stated okay, so then...

Board Member Pierro stated so the intent was no further residential development.

Chairman Rogan stated our...

Rich Williams stated well they are totally restricted against that because they got...

Board Member Pierro stated the cluster overlay.

Rich Williams stated they have the cluster, they meet the density, so they couldn't do anything different.

Board Member Pierro stated okay.

Chairman Rogan stated so then part of our review should be what the impacts to this open space parcel are by allowing a cell tower and...

Board Member DiSalvo stated right.

Chairman Rogan stated you know building to support it.

Board Member DiSalvo stated and the building.

Chairman Rogan stated right.

Board Member Montesano stated I am trying to remember when the wording was done, was the word building used, that no building period would be allowed.

Rich Williams stated do you want me to give the exact wording.

Board Member Montesano stated yea, go ahead, you can spit it out.

Rich Williams stated I am not going to spit it out.

Board Member Montesano stated I'd like to see, I would like you to refresh my memory.

Board Member DiSalvo stated we need to see it in writing and have a legal opinion on it.

Board Member Montesano stated I would like to see what we got them to approve because I remember that it got clustered to keep the open space and now we are sacrificing the open space.

Board Member DiSalvo stated who is to say it's, people have house there, they say who approved this.

Board Member Cook stated I think that is a fair question to ask the applicant, just so we know, is this installation okay by the HOA.

Rich Williams stated well the application is made by the HOA.

Chairman Rogan stated that's right.

Board Member Cook stated the whole...

Board Member DiSalvo stated just like...

Board Member Cook stated oh okay.

Rich Williams stated yea.

Board Member Pierro stated I mean, they didn't, they got the, they have the open space because they got the cluster.

Chairman Rogan stated right.

Board Member Pierro stated they got...

Board Member Montesano stated I'm trying to remember...

Board Member Pierro stated they got more houses on smaller lots as part of our cluster zoning law.

Board Member Montesano stated yes.

Board Member Pierro stated which wound up working out very nicely in that area.

Rich Williams stated yea.

Board Member DiSalvo stated (inaudible).

Board Member Montesano stated why did they do something (inaudible).

Board Member Pierro stated I don't normally like the cluster, I don't normally like it but it worked out in that area.

Board Member Montesano stated they have (inaudible) housing on Long Island on a sixty by forty lot and it looks like it.

Board Member DiSalvo stated Levittown up here...

Board Member Montesano stated up here because of your configuration with leaving the open space, it was a nice idea and it worked well expect there were confusions made by certain engineers that managed to switch lines here and there and then we dropped the ball. I won't say that it was more the Board dropping the ball as with all due respect to our alleged professional people that don't pay attention because they are too busy.

Chairman Rogan stated so the Board should consider whether or not breaking up this open space parcel for the cell tower, the road way, whether that break to this open space defeats the intent of the original subdivision with the open space parcel because they could very well take that cell tower and put it a lot closer to the houses and shorten the road and make the, you know.

Rich Williams stated can I get some clarification about what Mike meant by dropping ball by the professional people who are too busy.

Board Member Montesano stated well let's put it this way, there are certain people that were employed by the Town of Patterson at the time...

Rich Williams stated in 1989.

Board Member Montesano stated yes.

Rich Williams stated okay.

Board Member Montesano stated that were, that's, let me put it this way, my name still sticks on that paper and there are certain things that suddenly appeared on the paper because they were known as you can change things in the field and you don't see the changes in the field, you just get five years later a piece of paper saying they approved it. Who approved it, people that are not on the Board, these people were not on the Board, they were other positions in the Town that approved this and these were or are according to their licenses professional people and it was a joke because certainly, suddenly there were spaces that were supposed to be big enough to put a fire truck through, suddenly shrunk on certain locations and all of these other things and they said oh no, those are field engineers approvals, and I said oh that's nice of them.

Chairman Rogan stated okay.

Rich Williams stated and it still goes on Mike.

Board Member Montesano stated of course it down.

Rich Williams stated I still fight that fight, it still goes on.

Board Member Montesano stated the idea is at the time, you almost like foolishly trusted certain people and then suddenly you found out that you needed bigger boots.

Board Member Cook stated what we feel that the Zoning Board should make the SEQR, then what.

Chairman Rogan stated then it sounds like we have peeing contest back and forth...

Board Member Pierro stated it goes no where.

Rich Williams stated it goes no where.

Board Member Pierro stated and it's a disadvantage to the applicant.

Chairman Rogan stated well we can make the SEQRA determination based on, we are only reviewing the site plan, we are only reviewing the impacts to the site...

Board Member DiSalvo stated on a recommendation.

Chairman Rogan stated so you know.

Rich Williams stated the reality here is you have an application before you, you have to SEQRA before you do it, now if you don't want to do Lead Agency, you at least have to do an uncoordinated review and do SEQRA and tell the ZBA that you've done an uncoordinated review and they have to do their own SEQRA determination.

Chairman Rogan stated this certainly, look where we started with this application, down at the bottom of the lake we've got, to my knowledge anyway, we don't have a lot of angry folks about this one, the public

impact is a lot less than what we initially had. We couldn't see this from anywhere in the lake except the dam.

Board Member Pierro stated there are people that are going to be concerned...

Chairman Rogan stated yea.

Board Member Pierro stated if they do, if we allow access from where we entered from...

Board Member DiSalvo stated where did you enter from.

Chairman Rogan stated oh I agree, absolutely.

Board Member Pierro stated they are gearing up, there are folks down there that are a little miffed, they are gearing up, I am hearing things like that from these, from people I know down there.

Chairman Rogan stated sure, yea but I think everyone involved so far has said hey if we can bring this in from another area...

Board Member Pierro stated absolutely.

Chairman Rogan stated and that I think everybody has been pretty clear on, so that is an assessment of going through the site plan review, we are saying what are the alternatives. You are putting in a cell tower that is benefitting someone but you are coming in past other peoples' homes.

Board Member Pierro stated right, you can't stick it to your neighbors.

Chairman Rogan stated it's a little different than the one in the silo, you're going through the property we are talking about shielding and visual and everything.

Board Member DiSalvo stated right, right.

Chairman Rogan stated this the visual isn't so much the issue, not as far as I saw anyway, it was just where and how we are gaining access, we have each carrier is going to have their own maintenance truck out there once a month, you know maintenance that goes on, construction, so.

Board Member Montesano stated I want a letter from the State Attorney General's office, let him handle it.

Chairman Rogan stated okay, so I mean, I don't have a problem being Lead Agent on this...

Board Member Pierro stated I don't either.

Chairman Rogan stated its not any different than us being Lead Agent on the other one.

Board Member Montesano stated on the other controversial project.

7) OTHER BUSINESS

a. Field and Forest – Request for Bond Reduction

Chairman Rogan stated okay, Field and Forest, we have a request for a bond reduction...

b. D'Ottavio Site Plan – Request for Bond Reduction

Chairman Rogan stated and also for D'Ottavio, I imagine we will have something on them.

Rich Williams stated you have something on Field and Forest already, the engineer out there and did a bond calculation, the problem with the bond calculation and I'm not sure how they are going to address it, is it dropped it down below 50% of the total bond amount, our Code specifically says you can't drop the bond down below 50% of the bond amount. I brought that to the engineer's attention and I haven't seen anything since and I haven't seen anything on D'Ottavio yet.

Board Member Cook stated he's...

Rich Williams stated the engineer has been out there.

Board Member Cook stated we don't even know the amount.

Chairman Rogan stated not our engineer.

Rich Williams stated as far as what.

Board Member Cook stated D'Ottavio.

Chairman Rogan stated he's saying, all we have is a request to put him on the agenda.

Rich Williams stated he gives us a request, we give it to the engineer, the engineer will go out and take a look at what we are currently holding, the level of importance, the value of the improvements...

Board Member DiSalvo stated they are doing something out there, machines have been moving around there.

Chairman Rogan stated right.

Rich Williams stated and what the reduction should be.

Board Member Cook stated I was going to say, some previous one they have said I want to reduce it by a certain amount or percentage.

Rich Williams stated but that comes from our engineer.

Chairman Rogan stated I was going to say, that usually...

Board Member Cook stated no, no but even the applicant has asked.

Chairman Rogan stated from their own engineer usually.

Chairman Rogan stated from Insite or somebody else.

Rich Williams stated okay.

Chairman Rogan stated hopefully we'll have some numbers on those. The one we were talking about Field and Forest that was proposing to be less than 50% of what the total bond amount was, couldn't we stick to what Town Code and just reduce it to 50% of, even if they say well we are ready to, we want to go down to 45% of what we originally had...

Board Member Pierro stated stick with 50 [percent].

Chairman Rogan stated we can just stick with the 50 [percent] and we can always do that and Tom's Barber Shop we discussed tonight and hopefully we will get an amended site plan application.

d. O'Mara Wetlands/Watercourse Permit Application – Site Walk Comments

Board Member DiSalvo stated want to talk to about O'Mara.

Chairman Rogan stated okay.

Board Member Montesano stated you want to talk about O'Mara.

Board Member DiSalvo stated do you want to talk about O'Mara because we went there too.

Chairman Rogan stated O'Mara.

Board Member DiSalvo stated the site walk.

Rich Williams stated the wetlands.

Board Member Montesano stated the wetlands.

Board Member DiSalvo stated the wetlands, he's not on the application but...

Chairman Rogan stated yea.

Board Member DiSalvo stated I guess we kind of felt that the size house on that lot wouldn't be out of character for some of the older houses that are in that older subdivision.

Chairman Rogan stated it would actually be one of the smaller houses on that whole road, I think based on what they proposed, the only house that was smaller, that log home on that road is pretty small, no garage or anything.

Rich Williams stated no, the first house in is Nelson's, the next house in is also Nelson, both very small houses.

Chairman Rogan stated Ted, have you been out to that lot.

Ted Kozlowski stated yea, I actually flagged it.

Chairman Rogan stated stonewall down at the bottom.

Board Member DiSalvo stated we saw that.

Ted Kozlowski stated I mean its, unfortunately its an approved lot, you know...

Chairman Rogan stated it one of the better approved lots...

Ted Kozlowski stated its just that everything is does is going to be in the buffer.

Chairman Rogan stated but in terms of impact to the wetland, its certainly a lot better than some of the lots we struggle with, like Mr. Wallace's lot...

Ted Kozlowski stated its better than Carolyn Way and Rizzo's lot.

Board Member Montesano stated I'm sure you ran into them already but with the approvals that were given back in the 80's and the early 90's and the rules have changed, we have no way to alleviate that or is it too costly.

Board Member Pierro stated draw the approval for a subdivided lot...

Rich Williams stated you have an existing lot.

Board Member Montesano stated you have an existing, let's put it this way, if you approve something.

Chairman Rogan stated the answer is yes if you can justify that your needs...

Ted Kozlowski stated he needs a septic approval.

Chairman Rogan stated you would have to come up with some darn good reason why it now is so intrusive and is going to damage the wetland.

Board Member Montesano stated I always get a craw in my throat because up in Lake George...

Chairman Rogan stated yea.

Board Member Montesano stated you had a residential community on one side of the lake, somebody that couldn't sell their property for one reason or another, I never really went into why, got the zoning changed to a commercial property and sold it immediately when they approved it and then the Town came in and said this is a great idea and they changed their zoning to commercial and all the property suddenly was sold was sold commercial where people that were sitting on the lake in a residential, suddenly had a commercial piece of property. Now, financially it looked great but a lot of people didn't want to see because they were very happy where they were yet the guy on the next lot suddenly starts having a boat repair shop and all day long you're hearing banging and slamming and the smell of gasoline and what else have you and they just changed it. It went to court and they said the Town has the right to change the rules...

Chairman Rogan stated we have looked at a couple of lots, not that owner has pursued it yet because they got such a bad reaction from us but talking about Carolyn Way, the lots on the right, what was it Rizzo, there were some lots in there that we walked, they have three and four different watercourses through one lot and we said these might be the kind of lots where we are going to have to dig in and say I'm sorry, there is no way we are approving them.

Board Member Montesano stated right.

Ted Kozlowski stated I don't think Rizzo is going to get a septic approval.

Board Member Pierro stated right.

Chairman Rogan stated but let's say for some strange reason he did...

Rich Williams stated are we talking about the Rizzo who got the septic from both the County and the DEP.

Ted Kozlowski stated yea, before they looked at it.

Board Member Montesano stated you mean that happens.

Ted Kozlowski stated some professional was not doing his homework that day.

Board Member Pierro stated unfortunately going back and revisiting these subdivided lots that are now you know really not that cool.

Chairman Rogan stated this O'Mara isn't the worst one though.

Board Member Pierro stated yea, right but the sad part is trying to go back and revoke that subdivision as a taking under the New State Constitution.

Chairman Rogan stated this isn't the worst lots we've ever seen.

Rich Williams stated the only way around all this is if that person that owns that lot, actually owns an adjacent lot...

Board Member Pierro stated right.

Chairman Rogan stated right.

Rich Williams stated and they are under single and separate ownership then the lots can be merged.

Board Member Pierro stated and we've done, our Code allows that, we've done that when you change from 2 acre to 4 acre, some lots got obliterated because they were adjoined by a contiguous lot that was owned by the same person.

Chairman Rogan stated and they didn't meet zoning.

Board Member Pierro stated and that is probably the only way I have ever seen a taking go, you know.

Rich Williams stated well its not a taking, its...

Board Member Pierro stated its not technically a taking, it's a combining.

Chairman Rogan stated more conforming...

Rich Williams stated you want O'Mara added back on the agenda.

Chairman Rogan stated not if they don't have...I mean...

Rich Williams stated they didn't submit anything and I haven't heard from them.

Chairman Rogan stated no, let's not.

Rich Williams stated but there are the site walk comments.

Chairman Rogan stated yea...

Rich Williams stated all right.

Board Member Montesano stated the only suggestion is that if Mr. O'Mara ever starts coming in, if there was some way to refresh our memory on the comments, mine will be there, just so we can refresh on the work session that we did get them.

Board Member Pierro stated what were we talking about at the beginning of the meeting that we wanted on the record, a particular project.

Chairman Rogan stated yea, what we were you asking.

Board Member DiSalvo stated something on Mooney Hill, the shed.

Board Member Pierro stated yea the shed on Mooney...

Rich Williams stated Manor Road.

Board Member DiSalvo stated Manor.

Board Member Pierro stated yea, Bob Ledau...

Rich Williams stated my understanding of the way this went down was the applicant came in and said he wanted to put a garage up, they looked at the location, based on our Code, the location was compliant with our zoning requirements for a garage. I went up there and took a look at it, it looked like it was shed and not a garage and I needed to talk to Cheryl about it and get a little bit more information, if it was a shed, well its in front of the house, so obviously it wouldn't be in compliance, if it's a garage, then it would be compliant.

Chairman Rogan stated well it's got it, just minimize for a garage has to be about 12 by 20, right, single car garage 12 by 20.

Rich Williams stated you would have to be able to get a car in it.

Chairman Rogan stated yea.

Board Member Montesano stated what is our definition for a garage, does it say for an automobile or can you get away with a motorcycle or a scooter or something of that nature.

Chairman Rogan stated or an ATV.

Board Member Pierro stated or an ATV, like I just built.

Board Member Montesano stated a quad, if you use it on the road and they can do 60 as you are well aware of, you put a plate on it, it is now a vehicle, authorized to be on the state highway.

Board Member Pierro stated it's not authorized...

Chairman Rogan stated not quite but I understand what you mean.

Board Member Pierro stated no quite...

Board Member DiSalvo stated what do they say about the foundation or...

Board Member Pierro stated you are only allowed to intersect a state road.

Board Member DiSalvo stated down to the footings or...

Board Member Montesano stated well you have the scooters that sit there and do...

Rich Williams stated our Zoning Code is not going to get into the design or construction of a garage, that is the building code and we'd have to look at the building code.

Chairman Rogan stated it brings up a good question though, you know.

Board Member DiSalvo stated which house is that when you are making a right off of Mooney Hill into Manor.

Rich Williams stated yea, the shed is going to be right there on your right hand side but you still have to go up the hill another 150 or 200 feet before you hit the driveway and then the house is tucked in the back.

Board Member DiSalvo stated it's the house on, it's the corner house.

Rich Williams stated yea.

Board Member Pierro stated it's a log home.

Rich Williams stated I don't know, I don't recall.

Board Member DiSalvo stated don't those houses have garage, they are pretty, most of them are pretty big in there.

Rich Williams stated yea, our Code doesn't.

Board Member DiSalvo stated so does he want a tool shed or a garage.

Rich Williams stated well that is the question, that is why I am going to talk to Cheryl and Nick about it.

Board Member Pierro stated we are still on the record.

Board Member Montesano stated yea.

Rich Williams stated there was something else too.

Board Member Pierro stated I invited Nick to come and measure my shed any time he wants to because I heard some woodchucks at the deli saying I got away with murder but I'm absolutely within Code, come and measure.

Board Member DiSalvo stated one of those kits...

Board Member Pierro stated I built it.

The Secretary stated 12 by 12.

Board Member Pierro stated I'm actually...

The Secretary stated I don't...

Chairman Rogan stated right.

Board Member Pierro stated I'm actually 8.8 by 14.

Chairman Rogan stated it's the overall.

Board Member Pierro stated I screwed up when I was making the corners, I wanted it to be 12 by 14 but it didn't happen or 10 by 14.

Chairman Rogan stated okay, do we have anything else for tonight, ladies and gentlemen, Happy New Year.

Board Member Pierro stated that's it.

Board Member DiSalvo stated what about Daniel J's, this memo, this sign.

Board Member Montesano stated read it.

Board Member Pierro stated I misspoke, 9.8 by 14.

Board Member DiSalvo stated are they taking the sign down.

Board Member Cook stated that is up to the Building Department.

Rich Williams stated right, Code Enforcement.

Board Member Pierro stated it has to be less than 144 square feet.

Rich Williams stated you guys are talking about different things now, you are not talking about a 144 square foot sign.

Chairman Rogan stated right.

Board Member Montesano stated they are maybe...

Chairman Rogan stated motion to adjourn.

Board Member Cook seconded the motion.

Chairman Rogan asks for all in favor:

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

Motion carries by a vote of 5 to 0.

The meeting adjourned at 8:24 p.m.