

**APPROVED**

**TOWN OF PATTERSON**  
**PLANNING BOARD MEETING**  
**January 6, 2011**

**AGENDA & MINUTES**

- |   | <b>Page #</b> |  |
|---|---------------|--|
| 1) <b>Appoint Vice Chairman</b>                                       | 1 – 2         | Charles Cook appointed.  |
| 2) <b>Albano Wetland/Watercourse Permit</b>                           | 15 – 21       | Public Hearing opened & closed.<br>Wetlands permit granted.  |
| 3) <b>Thunder Ridge Ski Area</b>                                      | 2 – 15        | Discussion of wetlands, wetland boundaries,<br>sewer treatment upgrade.  |
| 4) <b>Genovese Site Plan – Continued Review</b>                       | 21 – 25       | Site Plan granted with conditions.<br>Discussion of stormwater ponds and<br>architecture.                                    |
| 5) <b>Taggart Estates – Consideration of<br/>Preliminary Approval</b> | 25 – 29       | Preliminary Subdivision Approval granted.<br>Discussion of Wetlands.   |
| 6) <b>Ice Pond Estates Subdivision – Continued<br/>Discussion</b>     | 29 – 35       | Public Hearing Schedule for 2.3.11.<br>Negative Determination of SEQRA granted.<br>Discussion of off-site road improvements. |
| 7) <b>Other Business</b>  |               |  |
| a. <b>Eurostyle Marble and Tile</b>                                   | 35 – 38       | Letter to be sent for Applicant to attend the<br>next meeting.   |
| 8) <b>Minutes</b>   | 38 – 39       | November 23, 2010 Approved.  |

**PLANNING DEPARTMENT**

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**TOWN OF PATTERSON  
PLANNING & ZONING OFFICE**

**ZONING BOARD OF APPEALS**

Lars Olenius, Chairman  
Howard Buzzutto  
Mary Bodor  
Marianne Burdick  
Gerald Herbst

**PLANNING BOARD**

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

**Planning Board  
January 6, 2011 Meeting Minutes**

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

**APPROVED**

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

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

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

Michelle Russo was the Secretary and transcribed the following minutes.

**1) APPOINT VICE CHAIRMAN**

Chairman Rogan stated thank you, welcome to the first Planning Board meeting of the New Year, I hope everyone had a good New Year's Eve and looking forward to a good year. The first item on our agenda actually is to appoint a Vice Chairman, I appoint Charles Cook as the Planning Board Vice Chairman for 2011. Do we have anyone here for the Albano Wetlands/Watercourse Permit, no, do we have here Thunder Ridge, okay...

Mr. Watson stated are you going to postpone Albano.

Chairman Rogan stated excuse me.

Mr. Watson stated are you going to postpone Albano.

Board Member Cook stated we'll wait...

Tim Curtiss stated we'll hold it for second call, is that all right.

Mr. Watson stated yea.

Chairman Rogan stated I'm sorry, what was that.

Tim Curtiss stated you'll call him if he shows up.

Chairman Rogan stated okay, for Thunder Ridge Ski Area and Albano, unless he doesn't show up until later, please let the record show that I will recuse on this application because the application is relevant to a County Legislator and I am a County Employee, so Charles if you would be so kind.

Board Member Cook stated yes sir.

Chairman Rogan stated thank you sir.

### 3) THUNDER RIDGE SKI AREA – Continued Discussion

Mr. John Watson of Insite Engineering and Mr. Bob Ravallo of the DEP were present.

(Inaudible – background noise.)

Mr. Watson stated good evening, how are you.

Board Member McNulty stated good evening.

Vice Chairman Cook stated good, you...

Mr. Watson stated John Watson I'm from Insite Engineering, I'm here with Bob Ravallo who is the program manager at the New York City DEP who oversees this entire waste water treatment plant upgrade program. As you recall we were at the Planning Board's work shop two weeks ago and there was a lot of discussion as to the location of the actual site and after that meeting, we took everything into consideration that we discussed, after that work shop, Bob, Dean Ryder and I went right over to Thunder Ridge and even though it was dark, the lights were all on because of the equipment. We spent almost an hour walking around looking at what we could do and it was decided that there's really no place that works for the owner other than the proposed the location.

Vice Chairman Cook stated how, Bob if I could address you for a moment, how do you jive that with what Ted our E.C.I. man has spoken about and has written.

Mr. Ravallo stated he prepared some comments, he also gave us some literature, I could pull it out and essentially he cited you know, some negatives about clear cutting etcetera, etcetera, but the same section of that handbook deals with possible mitigation, it doesn't give you the reasons but it advised, I think if I remember the exact words, I would have used a different word but they talk about management, okay, you know if we had our druthers we wouldn't want him to have to cross the stream okay but this is not the first time that we've had to do this, what we're building has a tremendous environmental benefit, it's not, okay I'm not an engineer, I used to be a scientist okay but I could almost be an engineer after all of these years doing this trudging but I consulted not only with my DEP engineers, I consulted with the EFC engineers after our get together I went to my management, I sat down with Dave Wong the Assistant Deputy Commissioner and I explained to him what was happening and I said we're sort of in a bind in that, okay the owner doesn't want to put it you know in the alternate location which would be over here, I said, if the

owner decided he would be willing to do that, I would go along with it, in that what are the alternatives, the alternatives are delays, possible lawsuits, I want to build this thing I want to begin to do what's right for the environment and if there were some cost disadvantages for the DEP, they're not great but on the other hand, I really can't, if this were one piece of property, okay, if he didn't have an argument, okay and he gave and I don't want to repeat what his argument is, if he didn't have this argument, yea I probably would force him okay we have caused owners to relocate where a treatment plant would be primarily, essentially for environmental reasons, cost reasons, you know, part of my job as a manager is cost containment and sometimes owners are unreasonable or they have reasons that don't mix with ours but this is really not part of Thunder Ridge so right now I can't force him and you know I don't want to take away what John is going to say but it's my understand that we're going to, he is going to, not tonight but he will prepare you know answers to comments but most importantly how to mitigate any type of negative that would occur from crossing the stream. I noticed in reading the comments, the crossing is referred to as a road, now it's not a road, it's a driveway and I, and I think that's important and if it makes a difference to make it smaller you know, all you need to do is have one vehicle large enough for the largest size vehicle that might be delivering to cross it and to come back, if we have to do things to make it definitely not a road or a road in the future, first of all I save money but I'm not even, I'm really not even thinking of that but it's not a road, it's a driveway, anyway that's where we're coming from, this is not the first stream that we've crossed, one of things in order to do this we would have to get approval, I believe John, we have to get a permit from the DEC, okay, I mean if we come to you, okay, you can't give your final approval, I believe until everyone else gives their approval, if we come to you with these other regulatory agencies and they address the environmental issues, I mean I don't want to tell you how to do your job, your job is to protect the Town of Patterson but that should have some weight if an agency and you know what if the DEC says no, that's a different story, then that might give me some basis to maybe act a little bit heavy handed against the owner, now that's not our objective, we really, no owner really wanted us to come along, I mean 10 plus years ago, I had to site down with over a hundred owners and it was myself, generally somebody from the DEP and first we had to tell them well on May 1, 1997 the MOA went into effect and these new rules and regs went into effect and those rules are in effect to protect the New York City watershed and because of that you have to meet these requirements for a waste water treatment plant and I said but, it started out to be very diplomatic but we said but we're going to pay for it, we're going to pay for the construction of whatever it takes to meet these rules and regs, we'll pay for your attorneys, your lawyers, we'll pay for your time, I mean for instance when Dean came here last week, I don't know if he's going to submit a voucher but that's billable time and we've been doing this for these past 10 years and then going further, we'll pay for the O and M to run these facilities and the program has been extremely successful, a couple of days, well the last week in December we finished upgrading the last of the West of Hudson waste water treatment plants, West of Hudson has 90% of the New York City drinking water, East of Hudson, we, the same month in December we finished 90% and we have some of the most difficult ones left but this is a big environmental advantage to the city but over a hundred facilities, virtually all of them are working successfully, two of them out of hundred have been problematic, they are still meeting the rules and regs but we have to go back and make you know tweaking so the City has lived up to it's financial obligations but okay, we have a dilemma right now we have to cross a stream, your environmental consultant, he raised, I'm not saying, nothing he said is not true but we didn't want about mitigation, if this piece of property was owned by someone else, we wouldn't be talking about this it's a bad coincidence...

Vice Chairman Cook stated okay.

Mr. Ravallo stated okay...

Vice Chairman Cook stated that's fine.

Mr. Ravallo stated that's where we're coming from.

Vice Chairman Cook stated okay, now you said someone is going to prepare written responses to all the documents...

Mr. Ravallo stated you know what, I'll let John go over all that.

Mr. Watson stated right and we've been directed, I don't think we need to go over everything we went over at the work session.

Vice Chairman Cook stated no, no, I just wanted to know that you're the man who's going to do it.

Mr. Watson stated correct.

Vice Chairman Cook stated would just point out where the lodge is, okay and where the piping is going to go, up to the crossing.

Mr. Watson stated okay, the piping is going to come out the front of the building and come up through here and into the building here and then it's going to come back down this driveway and into the stream here for a discharge.

Vice Chairman Cook stated how many times are you crossing the stream.

Board Member McNulty stated once.

Board Member Taylor stated just the driveway.

Mr. Watson stated we're actually not crossing the stream with any pipes, where we're crossing down here, the stream is already piped, there is a five foot diameter culver that carries the water from this pond out to Old [Route] 22, so the crossing here, we're crossing a pipe. There's really no steam cross, there's no utilities, for this the only thing crossing that is the driveway, there is no electric, water, sewer, drainage, there are going to be no utilities...

Vice Chairman Cook stated I just wanted to get that out, okay.

Rich Williams stated Charlie, if I could just jump in, no utilities going across, how are you going to get power...

Mr. Watson stated not here, they're all going to be fed from down here, actually, we actually haven't gotten to the point where we know where our electric is coming from, it's either going to come down from the bottom or it might be from here, we actually haven't gotten to there yet.

Vice Chairman Cook stated Ted, do you want to make any comments.

Ted Kozlowski stated I've made my comments to you guys for you to you know, decide what you want to do, the thing that's confusing and it's presented like it's two different properties and two different owners but I thought at the last meeting that it's owned by the same person and it's under the same, so why do we keep saying it's two different properties, it is...

Mr. Watson stated it's a separate parcel, it's a separate deed...

Ted Kozlowski stated it's a separate tax map parcel but it's under the same...

Mr. Watson stated it's a separate deed, it's a separate parcel under the same ownership but it's a separate parcel...

Ted Kozlowski stated same ownership, same corporation and it is part of Thunder Ridge.

Mr. Watson stated it was acquired, it is in the same name as the owner, Thunder Ridge is just the operator...

Ted Kozlowski stated my point is you can have all of this and not effect the stream, that's my point.

Mr. Watson stated okay.

Ted Kozlowski stated and you've got an option, you have option A and B and the other unfortunate thing is we come into this in the eleventh hour, you guys have designed this...

Mr. Watson stated you said that before and I wanted to comment, there were a lot of things I wanted to comment at the work shop but I was somewhat reserved. This is not the eleventh hour, this is, we have a, as far percentage done, it's called a 65% completion as far as DEP goes but as far as our site stuff goes, this is we're at maybe 30% completion, so it's, we're still at the, nothing's been detailed...

Ted Kozlowski stated that's fine but in the discussions of the location of this...

Mr. Watson stated yea.

Ted Kozlowski stated I don't believe we were asked for any input and with regard once again and I'll bring this up again with the delineations, you did the delineations, you never contacted me or anyone in the Town to go our and verify that, I don't know when the delineations were done, now there is snow on the ground, you know and it's like, this happens quite often, you know I've got to give folks information and it always seems like well we have to get this project through...

Mr. Watson stated understood but...

Ted Kozlowski stated it's unfair to me and the Town to not be in the process the same process you're going through, you're planning a site that is going to obviously need Army Corps of Engineer permits, DEC permits, Town permits and you can avoid all of that, you can avoid all of that if you put it on the other location on the property. That is my whole point, why are we going through this whole exercise when there is an option and it's closer, it seems cheaper...

Mr. Watson stated that's not an option for the owner though...

Ted Kozlowski stated and it's not affecting the environment.

Mr. Watson stated that's the whole point here, that's not an option for the owner.

Ted Kozlowski stated that's what the owner says but the, I haven't seen anything to indicate that it's such a hardship, he just doesn't want to do it. There has been nothing give as to why we can't put it there.

Mr. Watson stated okay, we can provide that and this is, we're coming to you, out of all of the, we need approvals from 6 or 8 different agencies...

Ted Kozlowski stated right and I...

Mr. Watson stated and you are the very first that we're coming to.

Ted Kozlowski stated I understand, the other agencies are going to ask the same question.

Mr. Watson stated you're the first, we're here we have to put something on paper to come to you so this is our initial submission to come discuss this.

Vice Chairman Cook stated okay.

Ted Kozlowski stated I've laid it out so you guys decide.

Vice Chairman Cook stated okay, thank you.

Board Member McNulty stated John, I have a question...

Mr. Watson stated yes.

Board Member McNulty stated in the construction budget there is a line item, \$28,000 for demolition of the existing facilities.

Mr. Watson stated yes.

Board Member McNulty stated where are those facilities and where does the demolition take place.

Mr. Watson stated it's all, the existing waste water treatment plant consists of three septic tanks on the back and the side of the lodge, there is a buried sand filter in the practice slope over here, there is a chlorine contact tank and some chlorination equipment here and there is a pipe that discharges directly into that main five foot diameter culver pipe, all of those have to be demolished, so there's...

Board Member McNulty stated what do you mean demolished, to what extent.

Board Member Montesano stated can you go on that side and show it to me please.

Mr. Watson stated this is the lodge, there is a septic tank in the back of the lodge, two septic tanks on the side, the existing sand filter is between the pond and lodge and there is another pipe that comes around, there is a chlorine contact tank approximately here and then a pipe that discharges to the large five foot diameter pipe that goes from the pond to Old [Route] 22, so there are four precast concrete tanks several thousand gallons below grade, so the demolition is described in the plans typically we remove the top slab and the concrete to within the two or three feet below finished grade and then pulverize the rest of it and then backfill, so there is not, most, the top half is removed, the other is crushed an abandoned.

Board Member McNulty stated how about the fields and the discharge pipe.

Mr. Watson stated discharge pipe gets, I don't remember on this, typically we plug, we cap and plug them and abandon them in place, this is such a small section of pipe it is likely to be removed but it's, it will either be removed or capped and abandoned in place. The sand filter itself, that remains, that's basically a couple of distributor pipes, two feet of sand, an under drain pipe and there is no reason to dig that up, they'll be capped and abandoned in place.

Board Member McNulty stated and one other question, the 6.8 acre parcel we keep referring to, does Thunder Ridge make use of any of that property currently, for any use for snow gun storage or a bunny slope.

Mr. Watson stated I don't know but we can find out.

Rich Williams stated I can tell you Tom that property was acquired after Thunder Ridge so it really shouldn't be...

Board Member McNulty stated I know it shouldn't but for arguments sake, I was wondering if there was any use of that property now for the ski slope.

Mr. Watson stated I know, I've been there a couple of times, I have not seen any equipment on the property, there is no, there is nothing physical on the property.

Board Member McNulty stated okay.

Vice Chairman Cook stated along those lines, does that property go right to the driveway, if you will of the pizza place next to it.

Mr. Watson stated it does not, the pizza place is here, say that again, what was your question.

Vice Chairman Cook stated I want to know how far this six acres goes.

Mr. Watson stated to here.

Vice Chairman Cook stated right there, so there's...

Mr. Watson stated so it's a, this is a hundred scale, so it's approximately two hundred feet to the parking lot to the property.

Vice Chairman Cook stated and who owns that property.

Mr. Watson stated I don't know.

Board Member McNulty stated the pizzeria.

Ted Kozlowski stated that's the pizzeria.

The Secretary stated the pizzeria owns that property.

Mr. Watson stated I don't know the actual records owners name.

Board Member McNulty stated Rocco.

Vice Chairman Cook stated now, I believe that the applicant owns property on the other side of Birch Hill Road.

Mr. Watson stated this.

Vice Chairman Cook stated yes.

Mr. Watson stated yes.

Vice Chairman Cook stated I mean has that been looked at any...

Mr. Watson stated yes, I looked at it that night, I looked at and then I went back again in the day, I got USGS topography mapping and the section, there is frontage here, there's approximately 250 feet of frontage on Birch Hill Road, in order to, I looked at taking this facility making it as narrow as possible because there was a steep, it rises quite steeply, I wanted to see how much of a cut we would need, even by stringing out everything along side the road and getting variances to be close to the front yard set back, we are looking at approximately a 50 foot, 50 to 60 foot cut for the whole back of the property, so it would be a 200 foot long, say an average of 55 foot high cut across the whole back, to me, that's not reasonable, there is also frontage over here, there is a stream that runs down here, so we would driving right up alongside another stream and I looked at, just by using USGS topography, it looked it about be about 17 or 18 percent to get up through there even if you cut sideways going up the hill, it's very narrow where my fingers are, it does open up here but it's right along the backyard of these houses and it would be what I would consider to be too steep to be an access driveway. There is no frontage...

Board Member Montesano stated so then that property can never be developed.

Mr. Watson stated I don't like to use words like never but I think it's unlikely that that can be developed.

Rich Williams stated Michael, just to expand on that, there was an application for a three lot subdivision on that property a number of years ago that never got through the process...

Board Member Montesano stated well that was before today's limitation of properties.

Vice Chairman Cook stated Ron, do you want to make a comment.

Board Member Taylor stated yea, I have some things I want the Board to discuss among themselves but comments for this, I think we need more information on the treatment plant, if you could provide that to us, it was unclear in the discussion, the size, the need for outside yard enclosures, the smells, distances, dangers, off-sets, all those kinds of things.

Mr. Watson stated can I give you something now, I have a report.

Board Member Taylor stated I would rather you put it in the report, we've spent a lot of time on this already.

Mr. Watson stated can we submit one report, is that enough.

Board Member Taylor stated yea, so we have some better because we're playing with this in our head and moving it around and maybe it can't be moved around and that would support your argument...

Mr. Watson stated understood.

Board Member Taylor stated I mean, we don't know that so we need more information to do that. The other thing I think we need to do is we need a comprehensive evaluation of this property, now you left off two parcels, three parcels west of Thunder Ridge Road, west...

Mr. Watson stated over here.

Board Member Taylor stated yes, there is the large parking lot there...

Mr. Watson stated correct, right...

Board Member Taylor stated and there are two smaller parcels in the other end which are really not usable, I know they are farther to the south but...

Mr. Watson stated actually it's just, they own this, this parcel here is under the same ownership as the restaurant and this right of way is owned by the Ryder's also, but that is basically a driveway, this we did look at this one and that's too small...

Board Member Taylor stated it's too small, I understand that but you did leave off the parking lot.

Mr. Watson stated yes.

Board Member Taylor stated and then I think the other thing I would like to see from Ted is a detailed enumeration of the erosion and code problems you see on the existing site...

Ted Kozlowski stated I'm sorry.

Board Member Taylor stated you talked about existing problems on the site, aside from...

Ted Kozlowski stated right, right.

Board Member Taylor stated if we could see those...

Ted Kozlowski stated can I approach the map...

Board Member Taylor stated yea sure.

Ted Kozlowski stated and I'm doing this for the gentleman from DEP, do I need this Michelle...

The Secretary stated yes please.

Ted Kozlowski stated can you hear me now.

The Secretary stated yes.

Ted Kozlowski stated my concerns again this is a trout spawning stream, the classification runs this length, okay, when we get down into here, it's so degraded, so turbid, it is not supporting trout at that point. Part of that reason is that there is a tremendous amount of erosion and you can go to Thunder Ridge anytime after a thaw or a rain and that stream is black, okay, it's not coming from the road, it's coming from Thunder Ridge, from everything running off and my point in my letter was this is the great time, especially if DEP is concerned so much about the watershed and the Town is concerned about the watershed and I'm sure everybody in this room is concerned about the watershed, why can't we have this thing built on Thunder Ridge property that is not going to affect this trout spawning stream, have that pipe come into that area that is constantly black from runoff and treat that water at the same time we're going in there with this treatment plant, let's make it all one package.

Mr. Ravallo stated the only water we're going to treat though is waste, okay, we're not...

Ted Kozlowski stated I understand but we're all concerned about, I mean your ultimate goal is the protection of the watershed and we would like to see this done as well, I mean it just doesn't make sense to me that we're addressing one issue but we're not addressing the same and we don't have to effect this stream. This project can be done without doing any of this, this project can be done without any state, federal or town permits, regarding wetlands and you've got the property, it just to me, it doesn't make sense, so.

Board Member Taylor stated and the last thing, my last comment is just that with that parking lot parcel if it were included in the estimate, whether it would be possible to actually put the plant in that spot and expand parking somewhere else and then you'd be doing groundwork anyway and you can clean up that spot a little bit while you're doing it but without knowing the size requirements of the plant, two acres is enough and that is why I asked you about the, that...

Mr. Watson stated yea, actually the just border of magnitude, the plant we're looking at maybe half to a three quarters of an acre...

Board Member Taylor stated less than an acre...

Mr. Watson stated so it's less than an acre.

Vice Chairman Cook stated all right, so you know what we need...

Mr. Watson stated yes.

Vice Chairman Cook stated if you have any questions you can contact Rich, if you need something read back from the minutes or what have you, whether it's last week or this week.

Mr. Watson stated okay.

Vice Chairman Cook stated we again meet the last Thursday of the month, Rich you need your materials by...

Rich Williams stated they have a schedule, for when submissions are due in.

Vice Chairman Cook stated that would be helpful.

Mr. Watson stated would it be, I think it was very helpful for us to come to the work shop last month, is that, can we do that again...

Vice Chairman Cook stated yea, yes.

Mr. Watson stated great.

Vice Chairman Cook stated we would like to have your report obviously beforehand...

Mr. Watson stated we can, I will leave one tonight, I have one tonight, I have an extra tonight I can just leave it.

Rich Williams stated I do have a clarification on that, they are going to provide us one report, the Board Members are going to come in take a look at it, we're not going to be making copies for each individual Board Member...

Board Member Taylor stated do they have a digital copy that we can see.

Rich Williams stated I would imagine that they would have it digitally.

Board Member Taylor stated can you supply us with a digital copy of the report.

Mr. Watson stated yes.

Board Member McNulty stated okay.

Board Member Taylor stated because some of us do have computers and it's actually easier to read it that way.

Mr. Watson stated okay yea and in the first, there are ten chapters of, it's like thirty pages, that's the main text and the rest is back-up which is probably...

Vice Chairman Cook stated how much of a burden is that you provide more than one copy to the Town, I mean could we get three copies.

Mr. Watson stated yes, three copies of this and an e-mail okay, enough.

Rich Williams stated yea, no I'm just thinking probably about the first, that's the functional analysis...

Mr. Watson stated this is what's called a, this was the final report before we even get to the point where we do anything real, there are stages we go through with the DEP just to...

Rich Williams stated right.

Mr. Ravallo stated is that the facility plan.

Mr. Watson stated yes, it is, it's the facility plan.

Mr. Ravallo stated you're familiar with that.

Rich Williams stated yea, so probably the first ten pages and one of the location maps would probably be sufficient.

Vice Chairman Cook stated and that's fine.

Rich Williams stated I can take a look at it real quick and confirm that with John if you're all comfortable doing that, rather than the whole report.

Mr. Watson stated right.

Vice Chairman Cook stated hold off on making any more copies until you hear from Rich.

Mr. Watson stated fine, we can get that to you within a couple days.

Vice Chairman Cook stated okay.

Mr. Watson stated okay, thank you very much.

Board Member McNulty stated thanks John.

Mr. Ravallo stated gentlemen, thank you.

Vice Chairman Cook stated thank you Bob.

Board Member Taylor stated can we have a brief discussion among ourselves here.

Vice Chairman Cook stated now.

Board Member Taylor stated we can't do it when Shawn gets back.

Board Member McNulty stated no, quick Ron, you asked about the plant, in this one narrative it explains somewhat of the plan with a bioreactor, you were looking for more information than that.

Board Member Taylor stated yea because he started talking about smells and distances and when the smells dissipated and were there smells and were there not smells.

Board Member McNulty stated I think if I'm, Rich noted it's similar to the plant that the Town has but on a smaller scale, so if you get a chance to go over there, it would be a good to see what it's like.

Board Member Taylor stated okay, that's what I think we need some expert...

Board Member McNulty stated it does emit some smell because I was there all summer.

Board Member Taylor stated okay.

Rich Williams stated do you want a tour of the waste water treatment plant, is that what you're saying.

Board Member McNulty stated yea.

Vice Chairman Cook stated Ron, go ahead.

Board Member Taylor stated I just, I have a few observations, one is just do we want to put a lot of time into this at this point, if we are at longer hits and going nowhere or do we want to wait until we get some input from some of the other agencies, it's just a question.

Rich Williams stated I can't hear the question.

Board Member Taylor stated the question is whether at this point, give the fact that this applicant doesn't seem to willing to work with us and consider any other alternatives, do we want to pursue anything at this point or do we want to wait until they get a little farther along in the process and find out if they in fact get kicked back by DEC or somebody else at DEP, I haven't been involved in this so I don't know how you sustain yourself through a year of arguing with someone or months of that.

Rich Williams stated sure, I think what's going to happen is the applicant himself is going to dictate to some degree how this is going to proceed through the process, he's now looking, you know, to give the Board the information they are looking for, he was looking for your input as far as whether you saw if this was a good location or a bad location or you had alternatives, I think they've heard that but at this point they are just going to, they themselves are going to proceed through the process when it gets to a point where they feel they're comfortable with going to the other agencies, they will do that but you know you can't make, you can't sign off on the final plans until the other agencies have made their determinations but the applicant is very smart about going through the process, they know when to go there and at this point you should just worry about what you have to do.

Board Member Taylor stated but that is what I'm considering whether, do we want to mull this over among ourselves and look at more things or it would be better to wait until a later stage in the process and it was just...

Rich Williams stated I think at this point Ron you've asked for additional information that will be coming back at the next meeting...

Board Member Taylor stated we will see.

Rich Williams stated and then we will go, depending on that information we'll take the next step.

Board Member Taylor stated right, it seemed clear, the initially presentation, at least to me it seemed like they were presenting future plans for the whole ski facility that included all the properties and it became clear in our discussions that that was not the case, that they were, if we could refer them to as half-pipe dreams perhaps and did not really determine the use of the property so I think that's in response to some of my remarks from the previous meeting. I think they made a very cogent and sensible argument about the six acres, they do not want to encumber the property should Thunder Ridge fail, if they would like this plant to be part of the ski lodge and not on some other parcel but I think that argument can also be reasonably applied more universally to all of the property and that the treatment plant we should try to get as close to the lodge as possible and practical so that in the future if they want to divide the property up

there is no problem with the plant being a long ways away from the lodge and then my other remarks I made to John so that is all I, I just...

Vice Chairman Cook stated okay, thanks, Mike you have anything you want to say at this point.

Board Member Montesano stated no I just want to see what they're going to have, I get the feeling that there is no way that they would even consider changing, that is my feeling, everything seems to be concentrated on one area, Ted's point of cleaning the thing up doesn't seem to respond to these people yet polluting or disturbing that length of stream which is not what, which is not theoretically perfect and now we are going to dump into that, which I can't see why we have to when there are other alternatives, if I'm going to be where I do not believe in alternatives then there is no sense in then we're going to end up battling back and forth and these meetings are going to go on for hours and hours to accomplish nothing but waste time, I mean if you give me a reasonable explanation why you don't want to clean up the lower part which has to be cleaned up and it's cleaned up normally and this would be a way to alleviate that problem I see no reason why to, that's it.

Vice Chairman Cook stated John.

Mr. Watson stated if I may, I know that cleaning up some of the non waste water treatment plant related onsite erosion control problems was brought up at the work shop, brought up again tonight, you said that it seemed like we were not responsive or not willing to do that, I have not said anything one way or another as Ron said if you can get a list from Ted as to what those are, you know, we feel that that's some of the mitigation for doing this cleaning up some of the existing problems on the property.

Board Member Montesano stated the object is you can alleviate that problem and put the treatment plant there or in that general area without disturbing the stream above it which means that if that clogs up again which seems to happen on a considerable amount of time whatever is coming down in that stream is going to lay right there, now if that doesn't bother the New York City Water Supply, it sure as hell bothers me because it may effect what fish are living in that stream in that particular section but I will wait for your reply.

Mr. Watson stated as far as the onsite, the non-treatment plant related erosion control problems, if we could get a list of what those issues are then we, we're not going to be able to respond with that type of mitigation yet but that is something that we're willing to offer.

Ted Kozlowski stated may I, John I'd be happy to talk to you about that.

Mr. Watson stated would it be better to meet there.

Ted Kozlowski stated yes and I want to be clear about something, that issue with the pollution in the stream, technically is a violation of the clean water act.

**Bruce Major** stated is that going to be on the record because he's pretty far from the mic, it won't pick up.

Ted Kozlowski stated thanks Bruce. It's an issue that Rich and I have asked Thunder Ridge, without going through violations and stuff for several years to try and clean up and my whole point is I'm trying to see a way that we can all do this, now that DEP and come out everybody winning and I saw this as a perfect opportunity to tie that in with all of this, that's my point and if that can't happen then we still have that

other outside issue that we need to clean up, so we can either do that with this project or we'll do it separately but the time has come, we need you guys to clean it up.

Mr. Watson stated for the record, I would just like to say that we are willing to entertain some of this mitigation but it will not, none of this, the DEP has made it very, very clear, they will not fund any of this non treatment plant related improvements so although we are willing to do stuff, keep in mind that it's also not, this will have to be funded by the owner.

Vice Chairman Cook stated okay.

Mr. Watson stated great, thanks.

## 2) ALBANO WETLANDS/WATERCOURSE PERMIT – Public Hearing

Mr. Carl Albano was present to represent the application.

Vice Chairman Cook stated next is the Albano wetland/watercourse permit public hearing, we're okay.

The Secretary stated yes we are.

Vice Chairman Cook stated good evening.

Mr. Albano stated good evening.

The Secretary stated do you want me to read the notice.

Vice Chairman Cook stated go ahead, read the notice while he's putting up the map.

The Secretary read the following legal notice into the record:

**NOTICE IS HEREBY GIVEN** by the Town of Patterson Planning Board of a public hearing to be held on Thursday January 6, 2011 at 7:00 p.m. or as soon thereafter as may be heard, at the Patterson Town Hall, 1142 Route 311, Patterson, Putnam County, New York to consider an application entitled **“Carl Albano Wetlands/Watercourse Permit Application to allow the proposed expansion area of a septic system to be placed within the 100' Town regulated wetland buffer. The property is located at 24 Old Road, Brewster, NY,”** Town of Patterson. All interested parties and citizens will be given an opportunity to be heard in respect to such application.

Vice Chairman Cook stated thank you, if you could introduce yourself.

Mr. Albano stated yea, my name is Carl Albano.

Vice Chairman Cook stated good evening.

Mr. Albano stated good evening, we met on the property, I'm sure your familiar with it, basically keeping this property as it shows on this map here wouldn't need a wetlands permit the reason we're here is because of the possibility that some day if we go with the three bedroom design which is basically the same footprint, if we have three bedroom design, there is the possibility that if the septic failed we would have to

go into the expansion area and show expansion in this area right here, which is approximately 150 square feet, if we kept it at the two bedroom, it would be basically the same footprint, same design and no permit would be required, the Health Department has requested that a three bedroom was more appropriate to come back to the Planning Board and explore that and one other thing to point out that I mentioned is the neighbors well is not really a standard well and they were given permission to leave that well there when they have a subdivision with the condition that should it fail, it has to be moved, if that well should be moved or fail, if it fails and it has to be moved, we wouldn't have to go into the wetland buffer, so the likely hood of us ever even expanding to that area is very unlikely, theoretically if the septic failed completely, 20 years from now and we have to do 100 percent expansion we would be going to this 100 foot piece here, there is just one flag that's making this difference...

Board Member McNulty stated into the buffer.

Mr. Albano stated into the buffer.

Vice Chairman Cook stated is there anybody here on this application, wish to be heard, please come up and state your name for the record.

Mr. Albano stated hello.

**Liz Elkins** stated I'm pretty loud, I don't need the, I don't need the mic, how are you.

Mr. Albano stated that's good, how are you.

Rich Williams stated actually you do need the mic.

**Liz Elkins** stated I do need the mic, okay, all right, I live actually next door at 30 Old Road and my name is Liz Elkins. My concern was, actually our well, I came because I wasn't sure what the print was and what the layout was and I thought that maybe the bumping up would put his well right on top my well which I know there is no square footage between wells I guess in Patterson but once somebody lives in the house, I really don't want my water pressure to go down as probably nobody in this room want their water pressure to go down and I didn't know what my course of action would be at that point and I would just like it to be put on the record that if maybe something could be put in escrow if the people move and I lose water pressure maybe they can dig a well for me or you know at some point, something happens. I'm a little nervous up here...

Mr. Albano stated that's okay.

Rich Williams stated sure, unfortunately this really is not a Town of Patterson issue, an issue before the Planning Board, it's a Health Department issue, they set the regulations regarding wells and separation between and septic systems as well, so really you need to address this with the Putnam County Health Department, may I suggest maybe a letter expressing your concerns and making sure that they've correctly identified the location of your well on this plan or if not this plan, they do have to show all the wells within a hundred and two hundred foot radius of the proposed well location.

**Liz Elkins** stated okay.

Board Member Taylor stated so is your well on the plan.

Rich Williams stated yes.

Mr. Albano stated yes.

**Liz Elkins** stated I don't, I've never seen the plans.

Mr. Albano stated yes, the surveyor spotted all the wells, we actually went over this...

Board Member Taylor stated can you show her the well.

Mr. Albano stated the wells actually sit side by side, they are up in this corner here, I mean fortunately you have over three acres, I believe it's 2.88 acres you have [Route] 22 here, so there's not a lot of density here, I mean the possibility of an issue with the well always exists and it's just, you know you're drilling a well and there's a lot of footage, anything can happen, it's unlikely, it usually doesn't happen, it's usually not a problem and wells go dry sometimes over time just on their own, fortunately there's not a high density of wells in this whole area back here, so I think the likelihood is very unlikely and the Health Department, they're familiar with these things, so they wouldn't have approved it if they had a concern.

**Liz Elkins** stated I'm nervous.

Mr. Albano stated I'm sure you're nervous, that's normal, that's normal.

**Liz Elkins** stated it's a little nerve raking when everybody else's well is on the other side of everybody's house or the street and then our well is going to be right next door and all of a sudden you know I'm only a two bedroom and you're plans were for a two bedroom and now you want to go to the three bedrooms...

Mr. Albano stated right.

**Liz Elkins** stated more water pressure and you know, I'm going to be in the shower and there could be not likely a (inaudible – not using microphone).

Mr. Albano stated yea, you can call the Health Department and speak to them but you know they are the experts on this, it's, you know it's not really an issue there's always that possibility, you know I can't say it's never going to happen but it's unlikely and fortunately like I said there's not a lot of density here, so it's not like you have a big development pulling on all the wells in this area here.

**Liz Elkins** stated it just was, you know, (inaudible – being spoken over)...

Mr. Albano stated it's a concern.

**Liz Elkins** stated it's a concern.

Mr. Albano stated sure.

**Liz Elkins** stated I just wanted to be put on, I didn't know if anybody could put it on or...

Vice Chairman Cook stated I think as Rich said, the Department of Health and if you need some contact information, Rich can provide that to you, if you call him tomorrow and...

Rich Williams stated the Planning Department office will help you through.

**Liz Elkins** stated okay, thanks.

Vice Chairman Cook stated thank you, anyone else.

**Sue Penza** stated I'm just, what about...

Vice Chairman Cook stated please come up and identify yourself and...

**Sue Penza** stated Sue Penza, 30 Old Road, my concern is when they did the development behind, you know on Old Road, you know the new development all the McMansions up there, our neighbor across the street, her water was perfect before they started building she didn't have her water tested and then after the, they finished the development, now she can't even drink her water, it's filled with iron and minerals and zinc et cetera, so I was wondering will anyone, you know, will you guys test our water prior to your construction, no, okay...

Vice Chairman Cook stated where do you live.

**Sue Penza** stated 30 Old Road.

Vice Chairman Cook stated no but where on the map, right next door.

Mr. Albano stated this is Route 22, this is Old Road, Edwards Road, the development you're speaking of is up in this area.

**Sue Penza** stated right, right, yea but I was just, but I mean you know she didn't have her water tested and now she can't even drink her water, she basically has to drink bottled water, so that is my concern obviously with the wells...

Vice Chairman Cook stated okay.

Mr. Albano stated I can understand her concern and I'm sure the Planning Board is familiar with this, there is always a possibility things change in the future if no development is done, you know, this property would have the same rights as the neighbor next door who has a well, you know, this property could say well why do you have well, you're affecting us, you know so you take a chance, it's done all correctly with the Health Department approval and they look at all these things and try to consider it, as far as the future, nobody knows it's not like we're putting in 50 condominiums...

**Sue Penza** stated I have perfect well water prior to you building and then you know your construction is built and then I can't drink my water anymore, you know...

Mr. Albano stated it's a big factor, if we did something wrong that created that...

**Sue Penza** stated right.

Mr. Albano stated then that could be an issue but as long as everything is done correctly according to the Health Department, the Building Department, then its kind of like in God's hands, you know things change all the time so if anything is wrong, you come to me and you tell me if we caused something because of

something we did wrong, we would be responsible. Drilling a well and having the water quality change on a neighbors property is very unlikely, it's not, I'm sure it can happen, I'm sure, there are a million things that can happen but it doesn't take the rights away from this property to drill a well just like everybody else did, so it's, I don't think you're going to have a problem, that is an unusual situation, there might be something else to that that you should check into.

**Sue Penza** stated okay.

Vice Chairman Cook stated thank you.

**Sue Penza** stated and when you mentioned another well being affected, that wasn't our well, I take it that's our neighbor across the street.

Mr. Albano stated the well across the street that I had mentioned.

**Sue Penza** stated that's our neighbor.

Mr. Albano stated hi.

**Peter Priolo** stated can I come up because I wasn't sure what you said there.

Vice Chairman Cook stated please identify yourself for the record.

Mr. Albano stated I'll explain my understanding.

**Peter Priolo** stated Peter Priolo, 25 Old Road, directly across the street, I didn't quite understand the...

Mr. Albano stated what I had understood...

**Peter Priolo** stated I just moved in there not that long ago.

Mr. Albano stated okay from what I understand this is not a deep well, it's a shallow well, when these properties were subdivided, this is all up at the Health Department, you can go check with them, the well technically wouldn't meet today's standards but because it's there and tests clean and there is no problem with it, they gave them permission to leave the well there even though it wouldn't meet the criteria today with the understanding that should it fail, it has to be relocated to another part of the property, so there is an approved part, spot on this property that it would have to be moved to should it fail and as it stands now, everything works the way it is, if it were ever moved, it makes it even a little easier for us, we wouldn't have to go into the buffer area but again we're talking about things that I don't think are going to happen, I don't think we would ever even have to expand the septic.

**Peter Priolo** stated okay that's all I wanted and while I'm up here, so you're two bedroom possibly a three, so it's still up in the air which way you're going.

Mr. Albano stated well no, we're here for a three bedroom...

**Peter Priolo** stated you are, three.

Mr. Albano stated my only point when I showed this is that basically the footprint, the area of disturbance, everything will remain the same, nothing is going to change, the only difference is this would be a three bedroom house which actually better for us, it's more saleable, it's more what people want.

**Peter Priolo** stated the footprint is identical.

Mr. Albano stated yes, this was originally designed as a three bedroom and then with the issues of wells and stuff it was reduced to two because of one flag being moved.

**Mr. Priolo** stated right, right.

Mr. Albano stated we took the path of least resistance the Health Department now told us that doesn't make sense, it really should, three works and it's more appropriate.

**Peter Priolo** stated all right.

Vice Chairman Cook stated anyone else. Can I have a motion to close the public hearing.

Board Member Montesano stated so moved.

Vice Chairman Cook stated second.

Board Member McNulty seconded the motion.

Vice Chairman Cook asks for all in favor:

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

The motion carries by a vote of 4 to 0.

Mr. Albano stated thank you.

Vice Chairman Cook stated thank you, anybody have any comments.

Board Member McNulty stated no.

Vice Chairman Cook stated we're ready, ready for resolution.

Board Member Montesano stated get it over with.

Vice Chairman Cook stated I'll make the resolution. Whereas a wetlands and watercourse permit application number WW1110-01 has been submitted by Carl Albano for property located at 24 Old Road and is also identified as Tax Map Parcel number 35.-5-1 and whereas the Planning Board has determined the proposed alteration of the wetland buffer will have minimal impact on the character and functions of the wetland and whereas the Planning Board opened a duly public hearing on the subject application and final

site plan at its meeting on January 6, 2011 and closed the public hearing on that same night after receiving comments from the public. Now therefore be it resolved in the application of Carl Albano for approval of wetlands and watercourse permit application number WW1110-01 pursuant to Chapter 154 of the Town Code, the Planning Board finds that the subject application and plans as modified in accordance with any applicable conditions set forth in this resolution complies with all requirements of Town Law of Chapter 154 of the Town Code and hereby grants approval to said wetland and watercourse permit application subject to the applicant's compliance with nine general and three special conditions, further be it resolved that this wetland and watercourse permit approval shall be deemed null and void if the applicant fails to comply with all conditions stated above and/or construction is not completed within one year of the issuance of this permit and any extensions thereto granted by the Planning Board.

Board Member McNulty seconded the motion.

Vice Chairman Cook asks for all in favor:

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

The motion carries by a vote of 4 to 0.

Vice Chairman Cook stated thank you. Let the record show that our leader has returned, Shawn Rogan.

Board Member McNulty stated look at this guy.

Chairman Rogan stated okay...

#### **4) GENOVESE SITE PLAN – Consideration of Final Approval**

Ms. Terri-Ann Hahn of LADA P.C. Land Planners was present.

Chairman Rogan stated is anyone here for Genovese.

Board Member Cook stated (inaudible).

Chairman Rogan stated yea I know, I heard.

Board Member Taylor stated we have a lot Politians in the room tonight, don't we.

Chairman Rogan stated you're just rolling with it.

Ms. Hahn stated that's right, good evening, how are you doing.

Chairman Rogan stated good, good.

Ms. Hahn stated Terri-Ann Hahn, LADA P.C. representing the applicant for the Flex building on Route 22. The, we have resubmitted the plans and reviewed, gone through DEP, DEC, Health Department review and we are here for a final approval. There was one thing that I did want to mention though is that in the resubmission there was a question that came up previously about the colors of the building and I mistakenly said it's white and I didn't mean to be flippant because it's not white, it's brick and block and colors and that is included in the new submission that is attached to the set and so I just wanted to bring that to your attention. The façade and everything is doing what it, what the Board had agreed to but the colors were, I was incorrect, so I just wanted to make sure everyone knew what was going on.

Chairman Rogan stated so the illustrations that you provided that we had for the work session are correct.

Ms. Hahn stated that's correct, yes.

Chairman Rogan stated okay, Ron, you had commented about them at the work session I believe, you were happy with the...

Board Member Taylor stated I was happy with the fact that they weren't bright white...

Ms. Hahn stated yes.

Board Member Taylor stated and brightly illuminated.

Chairman Rogan stated right.

Ms. Hahn stated and I apologize for, at one point they were different and they were white but the architect went back and made it brick and a little bit more interesting.

Board Member Taylor stated it looks very nice.

Chairman Rogan stated sure, thank you, Andrew, anything further, I know that your, perfect timing.

(Side 1 Ended – 7:55 p.m.)

Chairman Rogan stated memo is part of any resolution that we do, basically meeting anything that you had stated in your memo and you had mentioned some items earlier but is there anything that you want to bring up for tonight for discussion with Terri.

Andrew Fetherston stated no, I think we had a difference of opinion on some of the erosion control and the roads leading back to the rear and I think that can be handled during construction if it becomes an issue, it can be addressed at that time.

Chairman Rogan stated sure.

Andrew Fetherston stated I was still questioning the stormwater basins are supposed to be wet, the depth of water seemed to be two foot below and I'm still questioning how some of the water levels proposed were going to be attained, was it going to be a liner, I wasn't suggesting that or designing it but how are you going to get that (inaudible).

Ms. Hahn stated the modeling is right at the existing level so that the water was defined at that particular time was two feet below but we're fairly confident that the modeling is actually the correct...

Andrew Fetherston stated the modeling is historically where the water has been in the past, it shows decay, just want to make sure that the basin past, meets the requirements of the permit, I understand it's approved through DEP but I was questioning where that water level was, I just don't want the basin to be dry when its designed to be wet.

Chairman Rogan stated understood.

Ms. Hahn stated understandably and that's not our intention as well, we can look at it just as a condition of approval, just one last swing through and see if we can't talk it out and see if we can solve it...

Andrew Fetherston stated I think during construction, I think if it will hold water as its supposed to then its fine, I think it's maybe, in construction if it doesn't hold water it would have to be addressed at that time.

Chairman Rogan stated we'll have to reassess it.

Andrew Fetherston stated yea, (inaudible).

Ms. Hahn stated we should know fairly easily during construction since those basins are to be constructed up front as part of the temporary sediment component so we should get a pretty good sense of whether or not it's going to work.

Andrew Fetherston stated good.

Chairman Rogan stated okay, Rich anything from you on Genovese that you want to discuss.

Rich Williams stated no on my end I think we're pretty well complete and have been for a little while, the only thing I do want to point out is we still do need the bond calculations back in here at some point.

Ms. Hahn stated that'd be great.

Chairman Rogan stated okay, anything from anyone on the Board.

Board Member Taylor stated do they have any intention for the rest of the site, in the future.

Ms. Hahn stated you mean additional building, no.

Board Member Taylor stated so it's all going to, it's going to remain...

Ms. Hahn stated this is the proposed construction for this property.

Board Member Taylor stated and the rest of it will stay will be open.

Ms. Hahn stated as far as I know, I've never heard of any additional improvements.

Rich Williams stated if I could just jump in here, right now there's no plans that we're aware of, that doesn't mean in the future that might not change, there is no restriction on further development on the site.

Chairman Rogan stated sure, that's certainly for, at a later date, another plan is brought in, we'll review that with the same due diligence as we did this time. Okay, gentlemen, we have a final site plan resolution, any one have the voice for it.

Board Member Cook stated I'm going to paraphrase the resolution, you'll get the complete resolution, where as the Planning Board has considered the application of 2160 Patterson Corporation...

Chairman Rogan stated you have one right.

Ms. Hahn stated no.

Board Member Cook stated for amended site plan approval pursuant to Chapter 154 of the Town Code and final site plan entitled Flex Building aka Genovese Site Plan, dated October 30, 2006 and last revised on December 7, 2010, whereas the Planning Board opened a duly noticed public hearing on the subject application and final site plan at its meeting on November 6, 2008 and closed the public hearing that same night after receiving comments from the public whereas the Planning Board has considered, excuse me, now therefore be it resolved in the application 2160 Patterson Corporation for Final Site Plan Approval, pursuant to Chapter 154 of the Town Code the Planning Board finds that the subject application and final site plan is modified in accordance with applicable conditions set forth in this resolution, complies with all requirements of Town Law and Chapter 154 of the Town Code and hereby grants final site plan approval subject to the applicants compliance with the five general and four special conditions within 62 days of the date of this resolution. Be it further resolved that in any event this site plan shall expired pursuant to Section 154-87 of the Town Code, one year from the date that the plat is signed by the designated representatives of the Planning Board unless a building permit has been obtained in complete compliance with the terms and conditions of this final site plan approval.

Chairman Rogan stated can I have a second.

Board Member Montesano seconded the motion.

Chairman Rogan asks for all in favor:

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

The motion carries by a vote of 5 to 0.

Chairman Rogan stated any opposed, okay Terri thank you.

Ms. Hahn stated thank you very much.

Chairman Rogan stated do you have a sense of when those bond calcs will be ready.

Ms. Hahn stated I will start on them shortly so we should, you might get them at the next meeting.

Chairman Rogan stated okay, if we can get the for the work session, we'll take that action at the work session, as long as we have a review.

Ms. Hahn stated okay, of course.

Chairman Rogan stated okay, thank you.

**5) TAGGART ESTATES – Consideration of Preliminary Approval**

Mr. John Watson of Insite Engineering was present.

Chairman Rogan stated Taggart Estates, you're in here in place of Theresa.

Tim Curtiss stated yea, she took the night off.

Chairman Rogan stated I'm not sure how I feel about this, John we like you but...

Mr. Watson stated I know but I know I'm not Theresa.

Chairman Rogan stated welcome John, how are you.

Mr. Watson stated thank you, I'm great, how are you.

Chairman Rogan stated great thanks, okay Taggart Estates.

Mr. Watson stated you want me to put a plan up.

Chairman Rogan stated sure, why not, okay, we do have some review memos and comments that have come in over the last month, one from our E.C.I. Ted Kozlowski, I think worth mentioning on the record again, we did at the work session was that his first item on the comments was to congratulate the applicant for not disturbing significant sections of the wetland. In protecting the wetland, one wetland area, it was also brought up that we need to talk about this further as we go from preliminary approval to final, is the status of the property that will be the wetland buffered lot that is actually shaded to find out if we can come up with something that will be protective that will identify it as an area of concern, our wetlands inspector is I think hoping that we can build actually, people from the Board mentioned at the work session a sense of ownership if you will that the residents will watch over the property as opposed to just using it as free open space for ATV's and dumping and so we're actually kicking around the idea of trying to come up with some more informative or decorative wetlands signs that we might be able to put on the property, something that I think gives the information that this is a wetland, this is a special feature of this subdivision and is in need of over sight and protection and so we're going to work together on that aspect over the next couple of months, after we get through preliminary.

Mr. Watson stated sure.

Chairman Rogan stated Ted, do you want to bring up anything else on this.

Ted Kozlowski stated no, I just I guess I need the mic, right.

Chairman Rogan stated yes you do, sorry Michelle.

Ted Kozlowski stated I'm very glad that the applicant was able to preserve that wetland, get all the lots in appropriately they are staying out of the wetland and again my concern was, no one really is going to own it, I can imagine it's going to kind of be owned by the district there but let's hope it doesn't become a dumping ground and let's hope it doesn't get degraded over time and I was hoping that the local residents because it is like a, it's got a cozy little area there that maybe they, if we improved it with just a decorative sign or something that just said you know, local wetland and maybe the owners would take ownership of good stewardship of the land, that was my concern and then the roadway coming in, if there was a post and rail fence or something that would kind of delineate that so things don't you know how it, things get dumped in there and all over time, it would just be kind of nice to avoid that but I, you know, again Insite did a, John that was a good one.

Mr. Watson stated I'll take full responsibility for that, thank you.

Chairman Rogan stated very nice.

Ted Kozlowski stated it worked out well, so thank you.

Mr. Watson stated just for the record, I know you mentioned a couple times we stayed out of the wetland, we actually stayed out of entire wetland buffer.

Chairman Rogan stated very well, thank you.

Mr. Watson stated it was a big difference.

Chairman Rogan stated no and I appreciate that and that is a distinction worth making so I appreciate that. We also have a letter worth just at least commenting on from the, one of the neighboring properties, it was the Winding Glades property that directly abuts this property and in essence what they're looking to do is to see if there's a way to notify future property owners, future buyers that they in fact border what is already an approved commercial subdivision and they anticipate working towards approvals for the build out of that property and I can understand their concern, they don't want people moving into a new subdivision saying we didn't know there was commercial property next to us, worth noting and Rich I think you confirmed this that on the subdivision plat it does reference the property properly, correct, the adjacent property as the Patterson Development, how does that state.

Rich Williams stated Patterson Corporate Park.

Chairman Rogan stated Patterson Corporate Park and I would that it would be incumbent upon realtors that are selling these lots, that they would disclose that there is, you know, we're in a commercial corridor, near or adjacent to a commercial corridor and obviously there is build out of lots that abut this property. Having said that through the review process, we tried with conversations with Theresa and I'm sure through your office, to pull houses down off of ridge lines, to pull the in a way that we would buffer them naturally from adjacent properties and obviously when we get projects for approval on commercial property we'll be looking at screening and buffers as well but I think the point was appropriate to at least put into the record to make sure that we follow through again from preliminary to final to make sure that we take into account anything we can get on the record, anything that might be common sense to put on the plans that would notify people of their surroundings and what's going on around them. Anything from you Rich...

Rich Williams stated no sir.

Chairman Rogan stated no, gentlemen, anything from you.

Board Member McNulty stated I just had one comment...

Chairman Rogan stated yes.

Board Member McNulty stated at the public hearing it was brought up about the intersection of Ballyhack [Road] and [Route] 22, is that addressed in any way during this development, an improvement for that intersection.

Rich Williams stated it is not being addressed by this developer.

Board Member McNulty stated okay, that's something, I'm not that familiar with that intersection, I haven't paid that close, it's going to be significant more traffic, so down the line is that looked at, after the preliminary.

Rich Williams stated typically now, I mean you say it's a significant amount of traffic...

Board Member McNulty stated well compared to what's on their now, it's going to increase that.

Rich Williams stated sure, compared to what's there now, it's probably doubling the traffic but still on the over all road, it's not a significant increase in the overall volume or peak hours worth of traffic, it's a 14 lot subdivision, actually 13 lots, one lot is already, there was a house that had burned down there and the intersection, the site distance there is as good as we're going to get without the million dollar improvement, that really is the responsibility of the DOT, they have been aware of that for many years now, they have been aware of the deficiencies, we do need to talk about addressing at some point DOT's response on Cipriano Site Plan because they are looking for Mr. Cipriano to do most of those site improvements unfairly, in my opinion, because again it's been a DOT deficiency on their road that they simply haven't addressed.

Chairman Rogan stated and Mr. Cipriano was one of the more vocal people at the public hearing in reference to those improvements, so there is some...

Board Member McNulty stated yea I didn't remember what his name was but I know some brought it up.

Chairman Rogan stated yea.

Board Member McNulty stated okay.

Chairman Rogan stated it not only impacts on the residential but the commercial build out of his property, so it is something we definitely have discussed with that commercial project.

Mr. Watson stated if I could make one other correction, there's, we started at 14 lots, it's now down to 12 total and there were two existing lots, so it's 10 new residences.

Chairman Rogan stated thank you. Anyone else...

Board Member Taylor stated I would just like to say as someone who came in late in this process, otherwise listening to it as it you've all that the Planning Board did a very good job with buffering this property from other properties, with the ridgelines that were used to provide buffers in the back of the properties and sight lines were not interfered with by houses put on the tops of ridges, so I think it's very nicely designed project.

Board Member Montesano stated that's another gold star John.

Mr. Watson stated thanks.

Chairman Rogan stated okay.

Mr. Watson stated it's not for me, I'll let Theresa know.

Board Member Montesano stated you're here, we'll let you carry it.

Chairman Rogan stated Theresa gets plenty of compliments.

Mr. Watson stated okay.

Chairman Rogan stated okay, we have a preliminary approval.

Board Member Cook stated whereas the Planning Board pursuant to Chapter 138 of the Town Code and Section 276 and 277 of the Town Law, consider the application of Consortium Properties/Ballyhack Road LLC for approval of a preliminary subdivision plat entitled Taggart Estates Subdivision, prepared by Insite Engineering, Surveying and Landscape Architecture dated February 16, 2010, later revised on September 21, 2010 and whereas the Planning Board opened a duly public hearing on the subject application and preliminary subdivision plan at its meeting on December 2, 2010 and closed the public hearing on that same night after receiving comments from the public. Now therefore be it resolved that in the application of Consortium Properties/Ballyhack Road LLC for preliminary subdivision approval pursuant to Chapter 138 of the Town Code, the Planning Board finds the subject application and preliminary subdivision plan as modified in accordance with any applicable conditions set forth in this resolution complies with all requirements of Town Law and Chapter 138 of the Town Code and hereby grants preliminary subdivision approval, the resolution also includes three findings and four general conditions.

Chairman Rogan stated can I have a second.

Board Member Montesano seconded the motion.

Chairman Rogan asks for all in favor:

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

The motion carries by a vote of 5 to 0.

Chairman Rogan stated any opposed. Thank you Mr. Watson.

Mr. Watson stated thank you, have a great night.

Chairman Rogan stated have a great night, Happy New Year, okay, do we have anyone here from Ice Pond...

**6) ICE POND ESTATES SUBDIVISION – Continued Discussion**

Mr. Chris Fisher of Cuddy & Feder, Mr. Rick Lamontagne of Bibbo Associates, Mr. Geoff Ringer and Mr. Steve Wise, principals of the project were present.

Chairman Rogan stated anymore we'd need a bigger board.

Board Member McNulty stated yea.

Mr. Fisher stated two principals, two consultants.

Chairman Rogan stated fair enough, I guess we should let the record show that Ron, I think you're the first Planning Board Member to have a computer here and be more environmentally friendly and cut down on all the paper, very nice.

Board Member Taylor stated (inaudible) to cut down on my paper use.

Chairman Rogan stated fair enough, in fact can you think of anyone Planning Board, Zoning Board, Town Board, is that the first, have we ever seen a Town Board Member with a laptop up here.

Ginny Nacerino stated not on the dais but I do have a laptop.

Chairman Rogan stated he's actually got comics playing here, just so you guys know.

Board Member Montesano stated we're watching the basketball game.

Board Member McNulty stated we're watching the weather forecast.

Chairman Rogan stated good evening.

Mr. Fisher stated hi, good evening, how are you.

Chairman Rogan stated good.

Mr. Fisher stated Chris Fisher with Cuddy & Feder for the applicant on the Ice Pond Estates Subdivision matter and obviously you know Rick and...

Chairman Rogan stated sure.

Mr. Fisher stated obviously go over any plans and questions and you may have. As you know Chairman we were here last spring talking about the project, we were really at a point where at least the applicant

thought we were procedurally ready to move to the next step with a SEQR determination and scheduling of a public hearing on the preliminary plat and the question that was raised at that point, really the only one that was left outstanding was the status of Ice Pond Road as far as it's existing conditions, we had gone through a conversation and the traffic results that dealt with volumes and obviously I think we were all in agreement that wasn't an issue, so we were really down to the existing conditions of the road, some of it's existing geometry, paving had been raised an issue and I think the suggestion which was a good one was that we really, not me, the consultants and the applicant meet with your Town Planner, Town Engineer, DPW, go out, do field visits, take a look at what they all thought and what they all thought also was appropriate in the context for this applicant to address and correct some deficiencies in the road now and make those better as part of this application and then also address the fact that you'll have obviously a subdivision which at this point would be 25 units associated with the use of the road. So, that happened over the course of several months, I know you have a memo from Rich Williams office we corresponded with you as well, that process resulted in some delineation of offsite improvements to Ice Pond Road that the applicant is certainly willing to implement as part of its project and I really would defer to Geoff Ringler and Rick to go over those, if you can ask any questions you might have of them, they are going to be the best ones to answer them.

Chairman Rogan stated thank you.

Mr. Lamontagne stated should I just go into, Rick Lamontagne, Bibbo Associates. Should I just go into the memo from Rich, is there any other questions, basic questions on the subdivision prior to that point.

Chairman Rogan stated I would love to see you go into the memo from Rich, since we don't have a memo from Rich.

Mr. Lamontagne stated you don't.

Chairman Rogan stated no.

Rich Williams stated you have had a memo.

Chairman Rogan stated it was previous then, everybody up here was looking at each other, we have the most recent memo from Cuddy & Feder...

Rich Williams stated would you like copies of it.

Chairman Rogan stated what I actually, no, it's fine, we were just kind of teasing a little bit.

Board Member McNulty stated you can summarize.

Rich Williams stated okay.

Chairman Rogan stated if you could go into the improvements that were spoken about and what you're looking to do.

Mr. Lamontagne stated all right, what we were, the memo states after presenting Rich and the Town Engineer with a couple of different versions of improvements along Ice Pond Road, the memo states that currently Ice Pond Road varies from 18 foot wide to 20 foot wide, they recommend or Rich recommends 22 foot wide and 24, if there is room, there is not a lot of room after I laid it out but what we did was the

existing Ice Pond Road, is here in light gray and the blue you see around it is the proposed widening, also there were improvements to the vertical geometry to improve sight lines and also, Rich, you had two bullets in here, number two and number three that both said vertical geometry, I assumed when you were talking about this area here by Tommy Thurber Road or Lane that you wanted the horizontal geometry on that, these stations...

Rich Williams stated no, we had talked about two areas north of Tommy Thurber Lane...

Mr. Lamontagne stated there's two separate areas, this is, that's Tommy Thurber...

Rich Williams stated that's Tommy Thurber...

Mr. Lamontagne stated yea.

Rich Williams stated so we talked about in here and in here.

Mr. Lamontagne stated right here, this is the high point one of the areas, right here, cut down on the high point there, get a better sight line going over the top, also the realignment slightly right before Tommy Thurber to allow, to get better turning and also better sight line to go around those corners, it will also improve the people turning into and out of Tommy Thurber, we will have to do a little modification to the intersection there. The fourth point was addressing the runoff which we will do, it states the no net increase that and plus the MS4 program, the phosphorus removal and all that and we intend to you know treat a lot of the water that comes down in front of our entrance road in our ponds and that will reduce the amount of no net increase and the phosphorus, I haven't run all the calculations yet but in this memo also what we discussed was if we do these improvements you know, at our expense, to cut down on the interior of our subdivision the road width, curbs, and those items, it was discussed that we would do 20 foot wide with 4 foot level shoulders on our road, no curbs, runoff to swales that will direct the water to the stormwater basins. That is about it on the memo, the only changes I've done to the plan to get your input, your thought, your approval of, these changes that we can move forward and really head into the nuts and bolts of the stormwater on my end.

Chairman Rogan stated understood.

Mr. Lamontagne stated on my end.

Board Member Cook stated can I ask a question...

Chairman Rogan stated sure, sure.

Board Member Cook stated Rich or Ted, would you comment on what he just said about that interior road and the lack of curbing and the size of the road and the runoff, have any trouble with that.

Ted Kozlowski stated I am not qualified for that, so I'm not going to comment.

Rich Williams stated well I mean essentially what we're doing is we are also looking at the new MS4 regulations which require runoff reduction as well as pollutant removal and they are looking for this type of design now in roads where we can do it where you're not channelizing everything with your curbs and building big expensive drainage conveyance systems down to an end of pipe solution, they are looking at more distributive controls, that's what we are trying to do here as well as somewhat reducing the cost to the

developer with a more appropriate design considering the surrounding area and the road that it's coming in at, this has a couple of benefits, one is it certainly benefits the developer in that it's a reduced cost to the road, you know secondly by distributing the stormwater off the road, moving it off the road into grass swales we are getting better pollutant treatment.

Board Member Cook stated thank you.

Chairman Rogan stated the improvements that are being contemplated for Ice Pond Road, for the gravel surface road, will there be a point in them where, when the subdivision is being built and they do the improvements to the road, that it would be beneficial if the Town was ever going to pave that road to do it as a certain time or if we hold off for say five years because of funding, capital improvements, et cetera, that we lose some of those improvements because that road has to be re-graded a few times a year and I'm wondering if there is any correlation between the maintenance that's required on that road and any of the improvements that they are doing, would we lose any of the benefit, that's a concern that I have.

Rich Williams stated certainly you know because it's not going to be a hard surface, they are going to wear out, they are going to wear out at a much more rapid rate, we are going to be doing maintenance out there, as you are well aware, you drive that road...

Chairman Rogan stated frequently.

Rich Williams stated frequently, yea we have to send a grader out there and grade that road with some frequency, especially in the spring when you have the spring thaw coming in.

Andrew Fetherston stated I don't think you're going to lose the benefits but the maintenance is going to be the same as it is now, you know...

Chairman Rogan stated yea.

Andrew Fetherston stated even more because now you are proposing a wider road, you know...

Chairman Rogan stated I'm just thinking about the and I can accept the fact that this Board's direction was met with our professionals, see what they recommend and see what you guys are willing to do and you've met, it sounds like everything that they've asked for...

Mr. Lamontagne stated that is correct.

Chairman Rogan stated so I'm not, let me preface it by saying that but I can also related to a 25 lot subdivision, these people moving in, having beautiful maintained roads in a subdivision and emptying out onto a road that I know is a difficult road to maintain seasonally, so I think it would be prudent if we can work with the Town to find out when we would be in a position to pave those roads and if we can correlate that to the completion of construction, within a year or something I think that, quite honestly I'd hate to see where a year after construction you have 25 residents, more than 25 residents but 25 homeowners that are coming to Town Board meetings because they empty out of a brand new subdivision on to a road that is wash board.

Rich Williams stated sure, understand, I mean ideally we would like to see the road paved, that would be the greatest of both worlds but you...

Chairman Rogan stated right.

Rich Williams stated you know in working with the applicant, we need to do a balancing about what is fair and reasonable mitigation for the subdivision...

Chairman Rogan stated agreed.

Rich Williams stated compared to what the costs are going to be.

Chairman Rogan stated yeah.

Rich Williams stated that's what we tried to do.

Andrew Fetherston stated we were comparing, trying to get a green road inside the site, remove the curbing, bring it up to today's design guidelines or standards, removing curbing and having the runoff more disburse like Richie was saying...

Chairman Rogan stated right.

Andrew Fetherston stated cutting the costs there and putting the costs down into the Town for the great benefit of geometric corrections, some of it's rock, we know there is rock out there...

Chairman Rogan stated yea, sure.

Andrew Fetherston stated and you know that was the biggest bang for the buck...

Chairman Rogan stated and I'm not disagreeing with that, yea...

Andrew Fetherston stated no but trying to weigh...

Chairman Rogan stated not even weigh, I'm trying to see if we can coordinate, I'm certainly not going to sit here and think that we can have influence over the Town Highway Department scheduling of activities or improvements but it would be nice if we had these conversations so that if there is any way to coordinate that two, that they do the work and then it would be the best time for the Town to come in and do their end of the work so that we don't lose any opportunity, I think that would be worthwhile to have that conversation.

Andrew Fetherston stated at the time this is completed, that road would be 100% prepped for pavement.

Chairman Rogan stated and that is kind of where I'm going with this, exactly, that kind of a conversation.

Rich Williams stated Gene was a substantial part of our discussions, we did meet out on the site with Gene and Gene Brandon, Acting Highway Superintendent and go through these improvements, certainly we can have another conversation with him about making sure that he's on board that you know, this is going to need to be paved and maybe coordinate it at some time.

Chairman Rogan stated just seems like it would be a great opportunity.

Board Member Cook stated maybe could you fellas prepare a cost estimate to pave what needs to be paved there, provide that to the Town Board so at least they have a feel and whenever this project is determined that it would be...

Chairman Rogan stated I'm just trying to think of our last conversation.

Board Member Cook stated complete, you know, have it merged.

Rich Williams stated sure.

Chairman Rogan stated just in terms of lineal foot.

Board Member Cook stated at least it, you could put it into a capital plan and know that this is coming up.

Rich Williams stated well it's, it's fairly straight forward, we know how square feet you have to get per ton, you know we know what our bid prices are, so it's...

Chairman Rogan stated so it's kind of like if you know length and width, you're going to be able to run those numbers.

Rich Williams stated not a difficult exercise.

Andrew Fetherston stated all of the work is done though.

Chairman Rogan stated and that conversation wasn't to infer that we are asking you to pave the road now, I'm not going back on that, I'm just trying to follow along with improvements to the Town, public safety and getting the best bang for everyone collective dollar...

Mr. Fisher stated it makes total sense.

Chairman Rogan stated great.

Board Member Cook stated not only would this new subdivision benefit by that road being paved but residents in the whole general area, so...

Chairman Rogan stated oh absolutely, school buses do three point turns at Tommy Thurber every morning and I'm surprised, years ago they were never allowed to do three point turns in roadways, they go up that road every day and they turn around there and then come back down and your improving sight distance that right now we've come up and over the hill and the bus there and you don't know, they are all going to improved by this, so I think it's a step forward for the road, you know for the residents that drive up and down that road, myself included. So I appreciate that you're willing to take some, not criticism, some information, some advice and we were able to move forward with this, I think that's great. Anything else from anybody else, we have a, we need to do a SEQRA determination, we can set a public hearing...

Board Member Cook stated why don't we do SEQRA after we do the hearing.

Chairman Rogan stated usually we do SEQRA before we set a public hearing.

Board Member Cook stated oh, that's a good reason.

Chairman Rogan stated I thought that would be, procedurally, any body, I'll do it. In the matter of Ice Pond Estates Subdivision, I make a motion that the Planning Board grant a negative determination of significance of SEQRA.

Board Member Montesano seconded the motion.

Chairman Rogan asks for all in favor:

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

The motion carries by a vote of 5 to 0.

Chairman Rogan stated and I'll move that we set a public hearing on this application for the next regularly schedule meeting of February 3, 2011 at 7 p.m. or as soon there after.

Chairman Rogan asks for all in favor:

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

The motion carries by a vote of 5 to 0.

Mr. Lamontagne stated thank you very much.

Chairman Rogan stated thank you very much, appreciate your time, thank you gentlemen.

## 7) OTHER BUSINESS

### a. Eurostyle Marble and Tile

Chairman Rogan stated under other business we have Eurostyle Marble and Tile.

Tim Curtiss stated it rears its ugly head, maybe not so ugly.

Chairman Rogan stated maybe not so ugly. Good evening Tim.

Tim Curtiss stated good evening.

Chairman Rogan stated how are you sir.

Tim Curtiss stated I'm good, yourself.

Chairman Rogan stated great, great. So where are we at with Eurostyle, let's bring this back to...

Rich Williams stated Eurostyle Marble, I've been very busy and I haven't had an opportunity, the Board was looking to bring him back in, we had sent him a letter requesting to be at the last Planning Board meeting to discuss his bond, he did not show up and with everything that has been going on and the holidays I have not had an opportunity to send another letter so we had talked at the work session we were going to schedule that for the next Planning Board meeting.

Chairman Rogan stated and just as a recap we went out there for the, when they were looking to get the C of O, we worked with the applicant who said they were able to get the information, the C.O. they needed but we found that there were many modifications made to the site, many of which were not on the site plan, we asked for an update and as built if I remember correctly, the information be added to their site plan so we could wrap this up and we haven't basically heard anything since.

Rich Williams stated right, there were two issues that needed to complete the improvements which still hasn't been done that was shown on the original site plan and the need to amend the existing site plan to incorporate the changes that had been made.

Chairman Rogan stated so in essence if they were to do an as built, take that information put it onto a revised site plan and then also complete the items that needed to be done to complete out the first site plan, we would be done with this.

Rich Williams stated correct.

Chairman Rogan stated okay, so we just need to make it in this gentleman's best interest to finish the work and be done with it.

Rich Williams stated okay.

Board Member Cook stated I would just comment that we haven't heard from that applicant since December 4, 2008.

Chairman Rogan stated okay, a little over two years.

Tim Curtiss stated yea, what I was going to say is we've been sending letters back and forth and I think that I have no problem doing it or Rich doing it, I think if we made a visit out to the site and just explain to him what the issue is and then if we get an as built, we can put the things on, we can put this to be, we can get him cleared up, it might go a long way towards just getting this resolved and off the, off your agenda.

Rich Williams stated I have talked to Martin.

Chairman Rogan stated really.

Tim Curtiss stated oh have you, yea and what's his response when you talked to him.

Rich Williams stated well again I talked to him when he was looking to get his bond reduced, this was

about three, four months ago you know, outline that there were some outstanding issues, haven't heard from him since.

Chairman Rogan stated so his, right now the only thing, the only value to him is that the Town's holding a bond.

Rich Williams stated right.

Chairman Rogan stated you know because he's open for business.

Tim Curtiss stated well yea that's true and I would think that at some point he's going to obviously he's going to pay a premium so it's going to come in but I have no problem reaching out to him if you think that would help.

Board Member Cook stated beautiful segue that if you remember back a couple of months ago...

Tim Curtiss stated I do.

Board Member Cook stated you dropped us a little note...

Tim Curtiss stated I did.

Board Member Cook stated saying that the Town Board asked you to hold off on follow through on some enforcement of outstanding violations...

Tim Curtiss stated correct.

Board Member Cook stated maybe you could at the next Town Board meeting just bring that up with the Town Board...

Tim Curtiss stated will do.

Board Member Cook stated and move forward and hopefully they'll give you the green light to move forward on, there are three others...

Tim Curtiss stated yea I know there's...

Board Member Cook stated there is (inaudible).

Tim Curtiss stated the other two that and I will reopen that issue, yea I have no problem talking to them about that at the next meeting and basically I think everyone is on the same page, both this Board and the Town Board in terms of encouraging commercial growth, encouraging building and I think you've been more than patient, the issue really is, I guess from the Town Board side is they would like to try to resolve these issues without dragging them into court, creating problems at that point in time and that is basically what their philosophy is but I understand there is a point where you might have to do that...

Board Member Cook stated yea, you know, whatever it takes, it may be unnecessary it has to go court.

Tim Curtiss stated true.

Board Member Cook stated I mean you know maybe a phone call from Town Counsel wakes them up or something but it's, we're not looking to hurt anybody its just a matter of that...

Chairman Rogan stated right, wrapping up business.

Board Member Cook stated wrapping this stuff up so that you know, in the future nobody else is stuck with it.

Tim Curtiss stated that's true.

Board Member Cook stated and then there's, there could be possible delays or litigation years from now, let's have the file in proper order.

Tim Curtiss stated I have no problem going out and just having a talk with them, whatever you think is helpful.

Chairman Rogan stated okay.

Board Member Cook stated okay.

## 8) MINUTES

Chairman Rogan stated did anyone have a chance to read their, read from page one to the end all of their minutes of November 23<sup>rd</sup> and December 2<sup>nd</sup>, I know that I did.

Board Member Montesano stated the 23<sup>rd</sup> I can say yes, the 2<sup>nd</sup>, since I wasn't here I'm going to abstain.

Chairman Rogan stated okay.

Board Member McNulty stated I make motion to approve the minutes of November 23, 2010.

Board Member Montesano seconded the motion.

Chairman Rogan stated and you want to include December 2<sup>nd</sup> on that.

Board Member McNulty stated no, I haven't had a chance to look at those yet.

Chairman Rogan stated okay, so November 23<sup>rd</sup>, Mike seconded.

Chairman Rogan asks for all in favor:

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

The motion carries by a vote of 4 to 0.

Board Member Cook stated I'll abstain from, I was not at that meeting.

Chairman Rogan stated and December 2<sup>nd</sup>, we will I guess, vote on next time, at the work session, okay, anything from anyone else. Let's make a note everybody that's present, that meetings are starting at 7 p.m. that is a change for the Planning Board, it's going to take a little getting used to but you know in interest to our wonderful secretary.

Tim Curtiss stated (inaudible) the secretaries.

Chairman Rogan stated we'll do our best, thank you everyone, Happy New Year, thanks for a good meeting. Motion to adjourn.

Board Member Montesano stated so moved.

Board Member Taylor seconded the motion.

Chairman Rogan asks for all in favor:

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

The motion carries by a vote of 5 to 0.

The meeting adjourned at 8:33 p.m.