

**APPROVED**

**TOWN OF PATTERSON**

**PLANNING BOARD MEETING**

**January 27, 2011**

*Work Session*

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

**Planning Board**  
**January 27, 2011 Work Session Meeting Minutes**

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

**APPROVED**

Present were: Chairman Rogan, Board Member Cook, Board Member McNulty, Board Member Taylor, Rich Williams, Town Planner and Ted Kozlowski, Town of Patterson Environmental Conservation Inspector.

The meeting began at 7:00 p.m.

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

Chairman Rogan stated okay, unless anybody has an objection we'll jump ahead to M&S Iron Works Site plan, this is an initial application, so new Members to the Board get to be in on, what'd you call it, ground zero...

Board Member McNulty stated ground zero.

Board Member Taylor stated ground zero.

Chairman Rogan stated good evening.

**4) M&S IRON WORKS SITE PLAN – Initial Application**

Mr. Pete Monteleone, the owner of the property, Mr. Phil Spagnoli of M&S Iron Works and Mr. Mike Piccirillo, the architect.

Mr. Monteleone stated good evening, I'm Pete Monteleone, I own the property and this is the contract vendee, I'm selling it to Phil Spagnoli, do you want tell them a little bit about yourself.

Mr. Spagnoli stated sure, I'm president of M&S Iron Works, we presently have a facility in Ossining and my architect Mike...

Chairman Rogan stated hello Mike.

Mr. Piccirillo stated how are you doing.

Mr. Spagnoli stated we are looking for more space and Pete had some industrial property available and as you can see through the proposal, we're trying to bring our new facility up here with expansion possibilities.

Chairman Rogan stated which lot is this in Commerce.

Rich Williams stated lot 4, this is the lot all the way on the cul-de-sac before you hit the cul-de-sac on the right hand side, the west side, it is opposite the Stonehenge, the one where we have the (inaudible – too far from microphone) wetlands.

Mr. Monteleone stated (inaudible – too far from microphone).

Chairman Rogan stated so this is the lot that Jack Karell was working on about eight years ago or so.

Mr. Monteleone stated Peckham, this is one that Peckham was trying to put a blacktop plant there.

Rich Williams stated that's way before his time.

Chairman Rogan stated no, that was...

Rich Williams stated way before his time.

Chairman Rogan stated it was just a few years ago.

Rich Williams stated it was the one that you wanted, you were going to do the furniture refinishing warehouse one.

Mr. Monteleone stated right.

Chairman Rogan stated see you have history before anything I know about, I'm only talking just a couple of years ago.

Mr. Monteleone stated well originally when it was first sold, it was Levine Iron Works in Yonkers...

Rich Williams stated yup.

Mr. Monteleone stated they bought that property, 25 years ago I dug test pits for him, Levine Iron Works, he used to be on the Saw Mill River Parkway I mean, no, Saw Mill, yes, Saw Mill, right in Yonkers by Saw Mill River Road, (inaudible).

Board Member McNulty stated I thought they were in Mount Vernon.

Mr. Monteleone stated (inaudible) owned that property and then Peckham bought it from Levine and I bought it from Peckham and now Phil is buying it from me, I was hoping to get a building on there so it doesn't change anymore.

Mr. Spagnoli stated yes sir.

Chairman Rogan stated and the reason I bring up the old, the old review, the relatively recent review from a couple of years ago is we already, not this Board but a few members from this Board walked the site on the original application and I don't remember there being any significant issues, we were looking down at the vernal pool, which is at the bottom of the hill below this lot correct...

Mr. Monteleone stated right.

Rich Williams stated its hydrologically connected to the runoff from this lot so we need to be cognizant of that when we're reviewing, you know, the stormwater improvements to the lot, other than that, no wetlands on the lot, pretty level site, little bit of bedrock in the back, it's been cleared now for years so, yea, this is a good lot.

Chairman Rogan stated good.

Board Member Cook stated you would move your entire operation from Ossining up to Patterson.

Rich Williams stated the plan that he's got laid out right now shows several buildings proposed for the site not all of them would be built right now, some of them are shown as being future expansion.

Board Member Cook stated how many buildings are we speaking about.

Rich Williams stated six.

Board Member Cook stated and how many acres is the lot.

Mr. Spagnoli stated well this, we have one building then you have a pair of buildings on the side and then you have one building in the back, so you actually have three building, in the end you would have three, what appear to be three buildings...

Mr. Monteleone stated (inaudible).

Rich Williams stated but in phases.

Mr. Spagnoli stated correct, absolutely.

Board Member McNulty stated so I'm not familiar with that site, is there a wetland on the site.

Rich Williams stated no.

Mr. Monteleone stated no.

Rich Williams stated it is immediately off site.

Board Member Taylor stated so which way is the topography going here.

Chairman Rogan stated this is level to high spot and then it goes down towards the 84, Route 84 is right here...

Rich Williams stated towards the southwest.

Board Member Taylor stated so this is dropped. So these are dropping down...

Chairman Rogan stated yea.

Mr. Spagnoli stated it drops down toward the back corner by the stormwater mitigation area.

Board Member Taylor stated okay, all right.

Board Member McNulty stated you are a general steel fabricator.

Mr. Spagnoli stated structural and miscellaneous, we fabricate and erect.

Board Member Cook stated marking down there, did I read something down there like 92 spaces...

Board Member Taylor stated no, 19.

Chairman Rogan stated 19 there but it says 92 proposed...

Board Member Taylor stated 20 here and 13 here and 10 here, all over the place.

Chairman Rogan stated which is probably the requirement based on the square footage of the buildings and it sounds like they are not necessarily thinking they'll need all of those.

Mr. Spagnoli stated we're trying to land bank some of it if it's not required.

Chairman Rogan stated yeah, well in some cases what we've done is we've had them shown as proposed spaces, so that at a future date, either a change in occupancy or we determine that there is insufficient parking, we have them there ready to bang in, so that is certainly something we can talking about and certainly I would imagine that if we find that the parking isn't necessary at this time, that will help us with stormwater, won't it, because we don't have all those impervious areas.

Rich Williams stated yeah, absolutely.

Chairman Rogan stated so there might be a benefit to that, you know that would help everyone out.

Mr. Spagnoli stated the stormwater mitigation plan is to build out that stormwater detention area for all the impervious surface, regardless of you know, being used or not.

Board Member McNulty stated and that is the flow of that land, in that direction.

Rich Williams stated yes.

Chairman Rogan stated yeah, towards the back corner.

Board Member Taylor stated and this vernal pool is where.

Chairman Rogan stated down lower...

Mr. Monteleone stated it is on the other lot (inaudible).

Chairman Rogan stated another lot but down gradient.

Board Member Taylor stated it flows to the end, down to it.

Chairman Rogan stated right, well this will be a good site for everyone, even though we've got this kind of snow going on this year, we may still be able to because it's relatively clear here, we may be able to set something up to get out there, you know, it might be helpful to obviously get some staking of the proposed location of the buildings and such, so that we can have an idea of where everything lays out, that alone may, this weather may impede some of that but you know.

Mr. Spagnoli stated you know we could tag a couple of trees or something, you know, there's a lot of trees in there so, we can kind of block out where the...

Chairman Rogan stated sure, sure, Rich the parking requirement, does that, does the Code differentiate between a project like this or a project if this was the same square footage of a shopping center...

Rich Williams stated yeah, it depends on how you would categorize this particular project which is at least on the surface, it looks like light manufacturing so that has a different, a much lower parking demand than say a shopping center.

Chairman Rogan stated okay, because there is an expectation that there is going to be bulk area for manufacturing and office area associated with it.

Rich Williams stated that's right.

Chairman Rogan stated okay.

Rich Williams stated if I could just touch on a couple of thoughts on the site walk...

Chairman Rogan stated sure.

Rich Williams stated I don't know that you're going to get out there and see anything really relevant with the snow cover on it...

Chairman Rogan stated wait until later...

Rich Williams stated so I would encourage you to push the site walk off, I think most people are familiar with the site regardless and don't want to discourage you from doing a site walk out there or taking a look at it but I think there is a lot of design work that can be done before the spring which, you know, I don't see where a site walk is going to affect the design on this.

Chairman Rogan stated okay.

Board Member Cook stated the other applications that Mr. Monteleone has pending...

Rich Williams stated yes.

Board Member Cook stated which need site walks because of the wetlands issues etcetera.

Rich Williams stated yes.

Board Member Cook stated do any of those sites have an impact on this particular site.

Mr. Monteleone stated no, this is total on its own, right...

Rich Williams stated I did have one question on that, you had, often when we had spoken, you had talked about routing possibly some of the drainage through this site from the Stone Hill site...

Mr. Monteleone stated we'll bring it the other way now.

Rich Williams stated if you can bring it the other then that's fine, then no, it does not.

Chairman Rogan stated I'm trying to remember the conversations we had with Jack Karell when we were trying to develop this site because we working towards that site plan and then it just kind of, then this project just kind of went away from what I remember.

Rich Williams stated I don't know if he lost a tenant or what happened.

Mr. Monteleone stated he moved on, he went to Newburgh.

Board Member McNulty stated how big is this site acreage wise.

Mr. Monteleone stated five and a quarter or five and a half...

Mr. Spagnoli stated five and a half.

Mr. Monteleone stated a little over five acres.

Board Member McNulty stated okay.

Chairman Rogan stated well what any of the Board Members can do between now and when the snow melts off to do the site walk, is drive in Commerce [Drive] to the end and also, if you're ever driving up and down [Interstate] 84, you can see the back end of this lot, you'll be able to see these buildings from Route 84, there is, where there is not snow on the ground there is a large quartz outcrop on the back of this that you can see from the highway when you drive by, its one of the rock outcrops, it's like a beacon almost in the woods that when you're driving by, you can see this lot very well, I remember that from when we walked it several years ago, so you, everybody certainly can do that on their own just to kind of get a sense of where it sits and what's around it. I agree, I think once the snow melts off everyone...

Mr. Monteleone stated it has a buffer, it does have a buffer between [Interstate] 84 and the back (inaudible – train whistle)...

Chairman Rogan stated right.

Mr. Monteleone stated he won't be clearing, anything like that...

Chairman Rogan stated right.

Mr. Monteleone stated and the land is a natural buffer.

chairman Rogan stated but the elevation of the lot, of the road, Commerce Drive is higher than [Interstate] 84, you're looking into that hill, that or it's about probably even...

Mr. Spagnoli stated actually, you know what, that knob in the back corner (inaudible) with [Interstate] 84...

Chairman Rogan stated yeah, right.

Mr. Monteleone stated if we divide every chunk of it, the only thing you will see is this building a little bit...

Mr. Spagnoli stated this building, you're not going to see this area.

Mr. Monteleone stated this one will be something to the...

Chairman Rogan stated you have a little bit of elevation in through here and [Interstate] 84 is, okay...

Board Member Cook stated Rich, what are the other items that you think could be done prior to a site walk or an individual look see on this property.

Rich Williams stated well just further development on the plan, again, knowing the site as well as I know it, it's good to go out on the site, it's good to see what the existing conditions are but this is a relatively level site, no big bedrock outcroppings, no other sort of sensitive environmental features its...

Chairman Rogan stated it's a pretty nice place to build.

Rich Williams stated probably one of the easiest sites that I've looked at to develop.

Board Member McNulty stated more of a development wise, dumpster placements maybe you're loading docks, lighting, those types of things.

Rich Williams stated it's good to get out there to see how it may impact the view shed, you know, on [Interstate] 84, the surrounding area but those are things that as the plan develops we can mitigate through fencing, screening and such, it would be good to get out there and take a look at that vernal pool again to make sure that everybody is familiar with it and make sure that the hydrology isn't going to be affective to that vernal pool but having said that...

Chairman Rogan stated let's move forward.

Rich Williams stated yeah, really.

Chairman Rogan stated when do you want to start building.

Mr. Spagnoli stated as soon as possible.

Chairman Rogan stated yeah, no I mean for this type of business, this is exactly what we picture for Commerce Drive, this is the, easy on to the, you're not going through a lot of residential areas, it's exactly the kind of development we want in this area.

Mr. Spagnoli stated it offers us good expansion possibilities, you know there is the building in the back, this is going to be our main facility and offices, two story offices and fabrication shop and that offers us, the building in the back becomes a garage once we have to expand in our individual facility, we're expanding into aluminum stainless steel fabrication, so that offers us another expansion possibility and there are a few other companies that we are looking to possible acquire or merge with so that is why its important for us to have the additional twenty thousand square feet, you know to build out into...

Chairman Rogan stated great.

Councilman Capasso stated how many employees do you figure.

Mr. Spagnoli stated right now we're running ten employees, okay, so when we're in here we're going to be, as far as office staff alone, it's going to be about three or four, possibly another two or three in the shop, shop foreman, field foreman type thing. Right now we have a crane, four or five trucks, that in itself takes up a lot of the space in the building, so you know small family run businesses now...

Councilman Capasso stated you're going to increase your employment.

Mr. Spagnoli stated yeah.

Councilman Capasso stated good.

Mr. Spagnoli stated I mean our facility right now is just, we just can't take on jobs of a certain size, we are storing a lot of equipment and our trucks and our steel off site and it's a competitive market so to get all that in house, it helps.

Chairman Rogan stated sure.

Councilman Capasso stated you know United Iron, Andy Rapelli from Mount Vernon.

Mr. Spagnoli stated Mount Vernon, I see his trucks in Croton all the time...

Councilman Capasso stated they're very good.

Chairman Rogan stated anything else from anyone for tonight.

Rich Williams stated no, we will get a technical review on the project pulled together by the next meeting and send it out to the applicant, kind of a guideline about, you know, what you need to do for your next steps and what needs to be adjusted on the plan, you know...

Mr. Spagnoli stated that is what Dan was hoping for.

Rich Williams stated yeah, you'll get it by next Thursday.

Chairman Rogan stated so is there any reason, I can't think of any right now, but for these gentlemen to show up next week for a meeting on this since we have already discussed it, I just can't see the reason to pull you back here just to show up.

Mr. Spagnoli stated did you guys review, take a look at the architectural drawings at all...

Chairman Rogan stated I'll be honest, I haven't even looked at them yet, so no.

Board Member McNulty stated I haven't either.

Chairman Rogan stated yeah.

Board Member McNulty stated is there anything specific you want to point out about it.

Mr. Spagnoli stated you know, we just put together some elevations, what the building is going to look like, some of the plan views...

Chairman Rogan stated let's open them up.

Mr. Spagnoli stated there are two packets that have the color version of the elevations in there, you have black and white, there are two packets that have color...

Board Member Taylor stated just a standard metal building, right.

Mr. Spagnoli stated right, the Commerce [Drive] side, the Commerce [Drive] facing façade would have a band of split face, four feet off of grade and then go back to our...

Board Member McNulty stated is that over here, down this row you're talking about.

Mr. Piccirillo stated yup, all this.

Mr. Spagnoli stated it showed it better in color, where is the color version.

Mr. Piccirillo stated there you go.

Chairman Rogan stated Michelle, I was just looking at this one, that's okay the way it is.

The Secretary stated yeah.

Chairman Rogan stated I thought I hit it.

Mr. Spagnoli stated the two story office section will be done in the company red color, this is a little off because of the plotter but basically the same color as the logo...

Board Member McNulty stated metal siding.

Mr. Spagnoli stated yeah.

Board Member Taylor stated this is supposed to be red...

Mr. Spagnoli stated yeah metal siding with the canopies and awnings to break up the façade, these we're thinking about trying to use some sort of sconce to break up the forehead of the building. If you were standing on Commerce [Drive] looking at the building, this is what you would see.

Board Member Taylor stated what about the [Interstate] 84 side.

Mr. Piccirillo stated the [Interstate] 84 side would be this side here.

Mr. Monteleone stated you won't see it from [Interstate] 84, it's sunk down.

Mr. Spagnoli stated the big difference is, we just wouldn't bring around the water table, we would just have the water table on the Commerce [Drive] side.

Board Member Cook stated this is for each building.

Mr. Piccirillo stated the typical outbuildings would have the metal skin, did we decide whether we are going to the water table or not.

Mr. Spagnoli stated preferably not but if need be...

Chairman Rogan stated what's the water table, say that again.

Mr. Piccirillo stated split face.

Chairman Rogan stated oh okay.

Mr. Spagnoli stated cast (inaudible).

Board Member Taylor stated it is an industrial area.

Chairman Rogan stated yeah.

Board Member Taylor stated the architecture doesn't matter really.

Mr. Piccirillo stated well we want it to be as attractive we can.

Chairman Rogan stated I would say it matters from the standpoint of colors of not sticking out like a sore thumb.

Rich Williams stated it also matters from a perspective of the Code, the Code doesn't really allow metal skin buildings, it requires that metal skinned buildings be sided with something, so if you are comfortable with a metal sided building in this particular location, a waiver would be necessary if not standard.

Chairman Rogan stated is that what we did for the marble on Commerce [Drive]...

Rich Williams stated yeah, you waived a portion of the building.

Chairman Rogan stated a portion of the building. In these zones, I think the architecture of the buildings, just so you're putting up something that's pleasing, generally pleasing and one that is durable and the color so they don't, so they blend in, not that blend in with the backdrop but that they are pleasing colors.

Board Member McNulty stated yeah.

Mr. Piccirillo stated using the metal skin allows them to put more money into glass and entry...

Chairman Rogan stated yeah.

Mr. Piccirillo stated the water table.

Chairman Rogan stated no, I think that's great.

Mr. Piccirillo stated again, there are two color versions we submitted.

Chairman Rogan stated we haven't found out who the lucky two are that have them, probably Rich and someone.

Board Member McNulty stated Michelle, you're holding out on us.

The Secretary stated holding out on what.

Chairman Rogan stated on the color...

The Secretary stated no.

Rich Williams stated we didn't realize there were two different...

Mr. Piccirillo stated apologize.

Mr. Spagnoli stated for the formal submission, I'll submit them all in color.

Chairman Rogan stated it's not necessary.

Rich Williams stated I don't know that you need to do that but if could just at least identify whether you submit color.

Board Member Taylor stated I would just like to see this, in context with all the others because we're talking about the vernal pool, we're talking about the runoff from here.

Rich Williams stated when you say this are you talking about architectural...

Board Member Taylor stated no, no, no...

Board Member McNulty stated no, neighboring lots they mean.

Board Member Taylor stated just the neighboring lots...

Rich Williams stated okay.

Board Member Taylor stated because you were talking about whether the stormwater would go through here or would pitch another way, I'd like to have a sense of what you're talking about, I have no idea what you're talking about I have no idea what you're talking about...

Rich Williams stated okay.

Board Member Taylor stated because we had talked about doing this whole as a complete system and how this is, it sounds like this is not a problem but I just, I would like to see that but there's nothing really for you guys to do...

Mr. Monteleone stated I'm working on the other three lots, this lot is totally on it's own, it's on a different...

Board Member McNulty stated across the street.

Mr. Monteleone stated it's across the street in a different location.

Board Member Taylor stated but you were talking about water running from one possibly through this one, but now you're talking about going the other way.

Mr. Monteleone stated going the other way.

Board Member Taylor stated okay.

Chairman Rogan stated yeah, I think if you look at you, this plan, the lots in here that we were talking about for Mr. Monteleone, some of the runoff goes through this last lot, lot 5 which is the landfill lot, towards the vernal pool which is down in here somewhere, this is the lot we're talking about, flows this way...

Board Member Taylor stated but it's also going down to the vernal pool.

Chairman Rogan stated I think some of it may.

Rich Williams stated no, it's bypassing.

Chairman Rogan stated it's bypassing.

Board Member Taylor stated it comes to this side of it.

Rich Williams stated if it goes that way it goes through the vernal pool, if it goes, I'm sorry, if it goes through lot 5 then it bypasses.

Chairman Rogan stated right.

Board Member Taylor stated so it depends on which way they, that's why I'd like to see it.

Chairman Rogan stated I agree, that's important for us to take a look at.

Board Member Taylor stated just an overview, not that it may affect anything, it gives us a context for the whole thing.

Board Member McNulty stated it goes back to our previous conversation to look at the whole development as one because the wetlands all tie it together, so that is what we are trying to do is look at that whole site as one and mitigate things ahead of time or have some sort of foresight, to help the next guy that comes, Mr. Monteleone...

Chairman Rogan stated but it sounds like other that maybe drainage issues this lot doesn't have the impacts directly to wetlands, it's more like what we're dealing with, where the water is going as opposed to we're going to fill in a section of wetland to be able to build a building which may be the case is some of the other ones.

Mr. Monteleone stated the other ones.

Chairman Rogan stated okay.

Mr. Monteleone stated this one stands on it's own, it's own merit.

Chairman Rogan stated okay.

Board Member McNulty stated Rich what you said you'd prepared, does that give specifics to the owner what to do, what to look for.

Rich Williams stated typically no, I just, we all know I've been tied up, tomorrow I surrender the keys, I'm done.

Board Member McNulty stated okay, good.

Board Member Cook stated project review.

Chairman Rogan stated it like though, Tom it sounds like you have some interest in maybe seeing what that is for knowing the process and is that something you'd want to take a look at either e-mail or just as a...

Board Member McNulty stated when Rich prepares that, yeah if you could forward me, copy me on that I can get a good look at it.

Rich Williams stated I'll copy it and send it out.

Board Member Taylor stated you always do, don't you, don't we always get copies of that.

Board Member Cook stated yes.

Rich Williams stated yeah.

Board Member Taylor stated so, yeah...

Rich Williams stated absolutely.

Board Member McNulty stated just e-mail, you don't have to print it out.

Board Member Taylor stated so he's been here a year.

Rich Williams stated inside joke.

Board Member McNulty stated oh you lost me, huh.

Chairman Rogan stated all right, gentlemen thank you for your time, appreciate it. Doesn't sound like there is any reason to come out next Thursday, it will probably be another snow day, so stay home and stay safe.

Mr. Piccirillo stated thank you.

Mr. Monteleone stated do you have somebody else coming.

Mr. Spagnoli stated you have more people coming, leave it.

Chairman Rogan stated you can leave them, don't worry about it.

Councilman Capasso stated somebody's sitting out there.

Mr. Spagnoli stated thank you.

Chairman Rogan stated thank you, it was nice meeting you gentlemen.

Rich Williams stated John. John is going to get Dean.

Chairman Rogan stated he's going to get Dean, it sounds like there are two items on the agenda tonight...

Rich Williams stated you had a Board meeting last night, I thought we were the...

Mr. Ravallo stated I don't want to talk about that.

Rich Williams stated I thought we were the only foolish Board.

Board Member Taylor stated we have Ice Pond right.

Chairman Rogan stated yeah but you know what, we have people here for Thunder Ridge...

Rich Williams stated yeah, there was a Town Board meeting here last night.

Chairman Rogan stated and, I'm going to ask the Board if we can cover, or if you can cover Thunder Ridge Ski Area and then just tag right on into Albano Wetlands, the permit under 6 b, I'm going to recuse from these conversations. Charles if you would be so kind, thank you sir.

Board Member Taylor stated you can come over here and get more comfortable and get closer to the mic.

Board Member McNulty stated hey John.

Mr. Watson stated hey guys how are you.

Vice Chairman Cook stated sir, we have...

## **6. OTHER BUSINESS**

### **b. Albano Wetlands/Watercourse Permit**

Mr. John Watson of Insite Engineering was present.

Mr. Watson stated Albano...

Vice Chairman Cook stated you are...

Mr. Watson stated regarding the letter...

Rich Williams stated I don't know, I don't think I ever got it.

Mr. Watson stated I don't think we sent it yet.

Rich Williams stated I don't think you did.

Mr. Watson stated is that something we can discuss tonight or wait until you get the letter.

Rich Williams stated well I was just going to bring it up.

Mr. Watson stated okay.

Rich Williams stated would you rather me wait for the letter.

Mr. Watson stated no, it doesn't matter, I mean I'm here I can explain it and he can talk.

Rich Williams stated I don't know why I didn't get a letter.

Mr. Watson stated I don't know why either, you were supposed to have gotten a letter.

Vice Chairman Cook stated do you want to say anything, whatever this cross conversation is.

Mr. Watson stated there is no secret, on Albano if we can switch gears to Albano, once we got the wetland permit, we submitted that to the Health Department because the Health Department wouldn't give us a renewal without the wetland permit, we submitted the wetland permit to the Health Department, they wanted to see, they questioned the house plans we submitted two years ago, they approved them before, they are starting to change their interpretation of what they consider a bedroom and how they look at the basement and everything and the owner wanted to keep a full basement instead of a, just a slab on grade, our initial proposal had slab on grade, he wanted to put a basement in, in order to put the basement in, we have to put a footing drain, the only way to discharge a footing drain would be to discharge the footing drain pipe into the Town wetland buffer, so he can make it work outside the DEC buffer but if we were to

do this we have to have a footing drain discharge in the Town buffer, so I don't know if I was clear but and the, in order to get, the house is so small, in order to get the mechanicals in the house it, Carl would really like it to be in the basement, to have a basement to be able to put the mechanicals in and in order to do that you need a footing drain and that comes into the buffer, so of course we just got the permit a couple weeks ago at the meeting...

Board Member McNulty stated and now the basement issue came up after the fact.

Mr. Watson stated now the basement issue came up after the fact, right.

Board Member McNulty stated still a three bedroom, correct.

Mr. Watson stated same footprint, same square foot, same everything, the site plan does not change except for the footing drain pipe.

Vice Chairman Cook stated comments Ted.

Ted Kozlowski stated you've got to show it on the plans.

Mr. Watson stated okay.

Ted Kozlowski stated I mean, how far in the buffer are you going, where are you going.

Mr. Watson stated we're not going any further down then the septic tranches went, it's going to run along the property line close to Old Road, so it's going to be right up along that stone wall and then discharge close, maybe ten or fifteen feet from the DEC buffer.

Ted Kozlowski stated it doesn't sound like a big deal but you have to amend the plans and...

Board Member Taylor stated so it's going to be in the area that we approved for the septic expansion.

Mr. Watson stated yes, yes.

Board Member McNulty stated the expansion area of the septic.

Mr. Watson stated yes.

Board Member Taylor stated and that's all right with the...

Mr. Watson stated the Health Department doesn't care because they just, if you give a wetland permit they have no objection to it.

Ted Kozlowski stated so how did that ball get dropped John, I mean...

Mr. Watson stated well what happened was our initial plans had a slab on grade and when Carl had the plans done, we had notes on our septic drawing, we had it approved with slab on grade, no footing drain because we told Carl that's the only way it will work, keeping everything out of the buffers for a two bedroom house because we had a two bedroom house, when he went to the three bedroom house he had those plans done up with the basement, we submitted those and I said you can't have a basement without

the footing drain discharge, so it wasn't really a dropped the ball, we were at a three bedroom before, we initially had a three bedroom with a basement then and that was when we just had the DEC line, we get Health Department approval for a three bedroom septic with the DEC line only, the Health Department, four, five years ago had a new regulation that said we will not give a Health Department approval if you need a wetland permit for any part of the project so when we had you come out and look at the wetlands, we had the DEC line flagged, validated, everything was good, when you came out and looked at the wetlands you had that little finger that came up, because of that now part of, we had to pull everything out and then we went from a three bedroom to a two bedroom and because now there is this increased buffer, we couldn't get the footing drain out, so the footing drain got pulled out, removed because we were doing a slab on grade two bedroom, now that we've got the three bedroom, he said that he would like to have the basement, so it's not really a dropped the ball, it's...

Ted Kozlowski stated so we don't come back a third time, is there anything else that he would like, can you guys look over the plan and just make sure you have everything that you need.

Mr. Watson stated yeah, it's, so I don't think it was a dropped the ball, it's just the iteration of things over ten years and regulations changing.

Ted Kozlowski stated right but I mean, just...

Mr. Watson stated yup.

Board Member McNulty stated what is the amendment process to an approved wetlands application, is it a simple process or...

Rich Williams stated you can do it one of two ways, you can require him to submit an amended application, hold a public hearing on it and issue a new permit or you can have him based on the new plan, waive the requirement to have a public hearing and just go straight to reissuing an amended permit.

Ted Kozlowski stated I don't think you need a public hearing...

Board Member McNulty stated I don't think so either.

Ted Kozlowski stated it's not a big issue.

Board Member McNulty stated it's a footing drain.

Ted Kozlowski stated I think you need it on the plans so it's on the plans...

Mr. Watson stated to show it so you can see exactly what we're talking about.

Ted Kozlowski stated and when it gets built, the Building Inspector and everybody else knows where it's going to go, no argument...

Mr. Watson stated it's on file.

Ted Kozlowski stated you said this, you said that, let's just get it in over spot, that's it.

Mr. Watson stated okay.

Board Member Taylor stated I don't see a problem since it's in the area we already set aside out of the wetlands, so as long as you stay in there, I mean you're out of our limits of disturbance line so I don't see...

Board Member McNulty stated yeah I don't see it that being that difficult.

Ted Kozlowski stated how are you going to, you're going to daylight this or...

Mr. Watson stated yeah.

Ted Kozlowski stated and then how are you going to, how is it going to flow, through rip rap or (inaudible).

Mr. Watson stated yeah, we'll put a little rip rap pad at the end of it, we don't expect, we've done test holes there a couple times and they've been bone dry all the time, so we wouldn't expect, it's nice sandy soil, we wouldn't expect it to ever run but you still due diligence, you've got to...

Ted Kozlowski stated you'll amend the site plan, then you'll have enough copies for all of us so we don't have to make copies.

Mr. Watson stated I didn't know that happened.

Vice Chairman Cook stated then since we are agreement to waive the public hearing, have a motion on that at the regular meeting and okay.

Rich Williams stated and if he gives us the plans, you can just amend the permit.

Mr. Watson stated sounds great thanks.

Vice Chairman Cook stated okay Ron.

Board Member Taylor stated yeah, that's just fine.

Board Member McNulty stated I'm fine, yeah.

Mr. Watson stated do you know where Dean went, he poked his head in.

### **3) THUNDER RIDGE SKI AREA – Continued Review**

Mr. John Watson of Insite Engineering, Mr. Bob Ravallo of DEP and Mr. Dean Ryder, the owner were all present.

Mr. Watson stated I'm ready, I'm always ready.

Mr. Ravallo stated did you find him.

Mr. Waston stated yeah, he's out in the hall.

Mr. Ravallo stated that is one person that has to be happy with all the snow.

Mr. Watson stated yeah.

Mr. Ryder stated good evening guys for being late, ten year olds add a whole new dimension to procrastination.

Rich William stated I walked out in the snow in these sneakers.

The Secretary stated I'm sorry to hear that.

Mr. Watson stated yeah, exactly.

Vice Chairman Cook stated okay, we have received your response letter of January 18<sup>th</sup>.

Mr. Watson stated yup.

Vice Chairman Cook stated I think, I don't know how Ron or Tom want to do this, you want to go through it in a certain fashion, I've made some notes, some comments, I think it stands that one of the things on our previous discussion was that the applicant is basically adamant about this is the location and that the six acre parcel to the side is not part of the discussion from the applicant's point of view. There are a lot of comments, you're okay on margining the 1.5 acreage there, I think if we get to the SEQRA, the unlisted action, the Planning Board will declare ourselves lead agency and that we will have it for a coordinated review, going out to all the agencies for their input.

Board Member Taylor stated that's normal right, I mean, that's what we normally do.

Vice Chairman Cook stated I think that's what we want to do, yes.

Board Member Taylor stated that makes sense.

Board Member McNulty stated that would be lead agency but we're not declaring what SEQRA is at that point...

Vice Chairman Cook stated nope.

Board Member McNulty stated positive or negative, just.

Vice Chairman Cook stated we want to get back all the comments right from the different agencies before you do that.

Rich Williams stated if there are any comments.

Vice Chairman Cook stated yes, if.

Mr. Watson stated we prefer a coordinated review too because it makes sure everybody, everything gets funneled through you and no one comes in after the fact, trying to make their our SEQRA Determinations, that's fine.

Vice Chairman Cook stated okay, with the site plan you made the comments about putting a gate at the entrance way, paved driveway and a post and rail fence by this proposed building, okay, if this is the application that is going forward, Ted I guess or Rich, both of you need review the application fee as it stands for this particular application.

Rich Williams stated I have it, I just have to contact John.

Vice Chairman Cook stated Ted have you had a chance to review...

Ted Kozlowski stated I only, just briefly just now.

Vice Chairman Cook stated okay, if you would look at part of your review, page 5 the comments, the response comments to your letter of December 15<sup>th</sup>.

Ted Kozlowski stated yea, I've been looking at that, I've pretty much written my comments, I'm beating the same drum.

Vice Chairman Cook stated okay with regard to page six and the, where there will be no salting and they'll be limited sanding, I know you said there is going to be like a sign okay but like who is really responsible to see that that happens because somebody has to have, whether it's the applicant or the operators or someone that you know calls the contractor and says okay, we need you to plow and do what has to be done, who is going to make sure that the guy doesn't come in and salt and not put down a foot of sand.

Mr. Watson stated Bob does all his own plowing.

Mr. Ryder stated yup.

Mr. Watson stated so it's all in house, there are no outside contractors, Dean is the owner, Bob is the operator of the Thunder Ridge facility, Bob does all the snow plowing or his guys, so that is actually an easy way to control, I just thought putting a sign up, you know to put it on the plan is one thing, to put a physical sign there helps and then if Bob and Dean are aware, Bob might not be the person in the truck driving it...

Mr. Ryder stated but he'll be very close to the truck, guaranteed.

Mr. Watson stated right and Bob's got control of his people.

Vice Chairman Cook stated oh, with regard to this new what's the right word...

Mr. Watson stated bridge system.

Vice Chairman Cook stated yes, if that should go in and you have to take out a number of trees and also with the driveway, is there a need Ted to replace trees, I remember on one application we had that where certain trees were taken down and we said okay but now you have to replace, I don't know, replace it for every tree you take out, you have to replace it with two trees or something along those lines.

Ted Kozlowski stated well I don't like those formulas because they don't always work.

Vice Chairman Cook stated right.

Ted Kozlowski stated I would think once the project is done, there will be a restoration plan of some sort.

Mr. Ryder stated you're looking for canopy no root structure right Ted.

Ted Kozlowski stated Dean, I'm looking for everything.

Mr. Ryder stated canopy and root structure.

Ted Kozlowski stated I'm looking for you to put it on the other parcel.

Mr. Ryder stated I understand.

Ted Kozlowski stated but if this should happen, there would be a restoration plan and you know I don't like those rules where for every one you take you replace it with two...

Vice Chairman Cook stated okay, I do remember you saying that.

Ted Kozlowski stated it works sometimes but in this case it would be once everything is done, we do the best we can to restore it as best we can.

Mr. Watson stated that works if you're in a field.

Ted Kozlowski stated yeah.

Vice Chairman Cook stated okay and also that, you're looking for this driveway now to also be used as a reverse, if you will as an emergency...

Mr. Watson stated that's my thought...

Vice Chairman Cook stated okay.

Mr. Watson stated after, Dean has said we don't have a physical connection between this driveway and the ski area, there is a ten foot grade change that is steep enough that you really can't drive on it, he has no intention, from the beginning he's had no intention of using it but as I'm writing this and I'm looking at it I'm thinking this is actually a good opportunity to have emergency access to that upper part of the hill because no they have fifty snow mobiles and snow cats but if something happens up there, it would be nice to have a way to get up there...

Rich Williams stated and I concur with that, the time it takes to get somebody off the top of the hill when they've been hurt, you've got an easy method to get to them twice as quick. Why wouldn't you want to keep that option open.

Board Member McNulty stated where would that gate go to, it would just be a spot at the facility.

Rich Williams stated well essentially the ambulance would drive into the wastewater treatment plant and pick the person up, rather than having to wait for the crews to get him all the way down to the bottom of the hill.

Mr. Ryder stated yeah, I haven't heard about this before.

Ted Kozlowski stated how are you going to keep that road open for an ambulance if you're not going to sand and salt.

Mr. Ryder stated oh I didn't, no sand...

Mr. Watson stated no, sand lightly as needed, we didn't say no sand, I don't...

Ted Kozlowski stated it's going to be in the shade, it's going to be icy, no ambulance is going to go up there without...

Rich Williams stated you're going to have that road open regardless so you get daily access to that plant so the driveway has to be open regardless.

Ted Kozlowski stated I understand that but how are you going to keep it open without sand and salt.

Board Member McNulty stated it will be plowed though.

Mr. Ryder stated you use sand and you plow, yeah.

Ted Kozlowski stated it's going to get icy...

Mr. Ryder stated you take the skies off and drop the plow right down to the pavement...

Board Member McNulty stated and you're proposing a paved driveway at this point, the pavement will burn off the snow.

Rich Williams stated Ted, we've got a similar grade situation to the Patterson Wastewater Treatment Plant and we do no sand or salt there.

Ted Kozlowski stated Rich, I've got a very steep driveway that's in shade and it gets icy, so I'm not going to debate that with you right now, just a (inaudible).

Mr. Ryder stated I'll loan you my plow, I have a very steep driveway that's also in the shade, we do sand it but we can plow it so I think we can eliminate the ice problem, this is the first I'm hearing about using that for any ingress and egress of an ambulance, it's not a bad idea when somebody has a severe head or neck injury, you want to minimize the amount of exposure they have to the sled bumps and whatever.

Board Member Taylor stated what is the grade on this driveway.

Mr. Watson stated ten percent, bring closure to that access, is that something, I looked at the plan, if we're going to do that I'd like to, right now grade wise it's very, it's still steep where the wastewater treatment plant is up to where that post and rail fence is where the ski area is...

Vice Chairman Cook stated right.

Mr. Watson stated if we're going to do this I would like to grade some, have a graded access so you could drive up, we can leave it gated and like an emergency breakaway gate or something but if we could, I'd like to look at that and show that on the plan, like the physical connection.

Rich Williams stated you can grade it, I mean because they are bringing somebody down on the snow sled so you can grade it and not have it as a driveway access.

Mr. Watson stated okay.

Rich Williams stated correct Dean.

Mr. Ryder stated yeah I mean that would function.

Mr. Watson stated oh yeah, it doesn't, it doesn't need to have a surface because it's going to have snow on it anyway.

Vice Chairman Cook stated could you just describe a little bit the alarm sequence, the alarm goes off and...

Mr. Watson stated sure.

Vice Chairman Cook stated you talk about it and the alarm goes off, what happens.

Mr. Watson stated this is in response to that what if there is a catastrophic failure at the plant what will, it doesn't say...

Rich Williams stated catches fire.

Mr. Watson stated that's a different story, we're not going to use vinyl siding and all that other stuff. The tanks that are in, these plants are very, very heavily automated and a lot of the tanks have, the tanks have high level alarms so if and everything is, it's not like a single pass through, there is a lot of separate components to the plant and each one is controlled by pumps, so it's not just a big, like a septic system where everything flows by gravity, everything goes into the first...

The Secretary stated hang on one second John.

(Side 1 Ended – 7:42 p.m.)

The Secretary stated okay.

Mr. Watson stated it starts down at the lodge, we have septic tanks, grease trap, septic tanks and a pump pit which is a standard we'll call it like a municipal light pump pit, it is more robust than what you have at your house and that has, that wet well itself has, is connected to a equalization tank and that tank, are you familiar with equalization tanks, do you even care what they are...

Vice Chairman Cook stated we really want to hear what happens when the alarm goes off.

Mr. Watson stated okay, when the alarm goes off, down...

Vice Chairman Cook stated where does the alarm go and who responds and...

Mr. Watson stated the alarm, there is an alarm at the plant, an audio and visual and also the whole plant is telemetered to a, like a response company it calls the operator, the wastewater treatment plant operator immediately, the auto dialer has a dozen different call outs, so when the operator gets the call out he knows that it's either the high level alarm in the pump station by the lodge or the high level alarm in the MBR tank or in the anoxic chamber or in the wet well or in the, he knows exactly what it is and then all the tanks have there's like elevation available in each tank for it to fill up a certain amount before it spills over and because everything because it's being pumped dosed into different sections, they can remote shut stuff down, you can literally, you can shut the entire plant down, everything is going to sit where it is except you've got now flow coming into the bottom at the lodge, you've got still flow at the lodge, our average flow on a peak day is three or four thousand gallons a day, we have three thousand gallons, at least three thousand gallons of storage in a separate tank at the bottom, so even if everything shut down completely you can still run the thing at full capacity for a whole day without any problem.

Vice Chairman Cook stated where does this responder come from, where is he located or the company, whatever.

Mr. Watson stated it's the company, there are...

Rich Williams stated I'll give you an example without wastewater treatment plant we contract with Allied Pollution who is out here on [Route] 311 to operate our plant, so if we have a similar situation over at our plant, they're, Allied is responding, now if it's not during the day, if it's normal hours, off hours, then it depends on where that individual happens to live.

Mr. Watson stated right.

Rich Williams stated the plant operator for Patterson actually lives up on Birch Hill [Road], so he's fairly close, other companies they were coming from Dover...

Mr. Watson stated yup.

Rich Williams stated Hyde Park, you know it depends on where they are coming from.

Mr. Watson stated unless there is a fire, no pun intended, but unless there is a fire at this plant, you know for someone to get there within an hour to start checking stuff out is fine there is so much, it's buffered along the way so much and there are so many safe guards that it...

Mr. Ravallo stated you know what, it's an improvement over the way it is now and I don't think you have any failsafe system...

Mr. Watson stated no, it just...

Mr. Ryder stated nothing at all.

Mr. Ravallo stated I mean this is pretty much true of most of the plants that we have upgraded, we have built not only redundancy but we've built these automatic type alarms to alert an operator to get to the site ASAP in case there is a problem...

Mr. Watson stated and usually you'll look...

Mr. Ravallo stated so it's better, it's, no matter what happens it's better, significantly better than it is right now.

Ted Kozlowski stated John, there's an outside alarm.

Mr. Watson stated I believe so...

Ted Kozlowski stated the...

Rich Williams stated there is not an audio, there is usually not an audio alarm on the outside, usually with the pump areas...

Mr. Watson stated it's (inaudible).

Rich Williams stated the chambers, yeah...

Mr. Watson stated that there...

Rich Williams stated and there is a red light.

Mr. Watson stated at the plant, I don't remember, I don't think they are at the plant but at the pump station there will be, that's something that if that goes, we want also the people down there to know. That's the, out of this whole thing the pump station is the most critical component to catch quickly and...

Board Member McNulty stated you're talking about the pump station at the bottom of the hill.

Mr. Watson stated at the bottom of the lodge, which is why I'd want, we'd want the audio visual there.

Rich Williams stated you usually don't do, at least the ones that I've seen, you don't do an audio, you just do a visual, you have a red light that flashes. I mean it's, unless DEP is requiring otherwise.

Mr. Ravallo stated no, the key thing we require is the telemetering to automatically you know, essentially wake up the operator.

Mr. Watson stated and they can log in remotely, they can see what the problem is, they can, as Bob said, there are redundant trains through this thing so you can, you can re-route stuff, take a whole half of the plant down.

Vice Chairman Cook stated Tom you want to make any comments.

Board Member McNulty stated well I agree with you Charlie, lead agency I don't have a problem with, I also don't think logically, it just doesn't seem like the right site for me but we've been all through that before, I do like the idea of the bridge, the new design of the bridge and the blacktop, I think that's definitely an improvement to the prior crossing, as far as some of the arguments to keep this plant in its location, you know I see some statements but really nothing to back it up, the currently proposed location to be perfected preferred location when all the factors have been taken into consideration, well what are the factors, you know they are just kind of blanket statements that don't support this location other than its just

where its been chosen to be. At the end there is a plan for a bunch of punch list items that are outside of the watershed improvement to improve, a punch list of items...

Rich Williams stated they are talking about actually doing a punch list of some of the erosion control problems that the Town might identify as a kind of a separate issue that will be addressed by the operator, Bob Conklin.

Mr. Watson stated the punch list hasn't been developed yet, I spoke with Ted about what we want...

Board Member McNulty stated no, I understand, my comment is that I see that the plan will be developed but there is nothing stated about how or will be it executed to make those improvements, will that be dependent on cost, again interference with the ski operation, those types of things...

Vice Chairman Cook stated well I think that's outside...

Board Member McNulty stated that's outside...

Vice Chairman Cook stated okay, the scope of the application.

Board Member McNulty stated but it's being talking about within this.

Vice Chairman Cook stated and that's very good because let's be honest, quite frankly they are acknowledging that work has to be done, I think on the Town's end it has to see that it gets done and what gets done is the right thing and in the right time frame, so we're not talking about well ten years from now.

Board Member McNulty stated well it doesn't mention anything about a time frame for execution.

Vice Chairman Cook stated and that has to be developed I think between, I'll say Insite and Ted and Rich and anybody else whose qualified to get involved with that punch list of ongoing problems.

Mr. Watson stated what happen there was I called Ted to find out exactly what his concerns were and he gave me some general things over the phone which he included in my mitigation measure summary on the next couple pages or a couple pages back...

Board Member McNulty stated okay.

Mr. Watson stated but I wanted to meet Ted, I said I physically want to go there, I want you to point to me and show me exactly what you want.

Board Member McNulty stated yeah I saw that Rich and Ted to go with you.

Ted Kozlowski stated (inaudible) five feet of snow.

Mr. Watson stated but Ted said it's a waste of our time and nothing is going to happen, you can't do anything until the spring anyway so we talked to Dean and Dean is committed to making sure this gets done by, this is Dean and Bob, they have to fund it, they have to do all of this work but we're going to I mean I think as we talked, we can commit to having it done this spring or summer so before next ski season that all those issues are addressed, is that, that's...

Mr. Ryder stated yeah, as soon as the, I don't know what the issues are, so I...

Mr. Watson stated yeah, I talked to Ted...

Mr. Ryder stated can't say no problem and then write out a million dollar check.

Mr. Watson stated okay well, okay.

Rich Williams stated I can summarize the issues just real quick...

Mr. Ryder stated that you're talking about...

Rich Williams stated bare soil bad, grass good.

Mr. Ryder stated the trails that he cut in there over the last few years to allow ingress and egress more to the side of the mountain rather than the bottom of the hill and left a very vertical...

Rich Williams stated a vertical slope...

Mr. Watson stated yeah, those need to be laid back.

Mr. Ryder stated I understand.

Rich Williams stated is unstable.

Mr. Watson stated and there is also, the other thing Ted said is there is right now the water, the stormwater funnels down all the ski trails towards the bottom.

Ted Kozlowski stated Dean we've talked about this before in the past and we've met out there...

Mr. Ryder stated yeah, two or three years ago, yeah.

Ted Kozlowski stated you were there and Bob was there and the problem was never rectified and then what happens guys and Michelle is that the spring comes and the snow melts and we get all the runoff and we get the rain, everything that is or doesn't have grass on it or vegetation erodes, comes down those roads, the road that I did the flop on when we did the site walk, it all comes running down, overwhelms minor diversions the Bob put in and other things to kind of get runoff onto the grass areas, goes into a drain that drains directly into Stephen's Brook and creates chocolate milk of this stream and that happens all the time and as long as the maintenance operations up there continue to have bear ground, we are going to continue to have that because it's a ski slope, it slows down and it all winds up in the stream and you know Bob has promised to fix it, you have promised to fix it Dean, but it's never been fixed and it continues to...

My. Ryder stated didn't he do Ted, all the mitigation you asked for the time that we were up there, I saw the drainage ditches at some point that he put in, he may have gone in and made more subsequent problems but...

Ted Kozlowski stated I asked him, I asked him to make sure that everything, the easiest thing to do was to get it to flow to the grassy areas before it built up steam and got down...

Mr. Ryder stated particular at the top of the hill, I agree with that.

Ted Kozlowski stated and it doesn't happen, it just doesn't happen.

Mr. Ryder stated he put in the ditch you asked for, specifically as you asked for it.

Ted Kozlowski stated Dean, we asked for a (inaudible)...

Rich Williams stated all right why don't we just take a walk out there...

Ted Kozlowski stated and I don't want to, we're going around and around.

Board Member McNulty stated the other thing Charlie I want to say, I haven't been able to look at Andrew's memo yet from Maser, so I want to review that as well.

Mr. Watson stated I read Andrew's memo, I don't see nothing (inaudible).

Board Member Taylor stated I'll have some comments at the meeting, I haven't had time to review this but I think we haven't made any progress and I'll address that too.

Vice Chairman Cook stated okay.

Mr. Watson stated you think we haven't made any progress.

Board Member Taylor stated correct, you are in your position and some of us are in our position and we haven't made any progress and there is no point in talking about it.

Vice Chairman Cook stated okay, all right, okay so I think the game plan will be next week we'll declare ourselves lead agency, we will circulate it.

Mr. Watson stated have you, did you read my response letter.

Board Member Taylor stated I will respond to you next week.

Mr. Watson stated okay.

Vice Chairman Cook stated okay.

Mr. Watson stated okay, thank you.

Vice Chairman Cook stated okay, thank you.

Ted Kozlowski stated you want Shawn back.

Rich Williams stated Michelle went to get him.

Board Member Taylor stated yeah, we're done.

Board Member McNulty stated yeah, we'll take him.

Mr. Watson stated thank you.

Board Member McNulty stated you're welcome guys, have a good night.

Vice Chairman Cook stated (inaudible).

Board Member Taylor stated yeah no, that's fine.

Board Member McNulty stated (inaudible).

Board Member Taylor stated we need to talk.

Councilman Capasso stated I didn't know you owned that building.

Board Member McNulty stated I don't own it.

Councilman Capasso stated you rent it.

Board Member McNulty stated yeah.

Councilman Capasso stated we had a nice yard, a lot in Commerce...

Board Member McNulty stated I wish I could.

Vice Chairman Cook stated shut this off for one minute.

(Planning Board took a break at 7:55, meeting continued shortly after)

The Secretary stated you're back on.

Chairman Rogan stated well let's start at the beginning then.

Board Member McNulty stated Shawn, welcome back.

Chairman Rogan stated I missed you guys and lady.

Board Member Taylor stated how was the game.

Chairman Rogan stated there was no game on...

#### **1) ICE POND ESTATES SUBDIVISION – Public Hearing**

Chairman Rogan stated Ice Pond Estates Subdivision, we have a public hearing for next week, we have, I don't know if everyone got the Maser had done an estimate of what the finish of the road and I'm glad Joe is here for this because and I was glad Ginny was at the last meeting as well because part of I think what we're struggling with here is that we are asking for certain road improvements for Ice Pond Road but it's not taking that, those improvements to completion and my concern is that some of those improvements

would degrade over time and cost the Town more money to bring up, so what I am hoping out of this, what other recreation fees that come out of subdivision per lot.

Rich Williams stated I think its \$7,000 a lot now.

Chairman Rogan stated so there is the potential that the cost of paving...

Rich Williams stated it's been so long we've collected recreation fees.

Chairman Rogan stated well but the potential here is that the recreation fees, if they were earmarked could offset the pavement costs to complete Ice Pond Road when this is all said and done.

Rich Williams stated understanding that you can't use the recreation fees for...

Chairman Rogan stated but money is coming into the Town and the Town would have to expend money so you know...

Board Member Taylor stated you can offset, you can offset recreation budget and...

Chairman Rogan stated right.

Board Member Taylor stated and move it into Highway budget.

Rich Williams stated you got it.

Chairman Rogan stated because obviously in a perfect world we would say to the applicant you're putting in a subdivision, the road is substandard, we want you to pave it. We directed them to meet with Rich and the Highway Department.

Rich Williams stated the recreation fees at \$4,500 dollars a lot.

Chairman Rogan stated \$4500, thank you and in this case they have agreed to do everything that was asked of them, so that's why I wanted Andrew to prepared a cost estimate of what it would cost the Town, I'm assuming that didn't include, it says prevailing rate but I'm assuming that means cost of materials not paying the guys salary to actually do the paving.

Board Member McNulty stated no I think he had material and labor included.

Chairman Rogan stated it had labor included.

Board Member McNulty stated yeah.

Chairman Rogan stated so some of that money is a cost that the Town is already incurring because we pay the guys to do the road work, so it's not necessarily \$188,000 in additional expense.

Rich Williams stated but we are paying the guys to do the road work.

Chairman Rogan stated right.

Rich Williams stated so there is labor in there.

Chairman Rogan stated there is so I mean I'm not saying but in many times when we look at costs to the Town we don't include labor that the guys...

Board Member Cook stated they are already getting paid, I think that's Shawn's...

Chairman Rogan stated yeah, it's not an additional, it may take them from, I mean paving roads is part of what they do their job...

Board Member McNulty stated they are on the books regardless.

Chairman Rogan stated right, the reason I was glad to see Joe and Ginny at the last meeting was that at least there is a conversation that they are involved with knowing that this subdivision is moving forward and that there will be some road improvements done that would greatly benefit from the Town then being in a buy-in situation, to say okay when they complete it within a certain time period, we want to then take that to the next level, rather than having stormwater and you know widening and a realignment done and then still have a dirt road that costs the Town a lot of money to maintain and a lot of man hours.

Board Member Cook stated I agree.

Chairman Rogan stated you had mentioned the memo which I haven't read yet...

Board Member Taylor stated okay what this memo is at least my understanding is what is this going to cost Ice Pond [Estates] to do the section of road that they promised to do.

Board Member Cook stated no.

Board Member McNulty stated no, no, for paving only.

Rich Williams stated no it's what it's going to cost for somebody to come in and pave the road.

Board Member McNulty stated after Ice Pond [Estates] makes their improvements.

Chairman Rogan stated right.

Board Member Taylor stated so they are not paving it at all.

Rich Williams stated they are not proposing to pave.

Board Member Taylor stated they are improving the subsurface and then, okay.

Board Member McNulty stated they are grading and widening some drainage they were going to do.

Chairman Rogan stated there is quite a bit of realignment, there are some sharp turns in there they've got to probably hammer out some rock and a couple of those turns in there are quite tight.

Rich Williams stated I've had some conversations with Gene Brandon, [Interim] Highway Superintendent, to adjust the vertical geometry of that road he believes they are going to be hitting substantial rock, which is going to be very costly to remove.

Chairman Rogan stated so we are getting substantial improvements to that road in essence, we're just not getting that last layer.

Rich Williams stated right.

Chairman Rogan stated so I think it's, given the density of the subdivision, it's seems like a balancing act, you can't ask obviously any project to bear the cost of everything and I think that's just where I want the Board and the Town to be comfortable at the end of the day that we are moving forward with a subdivision and we're gaining something for the residents of the Town because obviously it's more than just this subdivision using that road. So that is where I'm glad that we got, I was glad to see that Maser didn't spend an exorbitant amount time preparing this, this was a quick and dirty look, you know linear footage what does it cost, done to give everybody just a comfort level.

Councilman Capasso stated do we have any special codes on how we blacktop, you do a sub base first...

Board Member McNulty stated well he calls it out in this memo Joe.

Rich Williams stated we have design standards, yes.

Councilman Capasso stated same thing for Thunder Ridge there, if they are going to build that, put a road in do we specify.

Rich Williams stated we have different standards for private driveways, commercial driveways and roads, public roads.

Chairman Rogan stated you can actually keep that copy, that shows the specs right there that the Town has within the Code, the design standards, okay, anything else on Ice Pond [Estates] that anyone wants to talk about.

Board Member Taylor stated I think they've put a lot of money into doing things, the Board asked them to do, switching the land with the [Putnam] Land Trust and all those things I think this is, I think these are wonderful people to be working with and to have, to be doing something for the Town, I'm happy to see this moving forward, you know.

Board Member Cook stated will we have a resolution next week also or just...

Chairman Rogan stated well we're just having the public hearing...

Board Member Taylor stated the public hearing.

Chairman Rogan stated right.

Board Member Cook stated I know with your work load...

Rich Williams stated preliminary, preliminary resolution.

Chairman Rogan stated yeah, preliminary.

Board Member Cook stated okay.

Chairman Rogan stated okay, great and we, okay, Genovese...

## 2) **GENOVESE SITE PLAN – Wetlands/Watercourse Permit and Bond**

Rich Williams stated Genovese, Genovese when we did the site plan resolution I did not include the wetlands permit resolution in that resolution because there some outstanding issues and notes...

Chairman Rogan stated okay.

Rich Williams stated that we needed to take a look at first, so that is still an outstanding issue. In addition we had talked about it, we still need the bond calculations.

Chairman Rogan stated yeah.

Rich Williams stated which I've talked to Terri [Hahn] twice now and she said she was going to get it right over and I still haven't seen it yet.

Chairman Rogan stated so when we get, so when we get the bond calcs we can basically, it's an administrative approval at this point for the wetlands permit and then the referral to the Town Board for the bond...

Rich Williams stated correct.

Chairman Rogan stated so we may or may not have that for next week. Okay and we have a brand new application...

## 5) **450 HAVILAND DRIVE SUBDIVISION – Initial Application**

Chairman Rogan stated subdivision, two in one night for Haviland Drive subdivision, I was looking at the plans while I was in the other room.

Ted Kozlowski stated and I will fill you in on that, this past summer Harry Nichols called me up to look at the wetlands there and I did, so what you see on there is accurate.

Chairman Rogan stated for wetlands.

Ted Kozlowski stated for wetlands.

Chairman Rogan stated so this is near Quail Ridge on...

Ted Kozlowski stated it's next to Sacred Heart Church.

Chairman Rogan stated Sacred Heart, so Sacred Heart [Church] is here [pointing to plan].

Ted Kozlowski stated Sacred Heart [Church] is just to the east of it.

Chairman Rogan stated so this is going up, this is Quail Ridge...

Ted Kozlowski stated I believe, it's not Sacred Heart [Church] land its someone else's but it's right on top of the...

Chairman Rogan stated eleven lots on fifty-five acres, initially the one this that jumped out at me on some of the lots, just like we did with the subdivision on Ballyhack [Road], what's the name of that, we just did preliminary approval on...

The Secretary stated Taggart.

Rich Williams stated Taggart.

Chairman Rogan stated Taggart, when we and Ice Pond also we did this with, we want to look at the lots, we want to make sure there is ample area to utilize for the future owners and some of the lots right off the bat look like they are a little bit restricted in usable area and by that I mean if you look at backyard space to what they would be able to use. For instance lot 8 has the building set back lane almost touching the back of the house, that gives them no ability to put an pool structures within the back of that house so these are the kinds of things that we talk about quite often, in terms of making sure that we plan for the basic accoutrements that people seem to want when they buy these houses and so you know just like any process we are going to go through and we're going to want to...

Board Member McNulty stated Ice Pond [Estates] could be a good template for this.

Chairman Rogan stated you know and Ice Pond [Estates] had some restricted lots if everybody remembers, there were some, they jockeyed around some lines and they, you know, this is a nice starting point and it's something that we'll work with. It looks like it's got some challenging topography...

Board Member McNulty stated is this part of it...

Chairman Rogan stated no.

Board Member McNulty stated or is this the property line.

Chairman Rogan stated well wait, the property line is up here, this is part of it and they've got a local wetland, looks like some stream, what is this.

Ted Kozlowski stated one of the things, one of the things that really is, I don't think it's going to be our issue but when I went out to the site in the summer, the Sacred Heart Church, I believe it's them, I could be wrong, there's a lot of dumping going on and lot 11 especially, I think for years you know, the ground people or whoever, it's obvious, I see it all the time at my parks but there is a lot dumping that's gone on, so.

Board Member Cook stated is this where the Church is.

Chairman Rogan stated down here, I'm assuming, yeah.

Board Member McNulty stated Rich have you given this a good look over yet or not.

Ted Kozlowski stated this is, there is a tennis court or something here associated with the Church...

Rich Williams stated I haven't had a chance to review.

Ted Kozlowski stated the Church is over here...

Chairman Rogan stated okay.

Ted Kozlowski stated this is a recreational area but this whole area.

Rich Williams stated I will tell you Tommy, I think Shawn hit it right one, the nail right on the head...

Board Member McNulty stated it's tight.

Rich Williams stated a lot of the lots, a lot of design issues with this.

Chairman Rogan stated lot one is, lot one is existing...

Rich Williams stated yeah.

Chairman Rogan stated yeah.

Ted Kozlowski stated you know the terrain there is very hilly, it's up and down, up and down, and it's not great property.

Board Member McNulty stated this is the existing driveway to lot one.

Chairman Rogan stated to be abandoned.

Board Member McNulty stated oh.

Chairman Rogan stated it's going to be served but lot one of, just the way that they've laid it out, they have pigeon holed that lot where the, again the building envelope is right on the corner of the deck so there's, it looks like they've got garages in the front yard, you know but thinking in terms of protecting the future property owner, we never want to approve a subdivision where the person builds the house and one year later they are in front of the Zoning Board asking for relief, I think that would be, it happens but that would be probably us not doing our best job in terms of helping these people to have the ability, you know, to, it amazes me when someone will come in with an 11 or 12 lot subdivision and if they would have come in with 8 lots that worked right off the bat, this process goes so much faster and this is part of the give and take of trying to do this, while it may fit for all of the layouts and the septic, it doesn't work for the, what people want to do with a house so, I think this is going, it looks right off the bat like it's going to be...

Board Member McNulty stated loses value.

Chairman Rogan stated lose value but it's, it's not the kind of...

Councilman Capasso stated you know all developers want to get the max out of it.

Chairman Rogan stated and I don't forsake them that...

Councilman Capasso stated yeah the cost...

Chairman Rogan stated I think that's human nature and it's expensive.

Councilman Capasso stated (inaudible).

Board Member Cook stated and that's okay if they would show, maybe a deck or something that people use...

Chairman Rogan stated a pool.

Councilman Capasso stated a pool, that's mainly up here.

Rich Williams stated typical Harry Nichols, he shows a 30 by 50 box.

Chairman Rogan stated and these houses are going to be much bigger than that.

Rich Williams stated yeah, nobody builds a 30 by 50 box.

Chairman Rogan stated these are raised ranch homes that don't, like said 28, 48, 1200 square foot...

Rich Williams stated I thought you would like that.

Chairman Rogan stated which is very small by today's standards.

Ted Kozlowski stated did you expect anything less.

Rich Williams stated that's true.

Chairman Rogan stated so right of way, there is a lot on this plan but it looks tight right off the bat, there are a few lots that look like they'll, even the width of them, you know you get where your house is just jammed in between your set back, so let's take a look...

Ted Kozlowski stated you need to take a look at this, you can't look at it now.

Chairman Rogan stated right.

Ted Kozlowski stated not with that snow, there is no easy access in there.

Board Member McNulty stated is this high ground all through here.

Ted Kozlowski stated Tommy, it starts...

Chairman Rogan stated it's all over the place.

Ted Kozlowski stated I accessed it...

Board Member McNulty stated it's very rocky back there, isn't it.

Ted Kozlowski stated I accessed it from the Church property and then I went out through the wetland, there is no road that goes in here...

Chairman Rogan stated right.

Ted Kozlowski stated there is a driveway to this gentleman's house, which I avoided, the only to get in there is to go in through here...

Chairman Rogan stated following these contours.

Ted Kozlowski stated and it's very hilly, it's up and down, you're not going to see anything right now, with the snow on the ground.

Chairman Rogan stated what we can accomplish right off the bat even though we're not going to get out there right away, is a conversation with Mr. Nichols to say just like we've done with the other applications, let's take a look at these lots as they layout, let's assume they are all doable but let's look at what the usable area is and we are coming to the point, we've talked about this over the years, where I think we're going to have to look at usable area as some product, instead of bulk area, bulk area is important but that usable area, that building envelope if you will, and I think we're at a point where in the next couple of years we should be talking, having these conversations about building within our Code like some kind of building envelope...

Board Member McNulty stated are you talking about an energy code.

Rich Williams stated we do have a building envelope within our Code now but what you've been looking for really is moving away from the standard Euclidian type zoning versus a performance based zoning.

Chairman Rogan stated in essence saying okay you identify your areas that are less than 20% grade, you take out your wetland areas, you take out the areas that are truly usable and then you require that a subdivision have so much of each within the lot, so that the person has the ability to put the house, septic, well, pool, whatever and you can work within that and that is the way a lot of areas do, you know...

Rich Williams stated it just, it...

Chairman Rogan stated it's not easy.

Rich Williams stated well no, the difficult part is on the front end, coming to some sort of an agreement about you know how to apply those standards, there's always so many variabilities and there is also so subject to interpretation that it becomes very difficult...

Ted Kozlowski stated I think one of the things thought you have to look at, I would think, is the existing neighborhood.

Chairman Rogan stated yeah.

Ted Kozlowski stated you know are you, is what you're building there a McMansion compared to what's there or you know, is it a sub, are the surrounding homes big four bedroom homes with and everybody's got a pool in their backyard, a big garage and room for horse you know and then you're going to build a two bedroom house in the middle of that, that to me doesn't work I mean unless that is the only thing you can do but you know that homeowner, that person that comes in is going to want to amenities that everyone else has and then you can't give it to them and we face this problem all the time.

Board Member Taylor stated can't we define some of this...

Chairman Rogan stated sure.

Board Member Taylor stated you said his footprint is too small, let's define what a footprint should be, add a deck to it, add a swimming pool to it, add a certain amount of yard for a swing set and whatever and say you've got to drop that on your plan instead of this little rectangle with a septic.

Ted Kozlowski stated well we've doing that with the wetland permits because that...

Chairman Rogan stated well yeah.

Ted Kozlowski stated that really infringes, like Albano, we wanted to know, okay, you're putting this little box, on paper it looks great but we want to see when this guy buys this house that he's able to have a deck and all the things that everybody else wants...

Chairman Rogan stated right, nobody builds that.

Board Member Taylor stated yeah, yeah.

Ted Kozlowski stated and then all of a sudden you go oh wow this doesn't really work.

Rich Williams stated and you can do that Ron, absolutely and we do, do that and in review memos that do that gets generated, they then have to respond to, if so, it gets picked up.

Board Member Taylor stated the response right now to him is here's the footprint, make these work, he's got to redraw this because it...

Rich Williams stated you are going to lose a couple lots out there right off the bat.

Chairman Rogan stated yeah, this is, well you can kind of see it right off the bat with the challenging topography.

Ted Kozlowski stated well don't they usually come in asking for the max and then knowing full well this is going to change.

Rich Williams stated and you know as well as all of us, it depends on the engineer, some engineers ask for more.

Chairman Rogan stated right.

Ted Kozlowski stated some engineers don't show everything.

Chairman Rogan stated even for a for instance, you have lot 5, the house sits directly twenty feet from the septic system you can't go and put a pool or something in that backyard because it's all septic area, so even though you've got area, it's tied up with septic so you might as well say it's not usable.

Board Member McNulty stated even a shed we want.

Chairman Rogan stated you don't want to put that, maybe a shed on skid material you can put over the septic but...

Board Member Taylor stated combine these lots...

Ted Kozlowski stated see these lots, if you walk that site you're going to see how hilly it is and up and down and these lots are all linear...

Chairman Rogan stated (inaudible) you can see that (inaudible).

Board Member Taylor stated right.

Ted Kozlowski stated you know narrow they really should be bigger, you know to give these homes a little more room.

Chairman Rogan stated this is a tough looking layout, now this is very challenging.

Board Member McNulty stated how is that road, is that road up and down, I'm not familiar with this property at all.

Ted Kozlowski stated Tom there is no road...

Chairman Rogan stated there is no road in there.

Board Member McNulty stated no, the proposed road.

Ted Kozlowski stated oh.

Chairman Rogan stated oh.

Board Member Taylor stated yeah it would be up and down, this is a hill here...

Chairman Rogan stated it's going up hill here...

Board Member Taylor stated and there is another hill here.

Chairman Rogan stated and then leveling off and then coming back down, so yeah it's coming down and up.

Ted Kozlowski stated is this proposed to be a Town road.

Chairman Rogan stated a public road, yes.

Rich Williams stated and as a policy, we don't do private roads anymore, we all know why now.

Chairman Rogan stated well this is, hey this the, the beautiful part is you guys are in on this from, everybody on the Board is on this from the front page and we can work through this and you know, if the person has property, they have some rights to propose development and we are going to work to see what we can do with it, you know, with the right design I'm sure we can...

Board Member Cook stated how many acres is that.

Chairman Rogan stated 55...

Board Member McNulty stated yeah, 53 I think.

Board Member Taylor stated 53.

Chairman Rogan stated but again, if we were to pull out all the areas that are not usable, we might maybe say it's a 22 acre lot, I don't know because you are clearly losing 5 acres here and 5 acres here.

Board Member McNulty stated that is a good question we can pose for the break down.

Board Member Cook stated what the starting point is...

Chairman Rogan stated for bulk, yeah, so they are proposing 11, so that's 44 acres on a 55 lot for bulk, so you're subtracting out, you know, so...

Board Member Taylor stated this is four fifty.

Chairman Rogan stated and this is using the cluster overlay because none of these lots as proposed look like they are four acres, so they are using a cluster overlay, so, lot 11 is not even an acre. An acre of property is fine sometimes if it's a box you know, if everything fits with but these lots are not set up that way.

Board Member McNulty stated and this is four acre zoning here.

Chairman Rogan stated yeah.

Board Member McNulty stated has any of this been brought to the Zoning Board yet at all, does there have to be a variance...

Rich Williams stated why would it.

Board Member McNulty stated if it's less than a four acre lot.

Chairman Rogan stated well it's the cluster overlay.

Board Member Cook stated cluster overlay zone.

Chairman Rogan stated it's in the cluster overlay zone, so...

Board Member McNulty stated that threw me for a loop last time.

Chairman Rogan stated Rich, when you're in the cluster overlay zone, if he were to come in with a subdivision showing all four acre lots, by the Code are you still required to at least show a cluster alternative or is up to the Board to ask that.

Rich Williams stated well it's up to the Board, it's up the Board whether they think it's appropriate based on the layout to send them to the Town Board for a variance from the standard.

Chairman Rogan stated it seems lately almost everything coming in that has the ability, seems to be coming in as a cluster, under the cluster overlay no.

Rich Williams stated well most of the Town is under the cluster overlay which what it does is it makes it mandatory for somebody to come in and examine that alternative first, you know it's kind of a check, so that is what they're doing, they are coming, like some lots like Taggart, rally don't work, others like Ice Pond Estates works fine.

Chairman Rogan stated especially at Ice Pond you're able to truly create a bulk of open space, not only with the swap that they did but you're able to create some corridors and some connectivity...

Rich Williams stated right.

Chairman Rogan stated in this case, you've got a couple of areas that you wouldn't be able to use anyway because they are wetland, we've got some really steep slopes in some of these areas that's part of the fun, that's why we signed on, this is what it should be all about is taking it...

Board Member McNulty stated exactly.

Chairman Rogan stated from this and turning it into something that...

Board Member McNulty stated that's good for everyone.

Chairman Rogan stated benefits the character of the Town and does something that protects the property owner's rights and you know, let's move forward, thank you.

## **6) OTHER BUISNESS**

### **a. Eurostyle Marble and Tile**

Chairman Rogan stated Eurostyle Marble, we were sending them a letter asking them to come into the next meeting, have you had any communication...

Rich Williams stated I have no sent the letter, I will be reaching out to Martin this week, I will see if I can get him in here.

Chairman Rogan stated all right, then we are down to well Ted, you want to bring up before we go to review procedures, you want to bring up...

Ted Kozlowski stated sure.

Chairman Rogan stated Joe Reilly.

Ted Kozlowski stated Mr. Reilly.

Rich Williams stated well Joe Reilly just submitted yesterday so he wouldn't be on until the next agenda.

Chairman Rogan stated yeah.

Ted Kozlowski stated right but I want and I am very happy that a councilman is here tonight, come to our meetings and see what we have to go through. I want the Board to know a couple of things, all right...

Board Member McNulty stated is this the lot at Indian Hill.

Chairman Rogan stated yes.

Ted Kozlowski stated this is the lot at Indian Hill, now Indian Hill Subdivision, I just mentioned is an upscale subdivision, okay, three, four bedrooms, everybody has a pool, everybody has a garage...

Board Member McNulty stated they are large lots too, aren't they.

Ted Kozlowski stated large lots, your wife's boss lives there, it's a nice development, it's one of the nicest ones I think in the Town of Patterson, this is the last, this may be the last lot, is this the last lot, this is the last lot of that subdivision and there is a reason that this one wasn't developed because it is mostly wetland. If you remember about five years, George Gasparre came in...

Board Member NcNulty stated I don't.

Ted Kozlowski stated and he represented a client who wanted to put a house and just couldn't happen, now...

Board Member McNulty stated show us, here lay it down.

Chairman Rogan stated lay it on us.

Ted Kozlowski stated the DE, this is the, this is Indian Hill Road that comes off of Farm to Market, there is a major wetland here, DEC wetland goes under the road and then it extends into here, this actually flows into the wetland, this part of State wetland okay, the houses start here and surround it, Brewster Schools is right over here, okay, so it's very close to the Southeast Town line. Back in the fall, DEC contacted us to tell us that Joe Reilly was coming for a wetlands permit for this site and they wanted comments from us, I gave them comments but I was not privy to these plans, I want to go on record tonight to say and I definitely want the Town Board to know this because Mr. Reilly has made comments about us in the past about not be cooperative and all, I wrote a letter to Joe Reilly in the fall saying I understand you're going through a DEC wetlands permit, you also need to go through a Town wetland permit and the flagging that was identified here was never approved by the Town, was never reviewed by me, it was reviewed by DEC

but we have to review it and we have to approve it and with winter coming and I know you're going to be coming to the Town for a permit, please talk to me, I gave him my home phone number and I gave him all sorts of information to get the ball rolling, the ball is here now and there is ten feet of snow out there and there is no way that I can approve or look at wetland delineations at this time of year, okay...

The Secretary stated hold on.

(Tape 1, Side 2 Ended – 8:22 p.m.)

Ted Kozlowski stated that I am going to write a letter to Mr. Reilly again and his, also his engineer got a copy of that letter. I can't do anything with this permit probably until March the way the winter has been going, so he's not going to be happy but I tried okay, that's number one, number two, just looking at these plans everything is within the buffer, so I don't think there has been a fee been established yet, did they pay anything Rich.

The Secretary stated yes.

Rich Williams stated they did, yes I don't know what it is, I haven't looked at it yet.

The Secretary stated I believe it was about \$2,000 dollars.

Ted Kozlowski stated okay, so he did go with the major which its got to be a major application but here is an example, he's got a little teeny weenie deck here...

Chairman Rogan stated I didn't even see that.

Ted Kozlowski stated I don't see a garage, I don't see room for a pool, I don't see much, okay...

Rich Williams stated the garage is going to be under.

Ted Kozlowski stated well we, then we've got footing drains that I don't see...

Rich Williams stated no, no, no, if you go down here and look at the house right down here, the first two in on Cornwall Hill Road...

Ted Kozlowski stated right.

Rich Williams stated no, first two before you get to Cornwall Hill Road on [Route] 311, the garage goes under the house on slab.

Ted Kozlowski stated right, okay, that is contrary this whole design is very contrary to the existing development. I don't know how those local residents are going to take to that, that is one thing when the public hearing comes, the other thing is, if you notice the stream buffers, he's showing a hundred foot setback from the stream but he's not showing the setback from the wetland so it's greater, the disturbance is much greater than what is really portrayed on these plans.

Board Member Taylor stated so is there really any buildable area here.

Chairman Rogan stated this is the wetland here.

Ted Kozlowski stated this is another situation; this was an approved lot so we have...

Chairman Rogan stated Ted, just to clarify though, he does show a hundred foot setback from the wetland, the delineation, it goes right through the edge of the septic fields, if you look at the junction boxes, that arc, hundred foot wetland setback...

Board Member Taylor stated but he's got the house in it.

Chairman Rogan stated I am just saying he does show it though.

Ted Kozlowski stated well this Harry's...

Chairman Rogan stated it's a lot to look at because it's on such a small plan.

Ted Kozlowski stated yeah, all right but please understand this wetland delineation may not be accurate and what I always tell these folks is don't spend the money on doing all this survey work because this may change until the Town has approved the delineations.

Chairman Rogan stated and he's crammed in with his septic system.

Ted Kozlowski stated okay so...

Board Member McNulty stated did the DEC approve the delineation.

Ted Kozlowski stated the DEC approved the delineation but we have had countless instances where DEC wetland delineations are way out there and case in point was the Prisco property, which was an embarrassment to our Town Supervisor when we went out there and they had DEC approved wetlands they were totally off, totally wrong and even the consultant admitted...

Rich Williams stated are you talking about Clancy.

Ted Kozlowski stated Clancy, so...

Rich Williams stated DEC wetlands was off by like 300 feet.

Ted Kozlowski stated yeah, by a lot.

Board Member McNulty stated what did they go in the middle of August.

Ted Kozlowski stated I'm just saying that I want to avoid the controversy and the issues that are going to come up and we're going to have them.

Board Member McNulty stated who flags for the DEC, is it a third party or is it somebody within their organization...

Ted Kozlowski stated it's Brian Drumm, who...

Rich Williams stated new guy.

Board Member McNulty stated oh it's a new guy now.

Rich Williams stated new guy.

Ted Kozlowski stated new guy, okay.

Chairman Rogan stated you know...

Rich Williams stated they change constantly Tom.

Chairman Rogan stated just looking at this for a second they, I'm thinking about what we've discussed with Doug Wallace on this wetland lot just recently where we ended up as a two bedroom house to minimize impacts, they are showing a three [bedroom house] right now and obviously the septic area takes up better than half of the available lot area, if they were to reduce to a two bedroom house, shrink the septic area and pull the house forward, the reason the house is set so far back right now is for distance between septic tank, house and fields, you can shrink some of that and pull the house forward, you may be able to gain some back yard area and some more, that might loosen up a little bit and gain because right now the house is set about a hundred feet from the road. We have a brand new subdivision, some of these houses are shown seventy-five feet from the road on a brand new unapproved, you know, it's possible, very small usable area, I don't think anybody would disagree with that, this has a lot of issues but that is one thing that we always looked to if someone is going to put a house there, to minimize the impacts and obviously something for to consider is them going to two [bedroom house].

Ted Kozlowski stated well again, I'm just saying that you know, if this lot was to come before anybody in today's world it would not get approved.

Chairman Rogan stated no, I think everybody agrees...

Ted Kozlowski stated so we have to work with it but...

Chairman Rogan stated right.

Ted Kozlowski stated we've got an issue of aesthetics, we've got an issue with the neighbors, we are going to have an issue with a lot of things here and we are not starting out on good foot because I really wanted to nip, not nip this but try to work with Mr. Reilly before this all started, he never responded to me, so.

Chairman Rogan stated okay.

Board Member Taylor stated it sounds to me like we can't do anything until we get the wetland delineated.

Ted Kozlowski stated well I can't do anything until we don't have snow.

Board Member Taylor stated I understand that, I'm just saying...

Chairman Rogan stated yeah.

Rich Williams stated without the delineation being verified we've got an incomplete application and we can't do anything more.

Ted Kozlowski stated and I know Mr. Reilly is going to likely get upset and go to certain people in this Town and say we are holding him up.

Rich Williams stated having said that, I just want to jump back in, he'll be on the next agenda so he can come in and hear this, so there is no confusion about why didn't I know, why have you delayed me.

Board Member McNulty stated right.

Rich Williams stated now you've got a record.

Board Member Cook stated so we're talking about next week.

Chairman Rogan stated no.

Rich Williams stated no, next month.

Board Member Taylor stated next month.

Ted Kozlowski stated and you have the back letter too, right.

Councilman Capasso stated was that an approved lot when that subdivision went in or (inaudible).

Chairman Rogan stated yeah.

Ted Kozlowski stated a long, long time ago.

Rich Williams stated 1988.

Chairman Rogan stated that doesn't sound that long ago, does it.

Ted Kozlowski stated well it was before, it was like a year before our wetlands law, our wetlands law came in '89.

Chairman Rogan stated and we always say this in defense of Planning Board and the people that were doing the job at the time, not having those laws and those rules, they really did within the scope of the way they did things back then, they looked at breaking it up and putting a road in and typical well and septic layouts and all that...

Rich Williams stated they had an opinion from the attorney you couldn't consider wetlands when your evaluating this, you could only consider lot area.

Chairman Rogan stated yeah, so you know, I certainly don't hold them at any fault for that and one by one we're dealing with these lots, fortunately this doesn't have the steep slope issue, we've dealt with some lots that make this look pretty good.

Board Member McNulty stated one thing I see that separates it from that development a little bit is that it enters on to Farm to Market Road...

Chairman Rogan stated Farm to Market [Road].

Board Member McNulty stated which kind of isolates it somewhat from that other development.

Ted Kozlowski stated the other thing I think we have to look at and I don't know exactly where the driveway is coming on, Farm to Market Road is a busy road and there is a turn there and I don't know...

Rich Williams stated it's going to be a County driveway permit and they are going to have jurisdiction over whether the driveway has adequate sight distance or not.

Ted Kozlowski stated right.

Board Member McNulty stated what is the distance from that driveway to Indian Hill [Road].

Rich Williams stated not much.

Board Member McNulty stated no, it looks...

Rich Williams stated maybe 75 feet, 100 feet, maybe less.

Ted Kozlowski stated if that, I think it's less.

Chairman Rogan stated here to here, 100, yeah I looked.

Councilman Capasso stated I know the lot.

Chairman Rogan stated yeah a hundred.

Councilman Capasso stated I know the woman that lives in the house over on the other side, Roberta...

Chairman Rogan stated Southeast.

Rich Williams stated with the peacocks.

Chairman Rogan stated oh that's the other side of the road.

Ted Kozlowski stated that's Shelbourne.

Councilman Capasso stated no, she's right over here.

Board Member McNulty stated are they still there.

Chairman Rogan stated the peacocks are on the other side, I saw one, yeah...

Ted Kozlowski stated he died, Mr. Shelbourne died.

Councilman Capasso stated the peacocks are on the other side.

Chairman Rogan stated yeah, I saw one of the...

Councilman Capasso stated her property backs up to this.

Ted Kozlowski stated yeah.

Chairman Rogan stated I saw one of the peacocks in their garage tucked under one of the cars.

Board Member McNulty stated I haven't seen them in a long time.

Chairman Rogan stated it's been a long time.

Councilman Capasso stated they're there.

Chairman Rogan stated yeah.

Ted Kozlowski stated and what I hope doesn't happen because this happened in the past too, this was our first experience with Mr. Reilly, he got the DEC approvals and he just went and started...

Chairman Rogan stated plowed forward.

Ted Kozlowski stated cutting trees down and stuff and never got the Town, I'm trying to avoid this.

Chairman Rogan stated where is the DEC now.

Ted Kozlowski stated the DEC permit is on hold, that's why he came to us.

Chairman Rogan stated right, that's what I thought.

Board Member McNulty stated and that was in response to your letter.

Ted Kozlowski stated in response to my letter, the DEC was not aware that he had to get a Town wetlands permit, was not aware about the DEP reservations about this...

Chairman Rogan stated right.

Ted Kozlowski stated because the DEP sent the DEC a letter saying whoa, time out, we have issues here, so now the DEC is holding off on their permit to see what we say.

Board Member McNulty stated and what DEP says.

Ted Kozlowski stated what DEP says and everybody else reviewing this.

Chairman Rogan stated well this would be a whole different world if this was Town sewer, you know.

Rich Williams stated yeah.

Chairman Rogan stated free up a lot of, say hey great, you've got all this area.

Rich Williams stated pump it down to the schools.

Chairman Rogan stated yeah, the sewer plant is right there, a hundred feet away. Okay.

Ted Kozlowski stated that's all I have to say.

Chairman Rogan stated everybody's on the same page at least, we'll see what we can do.

Board Member McNulty stated okay.

**c. Review Procedures**

Chairman Rogan stated before we move on, does anybody have anything, we have a discussion that is long over due about review procedures, do you want to initiate since you got the ball rolling on this.

Board Member Taylor stated since I'm the one with the questions.

Chairman Rogan stated well no, you're...

Board Member Taylor stated I think there are two issues, one is what do we do in response to an application where the applicant is not working with us. We've got Mr. Monteleone who backed off from or apologized for cutting down all the trees and is trying to go through the process with us and then there are other instances where people don't want to go through the process. We ask questions and get no response...

Board Member McNulty stated no legitimate response.

Board Member Taylor stated no legitimate response.

Board Member McNulty stated no substantial...

Board Member Taylor stated we asked to be given an evaluation or an insight to their evaluation and we got nothing, so legally do we have to put something on record, do we respond to what they were saying, politically do we need to do that or do we just say it doesn't make sense, you know we're not acting...

Board Member McNulty stated we're not moving forward.

Board Member Taylor stated so that's one question, the other question I had was kind of in terms of Tom's response to me, I wasn't saying that we should do their work for them but that maybe what we could do is say, there are alternatives, very briefly here are the alternatives and what we are looking for is the pros and cons of the different alternatives, we can't just say the road is too steep on this site and therefore we're not going to touch the site, you can't just say we want to commercially develop this site and therefore not touch the site you've got to weigh those different things and then do we do that amount of research...

Board Member McNulty stated take their information and formulate some kind of a thing on it.

Board Member Taylor stated and do some, and add some of our own information to it, like the sites that they are not willing to discuss in this one case but...

Board Member McNulty stated that's...

Board Member Taylor stated that's this process...

Board Member Cook stated well...

Board Member Taylor how do we, what do we, where do we go with this kind of thing.

Board Member Cook stated we are talking about any application.

Chairman Rogan stated of course.

Board Member Taylor stated any application, yeah.

Board Member Cook stated I think that if there are things that the applicant is not providing, you document them because I had, if the alternatives that a Board, any Board, would present and the applicant says no, this is my property, this is how I want to use it and I'm not using this section or that section but this is where I want x to go, that is what you're dealing with and that's what you vote on, okay. If you vote no you have to, there is always the possibility that the applicant will take you Article 78, into court and say that they, you did wrong okay, so you have to have that back up to what you, when it gets to court you have to have that to respond and say well this applicant did not do these things, okay, sure he has every right to use his property in x, y, z fashion but we did ask for this information because we have these reservations that what he's proposing on his property is a negative so we asked him look at this, look at this, look at this and there was no response or inadequate response or you used the term earlier a...

Board Member McNulty stated a blanket.

Board Member Cook stated no but sort of like a thin response that wasn't really there so I think that's part of the process that you have to go through with the applicant with that understanding of okay it's his property, how is he going to do it, we have to protect the Town, okay, we have to respect the property owner's right...

Board Member Taylor stated yes.

Board Member McNulty stated and neighbors.

Board Member Cook stated and neighbors but if it's you know, he hasn't given the information, that is what you have to base your decision on.

Board Member Taylor stated because it seems like we were in the same situation with Fox Run, they wanted to do it one way and we didn't see it as making sense but we said to them this is what you've got to do here...

Board Member McNulty stated (inaudible) alternatives.

Board Member Taylor stated you have plenty of information behind this, this and this and we're still, I guess we're still in the process, they've kind of gone off on their own little tangent.

Board Member Cook stated I think that with any applicant that you may have in mind, application you may have in mind, that you should document now.

Board Member Taylor stated so it valuable to do that.

Board Member Cook stated I think it's essentially to do it personally to...

Chairman Rogan stated especially if, as you said, especially if you end up denying the application ultimately and look you haven't given us an alternative that we feel comfortable with, so we're denying it. That is when that record becomes critically important, supporting why you did it.

Board Member Cook stated you have to have the record to defend your decision.

Chairman Rogan stated that leads right in, if I could just segue way in that though to some of our in house trainings, this being a new year if we can talk to Tim along those lines, I think we're, usually pretty good about building records...

Rich Williams stated let's hold off on that one for a little while.

Councilman Capasso stated until we get our lawyer, new lawyer...

Chairman Rogan stated fair enough but...

Board Member Cook stated counsel...

Chairman Rogan stated at some point, whoever our legal counsel is, I think it would be a good use of resources to have a little refresher, in house training, Anthony Molé was very good in the past and Craig Bumgarner was very good in the past about counseling the Board on the ways to build a good record to help them to do their job, which is what, you know, we want to build that record and obviously in Zoning it is critically important as well...

Board Member McNulty stated that's what I took away from the seminar in September, a couple of the classes really hit on what the Planning Board is doing is building it's case, whether it approves or denies something, you've documented a history to back up your resolution.

Chairman Rogan stated right.

Board Member McNulty stated and that's, they just kept hammering that home, that's what you want to do and that's where I got my comments in response to Ron, is where I hope I had everything in focus the right way, we are just making recommendations to the Town Board outside of the sign permits and wetland applications and then it's for the Town Board to work with.

Chairman Rogan stated take for example some of these new applications we have, we have an application for an 11 lot subdivision, the owner comes in and says, nope, it says 4 acre zoning, I'm staying out of the wetlands, I'm in my building envelopes, screw you I want my 11 lots, basically. We need to build that record about character of the community, usable, past practice in terms of people going to Zoning to build up that record, in these cases typically people are a lot more compromising, at the end of the day they are going to see the balance of going through a long drawn out process or coming in with something that works and that's reasonable and within the character of the community and getting their approvals and building,

you know these can either be very simple fast processes or depending on how they go, they can be drawn out because we're, it's a struggle, it's that give and take, so building that record is essential.

Board Member McNulty stated that's what I've taken from this first year and that's why things just don't move along as fast...

Chairman Rogan stated sometimes, yeah.

Board Member McNulty stated because it takes time and when you're doing it on a monthly basis, to build that record.

Chairman Rogan stated yeah.

Board Member McNulty stated Ron, I feel, I say let's just move things along, let's do it but unfortunately we're in government now and it doesn't work that way.

Chairman Rogan stated well like the lot we had today...

Board Member Taylor stated totally different.

Chairman Rogan stated that Mr. Monteleone brought in, it looks like it is a pretty easy buildable lot, you have somebody who everybody agrees, sounds like the kind of business to bring on to the right location, the right business, it's really just a matter of making sure what they put on fits within the lot, meets the Town Code, is it so objectionable in color or design that it sticks out like a sore thumb, you know that somebody drives down the highway and says oh my gosh, what is built on that hill over there...

Board Member Cook stated right.

Chairman Rogan stated I think we will see these buildings despite what was said.

Board Member McNulty stated it's the type of buildings we want.

Chairman Rogan stated this can be an easy or difficult process, in this case it can probably go right through as quick as the process can go and you know...

Ted Kozlowski stated but we also, we also have to deal with the various engineers, their consultants and when you talk about building the cases and all but there are certain engineers, there are very good ones and then you know, you get what you pay for and then there are some engineers that you'll ask for five things and they'll come back with only four things or three things...

Chairman Rogan stated well...

Ted Kozlowski stated and you don't have enough information.

Chairman Rogan stated let's tie right into that, should we implement a policy, we've done it pretty much through practice but should implement the policy as part of the very first correspondence you send out which we were talking about saying a general here's what you need to do...

Board Member McNulty stated project review.

Chairman Rogan stated a, almost the first item is that any time a response is sent out we get, anytime a new submission is sent in, it's an automatic response to those comments, so it's a bulleted in response to your item one and most of them do this but not all, so that we know right up front when we get new stuff back in, it helps everybody reviewing, including us to say here was Rich's or Maser's comment and they may say we acknowledge this comment but we are going to address that at a later date because of x, y, and z, but it's not just where it's breezed over and you feel like...

Board Member McNulty stated it's forgotten about.

Chairman Rogan stated it's forgotten about and then Charlie has to bring it back up or they have to continually be plugging it back in, that should be normal course of doing things.

Rich Williams stated it should be the normal course of doing things but it's not always and I will give you a case in point, is Thunder Ridge, they submitted an application, there were comments made by the Engineer and myself, they didn't get addressed for two meetings I think, they finally did come back in and addressed them all because we were at that point where they needed to be addressed, if they had not, then we would have been looking for some sort response to our original comments and we would have pointed that out to them but it's, you need to leave some flexibility in so you can't say always if they get a response memo, they have to when they come back in the next time, they have to address...

Chairman Rogan stated no, no, I didn't say they had to address it, address it...

Ted Kozlowski stated they have to address it...

Chairman Rogan stated they have to verbally address it in terms of acknowledging the comment, I think that's more what I mean, in this case if they say...

Rich Williams stated your policy has been in writing, not verbally.

Chairman Rogan stated well I mean the writing, when I said verbal, I mean what they are saying, in other words, you send out a comment that says you need to address the stormwater basins or whatever and they say well because we're waiting for wetlands delineation or some other feature, we know we can't actually address, correct, show whatever that comment on our plans for two months when they come in one month they can say we will be addressing this comment, 1a next month. It's at least an acknowledgment that they understand the comment they can have an option to object to it for whatever reason, provide that documentation, I'm not saying that you give them 45 comments and the next plan that comes in has to address all 45 [comments] but the letter the accompanies that set of plans should acknowledge all 45 of those comments.

Rich Williams stated and that is what I was also referring to that you can't say that as soon as they come back in, as with Thunder Ridge, they come back in with a response memo...

Chairman Rogan stated right.

Rich Williams stated sometimes it will go two or three times, you know reviewing it, looking at other things and then when they do come back in, they do need to respond to it and if they don't then we will make sure they do.

Chairman Rogan stated what I am trying to avoid is we send out memos, two months down the road we get a review set of plans in with a cover letter, single page here is our latest set of submissions and no, and now...

Board Member Cook stated right, there is a disconnect.

Chairman Rogan stated opening it up and saying okay...

Board Member McNulty stated there is a lull.

Chairman Rogan stated what did they address and what didn't they address, I've got to review this whole, I have to spend, say from Andrew's case, I have to spend 10 hours reviewing a complete 20 page set of plans when they could have given me a document that says here are the things to look for, here's what I've changed, here are the items left to address.

Board Member Cook stated I think we just give it back to them.

Board Member McNulty stated I think Getty did that, didn't they, did they give us just plans or did they give us a plan with a (inaudible)...

Board Member Cook stated and say you didn't address what we wanted you to address...

Chairman Rogan stated no, that is a stray from why you brought this up but you know...

Rich Williams stated no, for a number of reasons they did not and we finally said you have to respond but...

Board Member Taylor stated well I got an answer to my question, I'm satisfied I know what to do now.

Rich Williams stated Getty is a whole other world I mean Getty gave us a set of plans, they went to the ZBA and they got a variance so they could move, or they could their propane tank five feet off the property line and submitted a plan showing a fifteen foot separation off the property line because that is the variance they requested. So I sent them back, I'm saying the plan is all wrong, you said you wanted a five foot, not a fifteen foot and they said oh yeah you're absolutely right, the engineer missed it and the next plan that came in wasn't changed.

Board Member Taylor stated right.

Board Member McNulty stated and again there was no cover letter, really, so you're going from plan to plan is what Shawn's saying, it will make you crazy.

Board Member Cook stated you know who is very good at doing that, what you're saying, is Theresa.

Chairman Rogan stated yeah, I was just going to say Insite...

Board Member Cook stated she always indicates will be submitted...

Chairman Rogan stated they might acknowledge it and say, they are basically saying we acknowledge your comment, we're not sure how we are going to address it yet but yes we acknowledge it will be addressed,

you know but that comment the should appear on the next set, you know like you're saying just so it's able to, it's consolidating the process so you're not doing all that extra having to remember oh did they take care of this...

Board Member McNulty stated we want a running record.

Chairman Rogan stated a reoccurring, running record.

Board Member Taylor stated that brings up another point, for some of these things is it, I know we kind of do it automatically, you look at structural things, I mean I've got that background but I don't anymore, I'm always looking at wildlife and environment and history and this stuff, that's just where I come from...

Board Member McNulty stated sure.

Board Member Taylor stated and Shawn is looking at different stuff and Charlie looks and so on, is there any point of us formalizing that to a certain extent so that we don't, so I know I don't have to look at the structural stuff on a plan that Tom's done it...

Chairman Rogan stated I think...

Board Member McNulty stated we could but it's a good back up for all of us.

Board Member Cook stated I think we have to take it application by application and I think you have to have that discussion if you will or comments to say Tom would you look at it from this point of view or depending on the application you may say you know I will look at it from this point, I don't think you have to have it...

Chairman Rogan stated while every person will have their own set of talents I think that holistic approach of just trying to absorb and take in all the different aspects get a general sense, remember we are still supposed to be a lay Board, everybody has their unique talents but its you know incumbent upon our professionals to be pointing out these sorts of things and we are supposed to be still gearing towards what is reasonable and the general character of the community and the essence of the Master Plan. So think any time you have the ability to look at the entire plan at different aspects its going to help because you're going to pick up things that Tom might take for granted and just intuitively know by looking at the plans, I know they are going to do this because that is general practices so but it is somewhat rare, we've had a few of these instances recently but it's somewhat rear that we have an applicant that is so strict in their ideas that they are unwilling to compromise or listen to possibility of alternatives. Most times people are coming in, it's an investment or it's something that is a venture they are in, they want to get to the end result as quick as anyone else but they are also looking to maximize their profits. We've had pretty good luck but I go back to some of our cell tower applications, it's this way, that's all I'm looking to, yeah there are alternatives but they're not really alternatives and it goes down to and I've said this many times with one application, if the alternative we were looking at was the only alternative, it would be the best thing since sliced bread, it would be oh this is the only way you'd want to look at, it's all a matter of you know balancing costs and what people are willing to do which I see in our packet, do we have a proposed or will we be having a proposed cell tower location for Put. Lake.

Rich Williams stated similar to the application, or similar to the cell tower that we ended with down on Route 311 that initiated with a letter from EBI evaluating the national historic significance of the site,

we've received a similar letter for a new cell tower that is to be, do you know about this, I gave you this, did you see this...

Councilman Capasso stated I've seen this.

Rich Williams stated a 140 foot cell tower located at the Putnam Lake Fire Department.

Chairman Rogan stated which is also close to the one of the sites we were looking at by the dam...

Ted Kozlowski stated putting it on top of the building.

Chairman Rogan stated no it's...

Rich Williams stated not at all, it's 140 feet, it structural couldn't hold it.

Board Member McNulty stated it will probably be up on the hill behind it.

Board Member Taylor stated are they taking into, New Fairfield's got a cell tower proposed for Haviland Road and [Route] 37 right on the corner.

Rich Williams stated yeah but I don't know that will reach down to this area because the valley there blocks everything.

Chairman Rogan stated patriotic.

Board Member Taylor stated oh okay.

Ted Kozlowski stated so this is going to have to have a light on it.

Rich Williams stated no.

Ted Kozlowski stated they are putting an American flag, they have to have a light on it.

Rich Williams stated do you have to light an American flag.

Board Member McNulty stated if the flag stays on it...

The Secretary stated yes, at night if you leave it up.

Ted Kozlowski stated if they remove a flag...

Councilman Capasso stated it's got to have a light.

Ted Kozlowski stated at a 145 feet.

Board Member McNulty stated I won't tell Mike Griffin you need one, it's protocol.

Chairman Rogan stated or you have to take it down at the end of each day.

(Inaudible – too many speaking at one time.)

Ted Kozlowski stated I've got flags at my park, they have to be lit or I have to take them down.

Rich Williams stated this I did not know.

Councilman Capasso stated yeah they have to take it down at night.

Ted Kozlowski stated that's why schools take them down every day.

Board Member McNulty stated and you have to take them down in bad weather.

Councilman Capasso stated notice at my house, I took the flag down because the light is broken and I'm very strict at that. I was complaining about this one over here at the monument, that light was out for a long time, I told Paul to take care of it, either that or take it down.

Chairman Rogan stated what is interesting about this application is how close it is to the dam with where we were looking at our, I'm sure it is a difference of coverages and I'm sure they are going to show it's necessary...

Board Member McNulty stated it's going to make that guy from Cuddy and Feder go nuts.

Councilman Capasso stated (inaudible) wants it back there.

Rich Williams stated Sacred Heart; they are pretty much out of luck at this point because we've got the cell tower at Quail Ridge that provides adequate coverage at that area.

Chairman Rogan stated right, I was thinking it doesn't provide coverage for what this would be proposing.

Board Member McNulty stated I think it's a different carrier, I think there may be a little war, this is an assumption on my part, maybe this carrier can't get on AT&T's pole.

Rich Williams stated well the one at...

Board Member McNulty stated they are like that.

Rich Williams stated the one at Quail Ridge was an independent, so there was no...

Chairman Rogan stated that's right.

Board Member McNulty stated didn't they say they added AT&T.

Rich Williams stated it doesn't matter, it's still an independent.

The Secretary stated and I believe AT&T has a pole up on the MalDun Site on Route 22.

Board Member McNulty stated independent or not, they'll play games to keep their competitor off.

Chairman Rogan stated so it brings up a great point of, kind of germane to the whole conversation is you end up with these cell towers and you have one that might be able to service the area but you have people that can't get along to use the same pole, these things are...

Rich Williams stated the other part to that also is the FCC to generate revenue keeps selling license, so where we had 4 carriers, we have 6 or 8 in this area, each one needing to provide coverage...

Councilman Capasso stated (inaudible).

Rich Williams stated you can only put, well that's, that's...

Councilman Capasso stated I talk to a lawyer because they wanted to put a cell tower on my property in Florida and my lawyer the town can not stop them.

Board Member McNulty stated well that's what we came across.

Councilman Capasso stated and we did not stop them.

Rich Williams stated we did pretty good at Sacred Heart Church.

Councilman Capasso stated it's still coming.

Chairman Rogan stated they do come back.

Rich Williams stated well they keep proposing them and Joe we did pretty good at the lake.

Councilman Capasso stated well that I was against, I think it should be on Town property or the church, somewhere everybody can...

Board Member Cook stated somewhere where they can use the revenue.

Chairman Rogan stated so we have another one coming down the...

Councilman Capasso stated the fire house wants one.

Rich Williams stated do you want me to respond in a similar fashion as we did down on [Route] 311.

Councilman Capasso stated how did that get approved so quickly.

Board Member Taylor stated we didn't have any problems with it.

The Secretary stated the silo.

Councilman Capasso stated I didn't know anything about it until it was going in.

Board Member Taylor stated it wasn't quick.

Rich Williams stated make an application that meets our Code requirements...

Councilman Capasso stated they didn't look at any other sites.

Board Member Taylor stated they didn't need to.

Chairman Rogan stated you know it's such a, the structure looks the same, I mean it's...

Councilman Capasso stated yeah.

Board Member Cook stated yeah.

Board Member McNulty stated a no brainer situation.

Chairman Rogan stated (inaudible) obviously we look at alternative sites because of visual impact.

Councilman Capasso stated I would have put a silo up.

Board Member McNulty stated well it was existing.

Councilman Capasso stated I would have put one up.

Chairman Rogan stated yeah, I think that's a great idea.

Councilman Capasso stated I would take that revenue.

Board Member McNulty stated oh sure.

Chairman Rogan stated especially on a farm property, the silo is a great, that was like a slam dunk.

Councilman Capasso stated that was a great idea, I agree.

Chairman Rogan stated yea.

Councilman Capasso stated I didn't even know it was there but...

Rich Williams stated well Joe, that silo was limited to I think one carrier, maybe two.

Chairman Rogan stated because it's so low there.

Board Member McNulty stated you may want a silo.

Ted Kozlowski stated you want a silo.

Board Member McNulty stated yeah.

Councilman Capasso stated I'm doing wind, I'm putting wind energy up.

Chairman Rogan stated I like that idea.

Councilman Capasso stated I'll be in for a variance for the height...

Board Member McNulty stated I have some information...

Councilman Capasso stated and I'll sell the electricity back to the Town.

Rich Williams stated you're not going to put up one of the...

Board Member Cook stated Pond View...

Chairman Rogan stated but a...

Board Member Cook stated another point you had...

Board Member McNulty stated I'll talk to you about that, I have some information that you might want.

Councilman Capasso stated do you.

Board Member McNulty stated yeah.

Board Member Taylor stated what I feel I need to do now, I need to go through the minutes the way I went through Watchtower and pick out the points and make a response to them, if that makes sense. I was appalled at the lack of logic and reasoning in that particular presentation...

Board Member McNulty stated oh and tonight.

Ted Kozlowski stated what are you talking about.

Board Member Taylor stated well I can't tell you who I'm talking about because we're in open session here, if it valuable to have a record, then I think that's the place for me to start to do that...

Board Member McNulty stated I mean it's our...

Board Member Taylor stated I'm good at that, I do that kind of thing and then we can build on that, I was just trying less snide than I was with Watchtower.

Board Member McNulty stated I didn't think you were snide with Watchtower.

Board Member Taylor stated you don't think so.

Board Member McNulty stated no, not at all.

Ted Kozlowski stated no, I didn't get that impression.

Board Member Taylor stated I deleted those parts.

Chairman Rogan stated I deleted those parts.

Board Member Taylor stated I certainly felt snide with some of the and then the alternatives, I mean one was again I sort of, well maybe we can, the place across the street that was going to be developed, the house that runs across Birch Hill Road...

Rich Williams stated yes.

Board Member Taylor stated was that ever, did that ever go anywhere to the point where there were plans.

Ted Kozlowski stated yeah we talked about it.

Rich Williams stated you're talking about moving the wastewater treatment plant on the other side of Birch Hill Road.

Board Member Cook stated only the...

Rich Williams stated no he basically came back in and said we want to keep that as a separate parcel.

Board Member Cook stated he's (inaudible) and it's going to keep making a reference...

Chairman Rogan stated they're talking about, I didn't know what you were talking about...

Board Member Taylor stated no that's not what I mean, somebody said at the meeting that in the past somebody talked about building a house on that parcel.

Rich Williams stated right.

Board Member Taylor stated did that ever go to the point where there were plans for the house, is there something on record where we could refer back to that, it would save us having to do any kind of research because there would be a survey, there would be...

Rich Williams stated yes, we have development plans some place, they may be in Records Management at this point, I think it was the Santinelli Subdivision...

Board Member Taylor stated I love that, Records Management, they have it stored in a box somewhere.

Rich Williams stated not somewhere, down in Brewster.

Chairman Rogan stated you guys use the same place as the County.

Board Member Taylor stated so that does exist then, that would be a good thing to look back at...

Rich Williams stated yes.

Board Member Taylor stated so those would be the two things I do, I do an analysis of the minutes and then...

Rich Williams stated you want us to find that and pull that box in...

Chairman Rogan stated no, I'm not rushing you.

Board Member McNulty stated I think something else in the review process and I don't know if Ron agrees with me on this but when an applicant comes in, what is the process, you know what...

Rich Williams stated what is the application.

Board Member McNulty stated yeah, what...

Ted Kozlowski stated well it could be a conceptual thing that we are just talking about it...

Board Member McNulty stated like a site plan application just came to us...

Rich Williams stated no, that's what I'm saying, okay...

Board Member McNulty stated do we have a packet, does Michelle hand them a packet saying this is what we need from you.

Ted Kozlowski stated well the application is what we need from them.

The Secretary stated it depends on who it is...

Board Member McNulty stated but is there more than an application, do we give any kind of guideline to the applicant to maybe help them up front to know what we're looking for...

Rich Williams stated yes...

The Secretary stated if somebody calls us...

Rich Williams stated and you have the same set of guidelines for when you're reviewing the application and it's call the Patterson Town Code, the Patterson Town Code, the Zoning Code...

Board Member McNulty stated Chapter 154...

Rich Williams stated 154, if you go back into that section that deals with Site Plans, it lists out everything you need and everything you should be doing.

Board Member McNulty stated so if an applicant comes in...

Councilman Capasso stated do we have a Code Book that we can sell, like other Town's...

Board Member McNulty stated it's online.

The Secretary stated the Town Code is all up online.

Ted Kozlowski stated it's online.

Rich Williams stated it's all online.

The Secretary stated and it's also available through the Town Clerk's office.

Councilman Capasso stated most people (inaudible).

Ted Kozlowski stated Tommy.

(Inaudible – too many speaking at one time.)

Rich Williams stated take a look at it...

Chairman Rogan stated what I like about that is you know you're getting the most recent version, if it's online it's going to be...

Councilman Capasso stated okay, it's all updated (inaudible).

Chairman Rogan stated rather than worry about paper.

Rich Williams stated well almost updated.

Ted Kozlowski stated Tommy, what happens from wetlands standpoint, the applicant comes in, they get a wetland package that explains the law and prints out everything that the application needs and 9 times out of 10 that applicant doesn't give us the information.

Board Member McNulty stated but says it's the average Joe, came up from the Bronx inherited a piece of land...

Ted Kozlowski stated right.

Board Member McNulty stated and you hand him this wetlands application, gives him everything, it's Greek to him, is that up to him to have an engineer decipher it...

Ted Kozlowski stated it's up to him to pick up the phone and call somebody and ask for information.

Rich Williams stated we do a lot of hand holding here, we walk people through the process.

Chairman Rogan stated which is good, I think that's appropriate.

Board Member McNulty stated no, I don't have a problem with that either because that's what we're here for.

Ted Kozlowski stated but Tom you fill applications out for the work you do, if you have a question what are you going to do, you're going to make a phone call and you're going to call the Town Planner, the Town Building Inspector, somebody to get answers.

Rich Williams stated listen, I've got a great story if you all want to hear this story, I'm sitting in a meeting with 3 or 4 supervisors and an environmental consultant comes walking in the room, he says sorry I'm late, I just came up from Yorktown, we've got the greatest thing going on down in Yorktown, he says one day a week on Tuesday, Tuesday afternoon, in Town Hall, we have myself, the Town Attorney, the Town Engineer and the Building Inspector all sitting in Town Hall, so that afternoon one day a week, if the public wants to come in and deal with an application, we can hold their hand and we can tell them what to do and walk them through the process and all the other supervisors said what a great idea. It's what we do every

day in Patterson, if somebody wants to come in to the Building Department, to the Planning Department, any department in this building, Mike Griffin has pushed over and over we are a service business and they come in and they get answer, that's what we do every day. You go to other Towns, you don't get that at all...

Board Member McNulty stated I know.

Chairman Rogan stated yeah, I can vouch for that.

Councilman Capasso stated (inaudible) not allowed in the building half the time.

Board Member McNulty stated try Kent.

Councilman Capasso stated can't get in there.

Chairman Rogan stated don't have an appointment, sorry, that drives me crazy.

Rich Williams stated or even worse, they may have a sign in sheet.

Councilman Capasso stated doesn't have one.

Chairman Rogan stated you had...

Ted Kozlowski stated no, not about this but just about next week, next week I'm going to be in Boston on Thursday, I doubt I'm going to make the meeting, Thunder Ridge is up, my opinion hasn't changed okay, I already gave you my recommendation, I like the idea that they've, if this, if you approve what they want to do, I would rather see the bridge than the box culvert but there is an alternate to this plan and my recommendation is you go to the alternate, that six acres is part of Thunder Ridge Ski Area, that six acres hasn't been touched in a hundred years, the thing works there, we're not pumping up hill, we're not affecting wetlands, it's an alternate, it's a viable alternate, it's not an economic hardship, it's nothing but a better way to go and nothing that they have presented other than we don't want to put it there, you know it's like Shawn said, if this was their only spot that they could do it and if they couldn't do it, it would be the end of the world then I can't argue with that, there are 200 acres up there, why do we have to impact this stream when we can put it some place else, that is my argument. I think it's best for the Town, I think it's best for the environment and it doesn't hurt Thunder Ridge, that's my take on this.

Chairman Rogan stated motion to adjourn.

Board Member Cook stated motion to adjourn.

Chairman Rogan asked for a second.

Board Member Taylor seconded the motion.

The meeting adjourned at 9:03 p.m.