

TOWN OF PATTERSON

PLANNING BOARD MEETING

February 26, 2009 *Work Session*

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**TOWN OF PATTERSON
PLANNING & ZONING OFFICE**

ZONING BOARD OF APPEALS

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PLANNING BOARD

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

**Planning Board
February 26, 2009 Work Session Meeting Minutes**

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

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

The meeting began at 7:32 p.m.

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

1) CASA AURORA TACK & HOME – Sign Application

Chairman Rogan stated good evening everyone, let's try to be mindful tonight that Michelle has had a little bit of difficulty with the minutes because we sometimes talk over each other and put papers over the microphone, so we will try to do a good job tonight and make her job a little bit easier. How is that.

The Secretary stated thank you.

Chairman Rogan stated you're welcome. Casa Aurora Tack & Home, sign application. Rich is this, you had mentioned that this is up along [Route] 22. Hello Ted.

Rich Williams stated this is up along [Route] 22, near the Patterson Garden Center, just north of that, it used to be, the Board had reviewed it a year or so ago, Cheira Landscaping, Frank Cheira, apparently he has vacated the building. She is proposing to occupy the building for retail purposes for polo equipment and essentially it is the same use as what was there before, there is no change in use, she is in for a sign permit.

Board Member Montesano stated question.

The Secretary stated they must know we're having a meeting.

Board Member Montesano stated question, are we going to have the horse parked outside, do we need a rail put up to tie them off.

Board Member DiSalvo stated so its basically the same size as the sign that is there.

Rich Williams stated actually a little bit smaller.

Board Member DiSalvo stated yeah, we did have a concern with the sign that is there now, with Cheira.

Rich Williams stated I believe you had to move it back.

Board Member DiSalvo stated did they ever move it back and then.

Rich Williams stated I thought they put it up further back on the site.

Board Member DiSalvo stated I wonder what happened with that, it seemed like he never opened for business.

Board Member Montesano stated yes he was there.

Board Member DiSalvo stated he was there.

Rich Williams stated he opened, he had the store front there just for the purpose of bringing clients in, they were probably by appointment only.

Board Member Pierro stated it was a design, more of a design place.

Rich Williams stated right.

Board Member Montesano stated he wanted a place to have a telephone number and an address.

Board Member Pierro stated is everybody happy with the color scheme and.

Board Member DiSalvo stated yeah.

Board Member Montesano stated it's a shame she can't.

Board Member DiSalvo stated what's around there, you have like the green sign for the garden center, Tela Cook's sign, I don't know if that was ever.

Rich Williams stated probably not.

Board Member DiSalvo stated the brown century 21.

Board Member Montesano stated is this of significance, this yellow thing.

Board Member Pierro stated the sunburst.

Board Member DiSalvo stated what.

Board Member Montesano stated because I'm looking in here where the photograph was.

Board Member DiSalvo stated yeah.

Board Member Montesano stated that is not allowed because its over the size.

Chairman Rogan stated she put it up where the sun is.

Rich Williams stated well no, she just decided that she wasn't interested in putting that up with the sign.

Board Member Montesano stated okay, I thought maybe.

Board Member DiSalvo stated so its just the starburst type on the sign.

Board Member Montesano stated clarifies that.

Chairman Rogan stated is this something that anybody wants to take a look at, based on having it in the same location.

Board Member Pierro stated as long as it is in the proper location, I see no reason why we can't react to it.

Chairman Rogan stated again, its proposed to be in the same location as the previous sign.

Board Member Pierro stated can you verify that, that it is in the right location, take a ride by.

Rich Williams stated yeah, sure.

Board Member Pierro stated okay.

Board Member Montesano stated it was, as far as I know.

Rich Williams stated I have not.

Board Member Pierro stated it sounds like a maybe though, I wouldn't.

Rich Williams stated its been a long time since we did the Cheira and I don't recall the whole issue of.

Board Member Pierro stated right.

Board Member DiSalvo stated coming out like if you are parking there, sometimes you have to back out on [Route] 22.

Board Member Montesano stated you couldn't see too well.

Board Member DiSalvo stated with that sign, you couldn't see the on coming traffic.

Rich Williams stated well its definitely farther back than that because its back by the building and it is certainly back behind the horse shoe driveway, so it wouldn't interfere with the sight coming out.

Board Member Montesano stated I'm pretty sure he moved it when we suggested.

Board Member Pierro stated okay.

Board Member DiSalvo stated is she planning on opening soon or.

Rich Williams stated I believe she is.

2) MCMURRAY FILL PERMIT

Chairman Rogan stated Phillip McMurray Big Elm Road, Fill Permit.

Rich Williams stated this is gentleman who, we were notified by one of the neighbors that he started to bring some fill onto the property, he is looking, I believe to expand around the driveway area, I have not had a chance to go out there yet. I do want to contact him and go out there and take a look at it and talk to him and talk to him about making sure he's got erosion controls up at least. So, our new Code Enforcement Director, Director of Code Enforcement, sorry, went out on to the site on a Saturday, god bless the guy, he came in from Putnam Valley on a Saturday and went out there and talked to gentleman and warned him that he did need a fill permit and the application has been made, as it is.

Chairman Rogan stated and Rich what did you say the purpose of the fill is, just leveling the property.

Rich Williams stated I haven't actually talked to him face to face.

Chairman Rogan stated oh okay.

Rich Williams stated but from the drawing and what I've talked to Mr. Lamberti about, it appears that he was trying to widen his driveway level some of the yard, ground. I believe that there is also a note in the application that he was trying to arrest some erosion on the bank that had occurred.

Board Member Pierro stated Ted in your travels, have you, are there any wetlands issues or a swale or anything, in that particular.

Ted Kozlowski stated I briefly looked at the map, there are wetlands near by, I don't think he's on it but I think he is trying to put fill on very steep slopes and I don't know how he is going to hold it.

Chairman Rogan stated okay.

Board Member Pierro stated we ought to take a look at this.

Chairman Rogan stated I would like to, especially knowing the existing slope and even if we just take a look at it, it doesn't mean we have to have it calculated, just to get a sense.

Ted Kozlowski stated you know one of the other things, its going to have the same scenario, that Lea Rome, filling a steep bank full of trees and then those trees suffocate and die and then causes further erosion once those trees start dying and then you know, the possibility, you start a vicious cycle.

Board Member Pierro stated you're talking a substantial amount of fill there, its not like its just a couple small truck loads.

Chairman Rogan stated yeah, 1,000 yards.

Board Member Pierro stated right.

Chairman Rogan stated did the, you said that the Building Inspector went out there, they were actually in the process of placing fill, any idea of the quality of the fill.

Rich Williams stated no.

Chairman Rogan stated no, okay I would be curious to know also.

Board Member Pierro stated right.

Board Member Cook stated did he stop putting fill in.

Rich Williams stated correct.

Board Member DiSalvo stated Ted, is that by your house, across the street or on the same side.

Ted Kozlowski stated its at the end of my road.

Board Member DiSalvo stated the [Route] 164.

Ted Kozlowski stated Farm to Market. I've never been up there, its where, what's his name, Richie what was the guy's name, the house on the hill.

Rich Williams stated are you talking about Schek or Tyler Murello.

Chairman Rogan stated oh yeah.

Ted Kozlowski stated Tyler Murello.

Chairman Rogan stated the house way up on the hill.

Ted Kozlowski stated there are three houses, it's a dirt road, its like a road off Big Elm.

Rich Williams stated it's the one before that.

Chairman Rogan stated Schek.

Rich Williams stated there are three houses up there.

Chairman Rogan stated oh okay, I was up there one time.

Ted Kozlowski stated you can't see it from Big Elm Road.

Board Member Pierro stated okay.

Chairman Rogan stated at least we know where we're talking about. All right, let's get out there and take a look.

Board Member Pierro stated do we need to notify this gentleman that we are going out there.

Chairman Rogan stated we need to.

Rich Williams stated yes, absolutely.

Board Member Pierro stated okay.

Ted Kozlowski stated Michelle, can we get up that driveway.

Chairman Rogan stated Rich hasn't even spoken to him yet to find out in terms of.

Rich Williams stated he generally works, I believe late afternoon, evenings.

Chairman Rogan stated okay.

Rich Williams stated so if we want to go out there, if there is anyway we can do it Saturday morning, not that I want to do it Saturday morning, it might be more convenient for him.

Board Member Pierro stated okay.

Chairman Rogan stated okay.

Board Member Pierro stated I'm available Saturday morning.

Chairman Rogan stated I'm available Saturday morning, everybody else could.

Board Member Pierro stated okay.

Chairman Rogan stated are we, just so I'm clear, are we trying to set this up for Saturday morning to do it before the meeting. Can you maybe call the guy and see if that would be okay, can everybody do this Saturday morning.

Board Member DiSalvo stated I don't think I can do it, when are you leaving for Florida.

Board Member Montesano stated I'll be gone Tuesday.

Chairman Rogan stated oh that's right, you won't be at the meeting.

Board Member Montesano stated so I'll be able to go there Saturday, I'll be here Saturday.

Chairman Rogan stated so it doesn't really.

Board Member Montesano stated I can come over Saturday, it's up to you.

Board Member Pierro stated I'll, we'll go one day during the week, if you can't go there on Saturday, I'll go with you one day, all right.

Chairman Rogan stated all right, let's see if we can set it up.

Board Member Pierro stated okay, see what else comes up on the agenda.

3) NORTH COUNTY HOMES – Wetlands/Watercourse Permit

Chairman Rogan stated North County Homes we were pretty set on, we were just waiting on the application for the wetlands/watercourse permit that was kind of the cost of doing business on this one for the intrusion into the wetland buffer, Ted.

Ted Kozlowski stated I just, on the planting plan, I want to eliminate barberry as an evasive plant.

Rich Williams stated it's already on there, right.

Ted Kozlowski stated no.

Chairman Rogan stated is this take one, pass the rest around.

Rich Williams stated Charlie, if you could throw one down to Ted.

Board Member Pierro stated I'm sorry.

Rich Williams stated essentially where we are in the process, is to start thinking about a resolution. So I threw this together, so you had something to review, so I could get some guidance about what you wanted to do as far as a resolution. Some of this comes out of the application that has been submitted, some of this I added in and item C on this was added in by Dave Raines.

Ted Kozlowski stated anyway, my two cents.

Ms Larkin stated sorry.

Ted Kozlowski stated well my two cents, barberry is an evasive plant, replace that with low grow sumac.

Board Member Montesano stated the poison kind.

Ted Kozlowski stated it will tolerate those conditions.

Chairman Rogan stated okay, so the items that we have on here, let's just go through them quick, you want to run through them Rich, since you wrote this up, in terms of what we are trying to achieve.

Rich Williams stated number one is replacing and reconstructing that terraced stonewall with a height of four feet, replacing the unstable stones and installing the cap stones. Just so you know, the items in the parenthesis are either questions for the Board that I had or you know, additional things that I had thrown in. For this item, you know I had a question about what the Board was looking for, as far as ensuring compliance out there, that they conditions were met, whether they wanted us to go out and you know

document the existing conditions of the stonewall and then compare that to the finished conditions of the stonewall, whether you are comfortable just saying you know, the applicant can notify somebody when its done.

Chairman Rogan stated all right, well let's start with that one. The Board has gone on record in saying that we have a safety concern with the construction of those walls, I think we would be remiss if we didn't at least have them mark off where the sections of the walls that they intend to work on and have it observed and documented. This way we have kind of a before of what sections are greater than four foot high, have them do the work, we don't have to go out there and do all these measurements.

Board Member Pierro stated we don't have to measure, we can photograph it too.

Chairman Rogan stated have them show us what sections of the wall are not proper and what work will be done and at least then we can document it kind of what areas have been worked on. Because you also don't know then if they fix the wall, what they've done to fix it, what areas they worked on, whether they just fill in an area to reduce the height rather than actually fixing the wall.

Board Member Pierro stated right.

Board Member Montesano stated don't they need engineering to redesign that wall.

Rich Williams stated everything is going to be under four feet.

Chairman Rogan stated yeah.

Board Member Montesano stated what I'm saying is, since we've gone this far with it, where we had a problem with their and they need some type of engineering approval on certain parts of those walls.

Board Member Pierro stated I don't think there is anything four foot.

Board Member Montesano stated are they going to have any drawings.

Chairman Rogan stated I don't (inaudible).

Board Member Montesano stated what I'm saying is are they going to have drawings.

Rich Williams stated they show basic design drawings on the plan for how the wall should be constructed but having said that, the walls are already constructed and we are asking them to repair the condition.

Board Member Montesano stated right.

Rich Williams stated so, you know, they are not going to construct them as they are shown on the plans or reconstruct them as they are shown on the plans or reconstruct them as they are shown on the plans, they are just going to, as it is noted on the plans, just chink them up, secure the loose stones and cap them.

Board Member Montesano stated all right but you have that one section that they are going to cut out the corner of the building.

Rich Williams stated well, yes.

Board Member Montesano stated now if that corner of the building, now if that corner of the building means that structurally they are going to have to reinforce or recreate that, they are going to need some kind of a drawing.

Chairman Rogan stated that is for the Building Inspector, that is the last thing down at the bottom.

Board Member Montesano stated what I'm saying is, if they have, they make up drawings, can we get access to them just to keep on the file to see what was done before versus what is they are getting as a final.

Rich Williams stated with the foundation.

Board Member Montesano stated the foundation which would include the walls and the rest, that's going too far.

Rich Williams stated again on the plans, there is a new section of wall they are showing on the plans, that's going to get constructed as it's shown on the plans.

Board Member Montesano stated all right.

Rich Williams stated all right, so that is on the plans but with the foundation; it is really strictly a Building Department issue.

Board Member Montesano stated I realize that but what I'm saying is are they submitted to the Building Inspector then.

Board Member Pierro stated of course.

Rich Williams stated absolutely.

Chairman Rogan stated yes they are.

Board Member Montesano stated can we get a copy of that finished product; all he has to do is make us a copy and put it in his file.

Rich Williams stated we can, I can request it, we've requested things in the past and haven't gotten that but we can put the request in.

Board Member Pierro stated as long as it is filed here, where it's supposed to be, I'm comfortable with that.

Board Member Montesano stated I still get very nervous with that house, that we are chopping out a section, putting a section in and we are re-doing it, all right. It may come out better than it was originally planned.

Board Member Pierro stated it's much better.

Board Member Montesano stated I would still like to have a copy from the Building Inspector put in the file with these papers.

Rich Williams stated a consensus on the Board on that that.

Board Member Pierro stated I don't think it's necessary.

Chairman Rogan stated (inaudible) if it's an extra set of plans request it, to me its not a.

Board Member Montesano stated hey, you don't have to have it on my part, I just.

Chairman Rogan stated I'm not, I'm not disagreeing with you Mike, if you feel that strongly but I feel strongly enough that we've put on record the safety concerns with this.

Board Member Pierro stated right.

Chairman Rogan stated that we just want to make sure that work that is going to be changed, that it is documented well, if having an extra set of plans for the final product, you feel builds that record, then fantastic, let's ask for a set and let's move on to the next section on here.

Board Member Pierro stated if we are out on Saturday, can you memorialize this through digital photography, this way we will know exactly what was done in the repair process.

Rich Williams stated does the Board want to go out with me when I photograph it.

Chairman Rogan stated no, I don't.

Board Member Pierro stated no, I think you are quite capable of photographing that ward.

Rich Williams stated so I can go out anytime and photographic.

Board Member Pierro stated oh sure, one of the things you're doing on Saturday.

Chairman Rogan stated Saturday seemed good.

Board Member Montesano stated put it in (inaudible).

Board Member Pierro stated you want to go Sunday morning, you're not making time and a half are you.

Rich Williams stated I'm a salaried employee.

Board Member Pierro stated yeah right.

Rich Williams stated whether I work five hours or fifty hours.

Board Member Pierro stated okay.

Board Member Montesano stated you have to work for Amish restaurants (inaudible).

Chairman Rogan stated okay, let's pull it back together here.

Board Member Pierro stated yeah.

Chairman Rogan stated the second item, installing post and rail fence with wire mesh for top of wall protection, we've spoken about that, that is pretty straight forward. Provide finished grading and shrub plantings on the terrace between walls.

Board Member DiSalvo stated right.

Chairman Rogan stated we want to make sure that we know what is going to happen with those terraces on those walls, we've had other instances where that has been a problem.

Board Member Pierro stated right.

Chairman Rogan stated I don't have a feeling on this, Rich, the letter a below three, minimum four inch topsoil.

Rich Williams stated essentially we want to make sure that there is good secure cover, so there is not an erosion control problem, that is where the eighty percent density of grass cover comes from, straight out of the MS-4.

Chairman Rogan stated so it's standard.

Rich Williams stated yes.

Chairman Rogan stated move ten foot corner of house foundation for increased separation, we got that.

Board Member Pierro stated that is fait accompli.

Chairman Rogan stated separate level spreader for roof drains, we spoke about that with Joe Buschynski on site.

Board Member Cook stated we asked them and they are willing to provide a written warranty to the Town which guarantees the satisfactory operation of the level spreader.

Rich Williams stated I wasn't sure if that was still on the table because at one point the conversation switched to providing a whole separate level spreader some place else, so you didn't have to have that warranty.

Chairman Rogan stated I thought the warranty was going to be in place if they were going to try what, remember the existing stormwater treatment practice. They felt or at least the engineer felt fairly confident that what they had installed would work and we were talking about having the warranty in place for that. Then they said if it failed we could always build one over here and we said why don't you just build one over here, which is what we are talking about.

Board Member Cook stated I thought that warranty discussion was also for the second location, if you will.

Chairman Rogan stated for the new one or the existing one.

Board Member Cook stated the new one, that's.

Chairman Rogan stated what this is doing so we are clear, the new level spreader is designed to split the water in half, take out the roof and footing drains so what other water, there is curtain drain up there, what water would then be going to the old one.

Board Member Pierro stated just the run off from the driveway.

Rich Williams stated yeah, the run off from the side slope going down in there, well. That is what the level spreader was originally designed to capture and treat, was the roof drains, the footing drains, and the driveway and then they flipped the driveway on to the other side of the house, so its really not capturing it anymore.

Board Member Pierro stated right.

Rich Williams stated but there are some footing drains already discharging into that first one.

Board Member Cook stated again this warranty would be for like one year.

Chairman Rogan stated so let's keep it in then.

Board Member Cook stated put it out there.

Chairman Rogan stated okay, so let's add in under level spreader five, five a, put in, let's just put in warranty, all stormwater all level spreaders one year, one year from C of O, okay. Which there is probably an applied warranty on almost everything they do on a new house with, it's probably actually two year.

Board Member Pierro stated absolutely.

Board Member DiSalvo stated (inaudible).

Chairman Rogan stated with new construction. Okay, correct slope condition on south side of house foundation with installation of low boulder wall. The south side of the house, which side, as you are looking at the front of the house.

Rich Williams stated the south side, that would be the right side of the house, this is in the.

Chairman Rogan stated okay.

Rich Williams stated it's the driveway side of where they are taking the corner out.

Chairman Rogan stated okay, got it. Designate an area of undisturbed woodlands, additional vegetated water quality buffer that is down by the well, the section they had offered.

Board Member Pierro stated that's down on the left side, yeah.

Chairman Rogan stated and that will be marked on there.

Rich Williams stated question.

Chairman Rogan stated they have to show a final site plan with their, for their C of O, that should show that on there, as a restricted area, no.

Rich Williams stated they show it on here as a restricted area however the original water quality buffer was all part of a conservation easement, that was our enforcement capability long term. Does the Board want this new area included in that conservation easement.

Board Member DiSalvo stated I think so.

Rich Williams stated okay.

Chairman Rogan stated you're setting it aside, shouldn't it be contiguous.

Board Member Montesano stated definitely.

Board Member Pierro stated who is the easement for, where does the easement provide for access to the wetland in the back.

Chairman Rogan stated its not an access easement, it's a limited use easement.

Rich Williams stated it's a conservation, yeah.

Board Member Pierro stated so they can't go into it.

Rich Williams stated so they can't disturb it.

Board Member Pierro stated put a shed in or anything like that.

Chairman Rogan stated right.

Rich Williams stated limited disturbance.

Board Member DiSalvo stated it's not level down there; they can't put a shed in.

Chairman Rogan stated no, its not, it's a buffer between the neighboring house and the way they twisted the house around, has changed things anyway.

Board Member Pierro stated okay.

Chairman Rogan stated okay, amend conservation easement, we are going to say yes on seven a, all work to be completed prior to issuance of C of O, that should be on all of them.

Board Member Pierro stated okay, of course.

Board Member Cook stated shouldn't a be c, point c.

Chairman Rogan stated a, b, eight.

Board Member Cook stated a becomes c and b becomes a and c becomes b.

Board Member Montesano stated trying to straighten this out.

Board Member Pierro stated well the designated forty-three hundred sixty foot undisturbed woodland, we are going to attach. We are going to amend the conservation easement to complete, to connect that together with the rest of the property on the left side in the back, next to the well, is that what we are saying.

Chairman Rogan stated Rich, jump in, why did you designate it a, a, b, c under seven.

Board Member Pierro stated why did you designate it a.

Chairman Rogan stated in that pattern, is it just a typo or what's going on.

Rich Williams stated these were essentially, I typed up some of the material that I pulled out of the wetlands permit as it was presented.

Chairman Rogan stated okay.

Rich Williams stated and the rest of this is just my notes as I was going through scribbling things down.

Chairman Rogan stated got it.

Rich Williams stated on issues to talk to the Board about in preparing this permit. Normally wetlands permits are fairly straight forward, the Board just does it by motion. This one was very complicated and I assume that the Board would want a resolution drafted for this one.

Chairman Rogan stated so then let's just make these last three things.

Rich Williams stated I will pull it all together a resolution, I'm going to re.

Chairman Rogan stated this is just for conversation.

Rich Williams stated yeah, I'm going to switch it all.

Chairman Rogan stated I appreciate that work that you put into this because this has been a cumbersome process.

Board Member Cook stated absolutely.

Board Member Pierro stated cumbersome.

Board Member Cook stated I would just make b then number eight, c nine and d ten.

Chairman Rogan stated well the numbers aren't even important because its going to be wrapped into a resolution.

Board Member DiSalvo stated these are all going to be conditional items.

Chairman Rogan stated special conditions.

Board Member Pierro stated yeah, I'm sure it will be spelled out in a resolution.

Chairman Rogan stated okay, so we have a completed wetlands permit application, we are switching some of the plantings from bayberry, barberry.

Ted Kozlowski stated get rid of the barberry, low grow sumac.

Chairman Rogan stated sumac, okay, fees been paid.

Rich Williams stated yes.

Ted Kozlowski stated what's that.

Chairman Rogan stated fees have been paid.

Ted Kozlowski stated have they Rich.

Rich Williams stated yes.

Chairman Rogan stated great.

Ted Kozlowski stated I don't handle the money end.

Board Member Montesano stated put down the nonpoisonous kind.

4) WATCHTOWER AMENDED SITE PLAN

Chairman Rogan stated Watchtower Site Plan, everybody discussed, we were pretty happy with, we were going to do a site walk for a few members, what happened, anybody go.

Board Member Cook stated we did and we met with three representatives from Watchtower.

Chairman Rogan stated who went, from us.

Board Member Cook stated us three. They explained to us what they, the old site, the new site, how they were going to restore the old site, actually I think the new locations are much better, I mean they are behind the building, both of them.

Board Member DiSalvo stated better, totally.

Board Member Pierro stated right, less, I went up on my own, I didn't have a problem with it what so ever.

Board Member DiSalvo stated (inaudible).

Board Member Cook stated I mean, it's like cool.

Board Member Montesano stated (inaudible).

Board Member DiSalvo stated then we got a personal tour.

Board Member Pierro stated I didn't do the tour.

Chairman Rogan stated that's good, its good to know what's going up there.

Board Member Montesano stated it got scary when I started say more than he did, how long have you been here.

Board Member Pierro stated okay.

Chairman Rogan stated so, we have everything we need then at this point, we were basically just wanting to confirm what we were being told. I don't have the paperwork in front of me but I don't have any problem unless someone else objects doing a, at this meeting for that. That was a waiver of site plan to allow.

Board Member DiSalvo stated a waiver.

Chairman Rogan stated the cooling tower to be installed per the most recent set of plans, with a site plan waiver we don't have to, do we have to do SEQRA on that.

Board Member Pierro stated okay.

Chairman Rogan stated no, so, motion to approve Watchtower installation.

Board Member Pierro stated in the matter of Watchtower, I make a motion that we grant a site plan waiver to remove and re-install three cooling towers on the south side of the building as described in the latest plans and as reviewed by members of the Board.

Board Member Montesano seconded the motion.

Chairman Rogan stated second.

Chairman Rogan asks for all in favor:

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

Motion carried by a vote of 5 to 0.

Chairman Rogan stated okay, can you communicate to Joel that he doesn't have to come to the next meeting, I'm sure they'll appreciate that.

Board Member Pierro stated they can change.

Chairman Rogan stated thanks for going out and taking a look and I'm glad that you found it interesting Charlie, it is definitely an interesting site.

Board Member Montesano stated still get you up there and plant.

Chairman Rogan stated I've been up there many times.

Board Member Montesano stated I'm saying, the State was using their water treatment plant for training sessions.

Chairman Rogan stated inspections.

The Secretary stated he held on to them.

Rich Williams stated all of them.

The Secretary stated yes, Shawn is not so good at taking one and passing it along.

Chairman Rogan stated I hadn't looked at them yet.

Board Member Pierro stated he never went to catholic school.

5) MEADOWBROOK FARMS – Wetlands/Watercourse Permit Application

Ms. Diane Larkin, attorney for JGZ Corp. was present to represent the application.

Ms. Larkin stated thank you.

Chairman Rogan stated okay, so we have Meadowbrook Farms.

Board Member Montesano stated you have one of these.

Board Member DiSalvo stated yes.

Board Member Montesano stated you sure.

Board Member DiSalvo stated there are two of them.

Board Member Montesano stated a different one, I don't know.

The Secretary stated no, there's only one.

Board Member Pierro stated one to Ted.

Board Member Montesano stated Ted can have one, then, oh you got them from that side.

Rich Williams stated Diane Larkin is here tonight with Meadowbrook Farms. Where we stand on this, this is an application for a wetlands/watercourse permit.

Board Member Montesano stated I am not participating in Meadowbrook Farms.

Chairman Rogan stated okay, you want to slide your chair about two feet, since you are not participating and I'm going to need that back because that hasn't been released to the public yet, so you know.

Board Member Montesano stated wise guy.

Board Member DiSalvo stated you're the public.

Chairman Rogan stated hey, you know, it's legal stuff, you'll get a copy of it.

Board Member Montesano stated I don't care.

Rich Williams stated during the public hearing for the wetlands/watercourse permit a number of issues were raised. I have yet to contact Mike Budzinski and haven't, we just haven't hit but there are other things I have to talk to him about now, so its imperative that I talk to him and I will do that before the next meeting. One of the issues was the whether it is possible to move the stormwater pond back away from the stream so as to minimize or eliminate the buffer. Insite Engineering has provided another memo; I believe they are going to be at the regular meeting to discuss this with the Board further. The third issue, I recall was raised by the property owners of Meadowbrook Farms about whether they could actually increase the amount of area within the common area that they are going to use for the stormwater ponds, that has yet to be resolved by the attorneys, Diane.

Ms. Larkin stated I'm going to, I spoke the Town Attorney, I am going to fax documents to him tomorrow or Monday.

Rich Williams stated okay.

Ms. Larkin stated and then we'll, hopefully we'll work that out before the meeting.

Rich Williams stated and the fourth issue as I recall had to do with dedication of the roads, initially we had found that the main road going in, which is now Meadowbrook Lane or I think Meadowbrook Road, I'm not sure which. It seemed that there was reasonable suggestion that there was an offer of dedication on that section, at which point it would change to Sonnet Lane, I don't know how the homeowners' will feel about that. The homeowners expressed concern that the Town was not taking the kind of the parking areas, private driveways, the circular areas, I did take a look at that one both phase one and phase two and it does not look like it would fall within the standards of what we would take as part of a road dedication. I also took a look at the construction plans for the design standards of Merle Lane, it is in a fifty foot wide right of way, is there twenty-four foot wide pavement. What I've given you tonight is a list of all the design requirements, what those design requirements are as you know, for the Town standards and what Merle Lane is designed for on the construction plans when it gets built. It is readily apparent that Merle Lane is going to be constructed to Town Road standards and therefore could be accepted by the Town. Having said that, there is currently no offer of dedication for Merle Lane, so if the Town is interested in changing their past practice and I've heard some indication that that is the case, then the attorneys would need to work out either some sort of subsequently filed document with the County or amending plat or some legal mechanism that would allow the Town to take Merle Lane when it is all complete.

Chairman Rogan stated one question I have Rich is that the minimum length of the vertical curve, it says K40, K25 and eighty feet, what does that mean.

Rich Williams stated that's, it got cut off, it's easier to draw, if you have a road coming in like this and you draw tangents to the road, the distance between the two points is the distance of the vertical curve.

Chairman Rogan stated okay, so in essence the minor is saying your distance has to be twenty-five or more.

Rich Williams stated greater, yeah.

Chairman Rogan stated greater and they have eighty feet.

Rich Williams stated yes.

Chairman Rogan stated okay, that's and I appreciate that explanation, that makes a lot of sense.

Ms. Larkin stated do um, is this dedication issue something that has to be resolved before we can get the wetlands permit.

Board Member Pierro stated I would prefer it be resolved.

Ms. Larkin stated so in terms of even offering it or not offering it, I'm a little (inaudible).

Chairman Rogan stated having the legal process in place.

Board Member Pierro stated right.

Chairman Rogan stated to have the ability to know that it can be because obviously its not completed yet.

Board Member Pierro stated can be done, right.

Chairman Rogan stated right, the work hasn't been completed.

Ms. Larkin stated no (inaudible).

Board Member Pierro stated it won't be completed for a long time.

Chairman Rogan stated so it wouldn't be able to be offered but I think.

Rich Williams stated well I guess the first question is, is the Planning Board interested in potentially, you know, having an offer of dedication for Merle Lane.

Chairman Rogan stated I have to look at the plans, I can't keep these roads straight.

Rich Williams stated Sonnet Lane is the one that goes from [Route] 292 all the way through, Merle Lane is a side road that is about 680 feet long and ends in a cul-de-sac.

Board Member Cook stated that is the new road that is being proposed.

Board Member DiSalvo stated right.

Rich Williams stated correct.

Chairman Rogan stated right.

Board Member DiSalvo stated if they are going in there to maintain the main road, then why shouldn't we have the other road dedicated too.

Chairman Rogan stated it seems like the more of this subdivision we can get on to Town Roads, the better off everybody will be in there.

Board Member Pierro stated absolutely.

Chairman Rogan stated it sounds like some of these curves and pull off areas are going to be difficult.

Rich Williams stated I don't foresee the Town having any interest in taking them and you know, they would probably be a nightmare to maintain.

Chairman Rogan stated the question that we brought up was, are we creating new areas that can not be offered for dedication. We know some of what is existing has problems but with phase two are there road areas that are not going to be.

Board Member DiSalvo stated I thought there were, some of those little roads there.

Board Member Montesano stated there is one point that I can make as a private citizen, if we don't accept all of it, is that connected road ever going to existing, that quote emergency access which was supposed to be a connecting road.

Rich Williams stated there is an offer of dedication, the Town can accept that anytime it feels appropriate.

Board Member Montesano stated okay.

Rich Williams stated without accepting anything.

Ms. Larkin stated is there anything I can do or should do now on, as the attorney for Meadowbrook on the issue of the dedication.

Rich Williams stated what you should be doing is when you talk to our Town Attorney about the other issue.

Ms. Larkin stated okay.

Rich Williams stated also talk to him about this, what legal mechanisms are available to offer that to the Town.

Ms. Larkin stated okay.

Chairman Rogan stated but in terms of process, it's not different then if we were approval a subdivision right now, we would make sure that the roads that are proposed that the mechanisms are in place, that when its all completed.

Board Member Pierro stated can be.

Chairman Rogan stated can be offered for dedication, we don't require the offer to already be done thereby creating the roads and having them built out before we approve the plan.

Board Member Pierro stated we can't.

Chairman Rogan stated so it's really not different.

Board Member Pierro stated we can't until the roads are built to spec.

Rich Williams stated usually there is a note on the plat which clearly indicates what is being offered for dedication.

Chairman Rogan stated right.

Rich Williams stated in this case, you are doing it after the plat has been filed.

Chairman Rogan stated I understand.

Rich Williams stated so normally they (inaudible – coughing over microphone) filing of the plat creates that duty to the applicant.

Chairman Rogan stated right.

Rich Williams stated and in this case its already done.

Chairman Rogan stated so in this case, we need to re-file the plat with notes on it.

Rich Williams stated re-filing the plat is a complicated issue, you can't just.

Chairman Rogan stated can you, that is why we have attorneys, they can figure it out, how to do it.

Rich Williams stated right.

Ms. Larkin stated what did you say before, you want it to be ready to be offered, I'm sorry can you say that language again.

Chairman Rogan stated sure but I'm not sure I said the language properly, I'll give you the intent, which is probably better.

Ms. Larkin stated that's all I'm looking for.

Chairman Rogan stated the intent is that we are assured that prior to approving a wetlands permit for this phase two, that we are assured that the mechanism is in place so that all the areas that have been able to be

offered for dedication can be and that there are no road blocks. No things that when it is all said and done they can say, well that was screwed up during the plan review process and so now we are not going to do it. We want to make sure with the amount problems we've heard and resistance we've heard.

Board Member Pierro stated perceived resistance, perceived, some was.

Chairman Rogan stated resistance doesn't mean.

Board Member Pierro stated okay.

Chairman Rogan stated in any case, so that we are assured that.

Ms. Larkin stated all roads that are able to be dedicated are.

Board Member Pierro stated will be eventually dedicated.

Ms. Larkin stated will be offered, can be offered.

Rich Williams stated the correct term is there needs to be placed an irrevocable offer of dedication on to the road.

Ms. Larkin stated is that what you were, an offer.

Chairman Rogan stated yeah.

Ms. Larkin stated okay.

Chairman Rogan stated we might argue semantics because we're doing.

Ms. Larkin stated no, no I'm not trying to do that, I was just trying to figure out what you mean.

Chairman Rogan stated the intent, no, no, what I mean is that since I am not an attorney and I'm not a Planner, I think I'm clear on the intent and I think the Board is clear on the intent, that when this is all said and done that the areas. The roadways that are, that can be made up to Town standard, will be taken over by the Town, will be offered to be taken over by the Town.

Ms. Larkin stated and you are calling that an irrevocable offer of dedication, great, thank you all very much.

Chairman Rogan stated are we all on the same and I appreciate you asking because this makes it clear for all of us.

Board Member Montesano stated all we can do is recommend the take over, the Town Board does it.

Rich Williams stated my two cents on this is that this is something that only benefits the developer because it eventually gets him out from under the duty of having to deal with that road, having to deal with the homeowners taking over that road, so it really is in their benefit. So whether you do it as part of the wetlands permit or you just say you want this to occur and you start the process and you move forward. It's similar to the other issue that we talked about, there not being a drainage district out there and the need

to have a drainage district out there and provide for the maintenance of these stormwater ponds, long term that is only going to benefit the developer. I wouldn't recommend making that a condition of the wetlands permit but I think it is something you know. The developer and the Town should have some serious conversations about getting that process started so in the future the mechanism there to manage these stormwater ponds rather than leaving it to some homeowners who, you know, have no expertise of what needs to be done and when it needs to be done.

Chairman Rogan stated right.

Rich Williams stated and we end up with a situation that we have out there now, where we have a stormwater pond with 35 years worth of tree growth.

Chairman Rogan stated no, I understand. From the last meeting we discussed this, the areas that you are saying probably do not meet Town road spec that this point.

Rich Williams stated right.

Chairman Rogan stated I thought we were going to, I thought their engineers were going to look at it, can we make them or can we bring them up to Town road spec. Remember we talked about where the parking spaces were, they may have to be shifted over, but I thought we were, there was somebody going to look at that.

Rich Williams stated the problem with doing that, what you're saying is essentially you are plowing somebody's private driveway and parking area because you have some houses on one side, the driveway, the parking stalls for parking on the other side and the driveway in between. So, I mean, we could look at, they have the base, they have the top course, they have the curbing, a couple of them I don't think meet the radial requirements, the horizontal geometry requirements, I don't see that as a huge issue but you know, I'm not so sure how the Highway Superintendent would feel about plowing or maintaining roads or areas used for parking.

Chairman Rogan stated I'm not saying that he would have to plow, I wouldn't expect that, that would be like um, that is no different then somebody driving along the road, somebody having a parking spot off the side.

Board Member DiSalvo stated right.

Rich Williams stated because that is what we are talking about.

Chairman Rogan stated no, no, what we are talking about is the actual part that you're, the roadway.

Board Member DiSalvo stated the road, to make wider.

Chairman Rogan stated the road.

Rich Williams stated that is what I'm saying, we are all good on that.

Chairman Rogan stated oh okay, so that we're clear.

Rich Williams stated yeah, okay, you've got a road coming down and then you've got.

Chairman Rogan stated these.

Rich Williams stated driveway.

Chairman Rogan stated right, understood.

Rich Williams stated right, so what we are talking about is, we are talking about Merle Lane, which is the main road.

Chairman Rogan stated right.

Rich William stated but then off of Merle Lane, they have these loop roads.

Chairman Rogan stated right but you are also including the loop part, just not the parking part.

Rich Williams stated I was not including this part here.

Chairman Rogan stated we are talking about that part.

Board Member DiSalvo stated I am, yeah.

Chairman Rogan stated we are talking about that being.

Rich Williams stated you want the loop roads accepted also.

Chairman Rogan stated it's a road, I mean, I understand what you're saying, we are not talking about the parking area.

Rich Williams stated okay.

Chairman Rogan stated I don't see any real connection about a house being on one side and parking being another, it's the road through the center that is important. The people have to shovel out their parking spots, that is like any other homeowner.

Board Member DiSalvo stated that's like any other.

Chairman Rogan stated but and their parking is across the street, it doesn't change whether it's a Town road or a private road.

Board Member DiSalvo stated you're talking about the new phase, what about the old.

Chairman Rogan stated the new and old.

Board Member Pierro stated and old.

Board Member DiSalvo stated the old one would have to be a little, the road would have to be, the little loop road would have to be made wider when we drove through.

Chairman Rogan stated well I thought Rich was saying.

Rich Williams stated it would have to be made wider, we would have to break it out, right now its part of a larger common area.

Board Member DiSalvo stated right, right.

Chairman Rogan stated right.

Rich Williams stated and there would have to be a further subdivision of that parcel to accomplish that.

Board Member DiSalvo stated it wasn't that big, that one parcel, it was like a green area.

Chairman Rogan stated yeah.

Board Member DiSalvo stated cut in maybe like three or four feet out of it.

Board Member Pierro stated they could take some of that center island out.

Board Member DiSalvo stated a couple trees may have to be moved but in the long run I think it would be better.

Chairman Rogan stated I think that is what we were all talking about last time.

Board Member Pierro stated in a perfect world, that's the right way to do it.

Chairman Rogan stated yeah, no really.

Board Member DiSalvo stated okay, then let's fix the mistakes that are there now.

Board Cook stated let's shoot for it.

Board Member Pierro stated let's shoot for it. We understand that it's going to cost them some additional surveying to identify those properties.

Board Member DiSalvo stated the property will flow better too.

Chairman Rogan stated you know, unless.

Rich Williams stated we'll look at what its going to take.

Chairman Rogan stated okay and that is what I thought was being done and I don't necessarily think you should be the one to have to do this.

Rich Williams stated well I don't know that I can do all of it.

Chairman Rogan stated well no, in regards to.

Board Member DiSalvo stated what you should find out is how big of a plow is that the trucks use, you're going to make the road smaller than what the plow is, the plow maybe.

Board Member Pierro stated we're not going to make the road smaller.

Board Member DiSalvo stated right.

Chairman Rogan stated in the end it's probably going to be more frustrating for you but I think this is the kind of stuff that Harry Nichols or Insite should be taking a look at for us.

Rich Williams stated right.

Chairman Rogan stated that is what we said at the meeting.

Board Member Cook stated not Rich, those guys.

Chairman Rogan stated I'm not saying you won't do a better job than they would but I'm saying that in terms of the fiscal constraints that everybody has been talking about. Us directing Harry or whoever was at the meeting representing, I thought Harry and Insite were there, I thought that was the direction that we had.

Rich Williams stated nobody else came back with it.

Chairman Rogan stated okay, so then, we are on the agenda because we have this thing not because of that but we are not moving forward until we get that.

Board Member DiSalvo stated right.

Rich Williams stated you're on the agenda because you've got a wetlands watercourse permit. Insite submitted documentation addressing the Board's concerns about moving that pond around.

Chairman Rogan stated which was one of the issues that Teddy had brought up from day one.

Board Member Pierro stated right, from day one.

Rich Williams stated that is what prompted it.

Chairman Rogan stated okay, all right.

Rich Williams stated and that is when I started looking at what other outstanding issues there were and that is when I did what I did.

Chairman Rogan stated okay.

Ms. Larkin stated can I ask a question.

Chairman Rogan stated sure.

Ms. Larkin stated is there a way to move the dedication issue to a later phase to final site plan approval or to one of the other permits.

Rich Williams stated there really isn't a later phase.

Ms. Larkin stated can we tie in, we are not approved when we get the wetlands permit.

Rich Williams stated you get the wetlands permit, I issue the erosion control permit which is pro quo, you have an adequate erosion control plan, I can't hold it up, its an administrative act.

Chairman Rogan stated so from this Board the process is done.

Rich Williams stated and that is it.

Chairman Rogan stated that's it.

Board Member Pierro stated that's it, so we.

Ms. Larkin stated once we get the wetland.

Board Member Pierro stated so we have to do this now.

Chairman Rogan stated that is the whole.

Ms. Larkin stated who does the site plan approval.

Board Member Pierro stated we do.

Ms. Larkin stated so that's later though.

Rich Williams stated no, there is, this is a subdivision plat, the subdivision plat has already been filed, its done.

Ms. Larkin stated okay, I understand why you're doing it now.

Rich Williams stated it has to be amended somewhat, which is, we use that as a trigger for the erosion control permit because of new regulatory requirements of the city.

Chairman Rogan stated but I can understand your point, if we were doing a full site plan on this, yes it would, you know.

Ms. Larkin stated so the subdivision plat has to amended.

Board Member Pierro stated we would do that.

Chairman Rogan stated no.

Rich Williams stated you need to talk to attorney about the best way to do things.

Ms. Larkin stated I appreciate that, I will but I'm still, if you can bear with my ignorance, I am just trying to get a handle on where I should be going. So with respect to the dedication, who do I need to get moving in what direction.

Rich Williams stated the first direction you are going to need is to figure out the appropriate mechanism to address that, the second.

Ms. Larkin stated the legal mechanism toward the offering.

Rich Williams stated the second thing we are going to need to take a look at are the loop roads and the ability to break them out on their own separate lot or as part of the road lot and then to make sure that they are designed wide enough and you know, we are not going to have a problem with the parking out there.

Ms. Larkin stated I know Harry and I talked about that a little bit so I know Harry has (inaudible). So I'll go to Harry.

Rich Williams stated okay then.

Chairman Rogan stated I'm glad Harry has discussed it.

Board Member Pierro stated we don't need to take the parking spots, we don't need to take the common parking spots, we just need to widen that loop road a little bit.

Board Member DiSalvo stated right.

Chairman Rogan stated we don't even know, nobody has given us any info to indicate that.

Board Member Pierro stated I don't think its that difficult.

Chairman Rogan stated I can appreciate people saying you know, we are going to have a dedicated road at some point but still have to hire people to plow this little loop de loop.

Board Member DiSalvo stated that's not right.

Chairman Rogan stated no.

Board Member Pierro stated they are paying plenty of taxes in there.

Chairman Rogan stated I don't know.

Rich Williams stated I plow my driveway.

Board Member Pierro stated right.

Chairman Rogan stated and I do too but okay.

Board Member Pierro stated okay.

Chairman Rogan stated Charlie, you were.

Board Member Cook stated you were also going to give us an action plan, written action plan relative to the issue raised on the water plant capacity.

Ms. Larkin stated is that what you're talking about with Mike Budzinski.

Rich Williams stated I thought I was calling Mike Budzinski just to alert him.

Board Member Cook stated and the emergency generator and then, I guess we addressed the retention pond.

Chairman Rogan stated I'm going to say this, I said it at the meeting but I know for a fact again that there is no requirement to have a back up generator on these water plants. There is a requirement, a new requirement to have a transfer switch installed and a contract in place with a rental agency, this is the bare minimum, this is what the Board of Health backed off too, they were trying to get full generator capability for every water plant or water operation.

Board Member Cook stated does this site have that.

Chairman Rogan stated this site, if it was operating properly has more, would have more, what it sounds like is the equipment doesn't work properly but if it were working properly, it sounds like it would have more than the requirement. Board of Health basically backed down and said, we'll require a transfer switch, you know what a transfer switch, being able to have the back up capability and then backed off on having actually the generator because in some cases it looked like it was going to be forty of fifty thousand dollars.

Board Member Pierro stated right.

Chairman Rogan stated it was just too much of a burden.

Board Member Pierro stated but if they need it in a dire emergency, they have a contract in place where they can call a handy rent all whose already got the.

Chairman Rogan stated yup, call and get a 15,000 watt generator.

Board Member Pierro stated yeah, he's already got the equipment ready to go.

Board Member Cook stated now is it an issue for this Board that this is not in place.

Chairman Rogan stated the issue really for the Board has been, is the water supply capable of handling the increased use.

Rich Williams stated (inaudible – too far from microphone).

Chairman Rogan stated yeah, can the water supply handle the increased use, the generator portion of everything, they were going to look into and the Health Department was going to review, I'm assuming but.

Board Member Cook stated but again these are issues that were raised that we said that we wanted.

Chairman Rogan stated we said we would do what is in the purview of this Board.

Board Member Cook stated yeah.

Chairman Rogan stated right.

Board Member Cook stated yes.

Chairman Rogan stated so if there is an issue of whether, if there is something that is not even required by Health Code, I think we would probably be hard pressed to push that they have 20,000 watt generator to be able to.

Board Member Pierro stated but water quantity and water quality is well within this Board's review, that they can provide it.

Chairman Rogan stated oh sure we need to know that the existing infrastructure can support what they are proposing.

Board Member Pierro stated and in doing that or in doing the necessary repairs to get it that way, they choose to put the knife switch in, the generator transfer switch in, all well and good.

Board Member Cook stated I guess that is what I thought, that you were going to give us something in writing to say all this that the.

Ms. Larkin stated to say what, that it is okay or not okay.

Board Member Pierro stated well Budzinski has to do that.

Ms. Larkin stated yeah, I'm not the engineer, so.

Board Member Cook stated well you represent the applicant.

Chairman Rogan stated just so we're clear.

Ms. Larkin stated okay.

Chairman Rogan stated I think what we are looking for, is we were looking for some direction from the Health Department as to the current status of the on site.

Ms. Larkin stated right.

Chairman Rogan stated and we need to know taking that information, Harry needs to take a look at what the current use is, what the proposed use is and assure us that the system will handle.

Ms. Larkin stated so Harry can do this.

Chairman Rogan stated he's an engineer.

Rich Williams stated he's already done this at a meeting, he has already said, it's been designed and its functioning properly, he said that at a meeting.

Chairman Rogan stated but we've been told its not functioning properly, actually I know from.

Rich Williams stated which is why I was calling Mike Budzinski.

Chairman Rogan stated yeah.

Board Member DiSalvo stated those house have water meters, individual meters or it just comes off the main meter, how much consumption is there.

Board Member Pierro stated I don't think they have meters there, I think its just direct.

Chairman Rogan stated just use what you want.

Board Member DiSalvo stated its direct they can track how many gallons are used a day throughout the whole place.

Board Member Pierro stated probably not.

Chairman Rogan stated maybe on the plant itself.

Board Member Pierro stated on the general plant.

Board Member DiSalvo stated that is what you need to know because its going to at least be doubled with the new phase, right.

Chairman Rogan stated whatever the increase is.

Board Member DiSalvo stated can it handle it.

Board Member Cook stated what I was saying to you, you not personally.

Ms. Larkin stated well no, I understand what you're saying, I thought Rich was going to talk to Mike, I'm going to talk to him too, if he'll talk to me, I've called him like four times, he never calls me back.

Chairman Rogan stated okay, you got to get him.

Rich Williams stated he's, you know, if he picks up the phone you're good.

Ms. Larkin stated I appreciate that, I don't really expect him to be like that girl called me, you know let me track her down, I just have it in the back, I'll be more aggressive about it.

Rich Williams stated well, like I said, I've got to call over there, I have to set up a meeting on the MS-4 program with Mike, so I have to get in touch at this point, if I have to drive over.

Ms. Larkin stated you'll have me driving behind you.

Chairman Rogan stated okay, anything else anyone has for today on this.

Board Member Pierro stated no.

Chairman Rogan stated no, okay, thank you.

Ms. Larkin stated thank you so much.

6) MARTINS SUBDIVISION – Continued Review

Chairman Rogan stated Martins subdivision; we were on this last time.

Board Member Montesano stated I'm back.

Chairman Rogan stated Mike, you're back. We were on this last time and it was tabled, pulled from the agenda if I'm not mistaken.

Rich Williams stated it was pulled from the agenda because he wanted to get back through the Zoning Board application for the area variances.

Board Member Pierro stated the Zoning process.

Rich Williams stated that has since occurred, the ZBA has issue an area variance. In doing so they felt it was inappropriate to have the fifty foot wide strip going out to Cornwall Hill Road.

Board Member Pierro stated that strip is not identified on this map.

Rich William stated that's right.

Board Member Pierro stated would you show me.

Rich Williams stated well the original fifty foot strip you know kind of came down through here and around, or came down through here and came around.

Board Member Pierro stated that fifty foot strip was going to be dedicated frontage to this.

Rich Williams stated correct.

Board Member Pierro stated so they are saying now that they don't need that and they are just going to use this driveway. Have we researched whether the easement is clear in that regard that they can use that for a new house.

Rich Williams stated its not a new house, it's the existing house. The new house is going to have a new driveway.

Board Member Pierro stated okay.

Rich Williams stated there is no change to the existing use of that driveway.

Board Member Pierro stated so in essence, lot one has no frontage.

Rich Williams stated correct but it has no frontage now.

Chairman Rogan stated yeah it doesn't currently. Well it does, it does in the sense that it has the frontage they are proposing in lot two.

Board Member Pierro stated yeah but once it is subdivided.

Rich Williams stated but our Code defines frontage as where you get your access from.

Chairman Rogan stated where you get your access from.

Rich Williams stated so essentially what we did by approving a subdivision, without bringing the driveway in, was we created a non-conforming lot years ago that that lot no longer requires frontage and Tim and I talked about this at a Planning Board meeting and Tim and I agreed that the lot doesn't have frontage and doesn't need a variance.

Board Member Pierro stated but it has frontage on [Route] 311, through wetlands.

Rich Williams stated it doesn't have frontage anywhere.

Chairman Rogan stated he doesn't have frontage anywhere.

Rich Williams stated wait.

Chairman Rogan stated we have to do a public hearing on this yet.

Rich Williams stated yup and you have to lead agency next, I believe.

Chairman Rogan stated and, perfect timing.

(Side 1 ended – 8:25 p.m.)

The Secretary stated okay.

Chairman Rogan stated is there any concern that the fifty foot right of way they are proposing to access the existing house will be used to try to in the future get a third lot out here. I supposed they could always try it, that is up to but.

Rich Williams stated can always try.

Board Member Pierro stated it's already been turned down once, that would require a 280-A.

Rich Williams stated it depends on how they are coming in with it.

Chairman Rogan stated no, if it had, it would require a variance from insufficient road frontage wouldn't it.

Rich Williams stated again it depends on how they are configuring the lots.

Chairman Rogan stated oh its not, it's a subdivision, I understand okay. Does the, fifty foot right of way, where that comes in, can they make grade with that on this plan to get to the existing house.

Rich Williams stated from Cornwall Hill Road.

Chairman Rogan stated yeah.

Rich Williams stated they've shown us road profiles.

Chairman Rogan stated they have.

Rich Williams stated that have met grade, it was actually two profiles, one at a ten percent, one at a fifteen, so we could compare the disturbance.

Board Member DiSalvo stated (inaudible).

Chairman Rogan stated last question on this that I have, should we find out from, Cornwall Hill Road, who gives driveway permits for that Charlie.

Rich Williams stated no, County.

Chairman Rogan stated County, should we find out whether or not the County would give a driveway cut permit for that location before we create, in other words.

Rich Williams stated you can't, you can give them a conditional approval but you can not sign plat until County has issued their permit.

Chairman Rogan stated so just by showing it on, so just by showing it on, by showing the fifty foot road frontage there, County has to give an approval that they agree with it as a driveway cut area. I'm sorry am I not.

Rich Williams stated that sounded weird, what I'm saying is the general hypothesis is, this is a subdivision at this point.

Chairman Rogan stated right.

Rich Williams stated and you are going to walk through the subdivision.

Chairman Rogan stated I don't mean this driveway, I mean this driveway here.

Rich Williams stated there is no driveway, that's gone.

Chairman Rogan stated yeah but, its, has this changed since, I'm sorry.

Rich Williams stated that is what I'm saying, the ZBA, this fifty foot strip.

Chairman Rogan stated, I'm sorry, I guess I just came to the meeting.

Board Member DiSalvo stated yeah (inaudible).

Rich Williams stated they did not want this fifty foot strip, they made it go away.

Chairman Rogan stated I apologize, okay.

Rich Williams stated this line right now is a set back line.

Chairman Rogan stated got it.

Rich Williams stated a building survey line.

Chairman Rogan stated much of the conversation we've had over the last five minutes was, I was still thinking, I thought this plan was not accurate from what Dave was talking about, I thought we still have fifty foot here.

Rich Williams stated oh no.

Chairman Rogan stated so all my question about can they make grade to get up into here, I was not talking about to this one.

Rich Williams stated oh okay.

Board Member Pierro stated no that's all gone.

Chairman Rogan stated so let me apologize for that and just.

Board Member Pierro stated that is the sole driveway.

Chairman Rogan stated so I'm fine with this and I have no other questions because I knew there was concern about that fifty foot, okay, anybody else have anything that was accurate.

Board Member DiSalvo stated but you were asking in the future if the County would ever approve a driveway over there.

Chairman Rogan stated so its not even being shown on this map so that changes my perspective on this.

Board Member Pierro stated right.

Chairman Rogan stated anybody can come in and say I'd like to do this but when its shown on the plan as its already established we are not taking it away from this lot because its already there, its not even shown on this plat, so.

Board Member Pierro stated right.

Chairman Rogan stated I'm comfortable with this, I don't know about anybody else.

Board Member Pierro stated okay.

Chairman Rogan stated anybody have anything else on this, no, so we need to lead agency, then we'll set a public hearing. South Patterson Business Park.

Rich Williams stated let me interject.

Chairman Rogan stated sorry.

Rich Williams stated there has been a recent court decision that you should all be aware and its something that I've been pressing the Board for a long time. There was a recent court decision which says until the Board has issued a negative SEQRA determination or has done the DEIS that an application is absolutely not complete, so you can't hold the public hearing until you have a complete application. So, we've got to, you know, in just thinking about things, make sure that we follow that process.

Chairman Rogan stated okay.

Board Member DiSalvo stated we are doing lead agency, SEQRA and then we can set the public hearing, all in one night.

Rich Williams stated and then you set the public hearing.

Chairman Rogan stated you know, the problem with the process, the way I see it is the public hearings are all too often so late in the process that everybody has invested so much time in it that people bring up comments and you are trying to say well we've already considered that. And in essence there is nothing we can do because we've already done a negative dec, say.

Board Member DiSalvo stated it doesn't give the people (inaudible).

Chairman Rogan stated does the process preclude us from having a public hearing, earlier in the process and then still having one at a certain point on certain projects.

Rich Williams stated we would have to amend our subdivision code to allow for a three part subdivision review process essentially and other towns do, do this. You do concept review and generally they don't have a public hearing but you can do a concept review and have a public hearing with that and then do a preliminary final.

Board Member DiSalvo stated and they would have to be notified.

Board Member Cook stated we could just hold the public hearing open, right.

Chairman Rogan stated no, well no, you get the preliminary comments and then, you can't hold a public hearing open for some of these projects could go on for years before they get ready for the final before they get ready for another public hearing. You know, on the larger projects, we do have multiple public hearings but I'm thinking back to Couch Road, we had two public hearings on that one but some of the comments that came up from the second one, those people weren't at the first, they were notified but, and I'm not saying we can control who shows up and who doesn't show up but.

Board Member DiSalvo stated they brought up good points that we didn't even think about at the first public hearing.

Chairman Rogan stated you know even, I'm thinking even commercial projects, even though they seem so obvious to us, look at the, what's, maybe that's, what's the Panino Deli one.

The Secretary stated Rimaldi.

Chairman Rogan stated Rimaldi, to us it seems like hey, there's not a lot going on there, have a public hearing early on in the process. To say hey, to whoever is concerned, here is what's going on, here is the intent we are in the beginning stages what do you think, I don't know, I'm just throwing it out there but.

Board Member Montesano stated well if you have the public hearing like that, does it give time for people to really realize that a project is going on and are we going to get faulted. Unless we change the code, where we can have that second hearing, of pushing a project by closing the public out at the beginning, rather than letting the process go so you can, because of any changes, you have to have another public hearing because there might be a change or can we accept the change without another public hearing.

Rich William stated Shawn, I understand your concerns but this is the way New York State statutes lay out the process and they contemplate that once you had the public hearing that plan is going to be relatively complete and in a very short time, sixty-two days, you have to issue a final determination.

Chairman Rogan stated that is exactly my problem with the public hearing being where it is.

Board Member DiSalvo stated yeah.

Rich Williams stated I hear what you're saying.

Board Member DiSalvo stated people feel like it's a done deal already, why even bother going.

Chairman Rogan stated you're asking me now, you have to approve the thing within sixty-two days or deny, so I've got to come up with something so compelling, you know, or it's just minimal stuff that we can change, it's just something on a plan but. Believe me, I appreciate where you are coming from on this Rich but having some kind of public input.

Rich Williams stated it cuts both ways too, I mean you have it early on in the process and you make all these changes and then people are upset because it's not the same project that you had the public hearing on, so it's always a difficult wall.

Board Member Pierro stated I understand what you're saying but I have great concerns over extending the process even longer and it may happen with multiple public hearings, that is my only other concern.

Chairman Rogan stated I appreciate that also but I don't see it as extending the process because early, like right now, if we had this coming meeting a concept plan on Rimaldi, is that slowing down the process. We don't even have anything new on them, they're not on the agenda.

Board Member Pierro stated but the costs associated with an additional public hearing to our applicants is, our applicants are.

Chairman Rogan stated sending out green cards.

Board Member Pierro stated yeah, our applicants are, they are paying five hundred dollars for an engineer to come to another public hearing.

Chairman Rogan stated yeah, true.

Board Member Pierro stated we are spending a lot of money, people are spending a lot money, that is one of the bitches with doing business with the Town of Patterson.

Rich Williams stated I'll make a suggestion for you, maybe the real problem here isn't that people aren't given the chance to have the public hearing, they are just not aware of the project until its too late.

Board Member DiSalvo stated right.

Rich Williams stated because they can always come in and look at the plans, they can always come to the meetings, they can always submit written comments and maybe we need to change the process that when an application comes in. As soon as it comes in or as soon as the Board determines that it is reasonably complete and starts the real process.

Board Member Pierro stated that application is complete.

Chairman Rogan stated we are going to have to notify them anyway, send it out then.

Rich Williams stated well we do a separate notice that everybody within five hundred feet that you know; there is a project before the Town.

Board Member DiSalvo stated the Town would do it, not the engineer.

Chairman Rogan stated I'll tell you.

Board Member Pierro stated that sounds good.

Rich Williams stated that is something that everybody has to wrestle with, I mean its, if we do it, its certainly an expense.

Board Member DiSalvo stated are we talking certified mail.

Chairman Rogan stated what if we do it, what if we just do it by regular mail, we talk to the judge about this all the time at the Health Department, regular mail, if you send out regular mail and it doesn't come back to you, that is considered served. We do regular and certified but even he'll say, regular, it didn't come back to you, consider it served. This is something we are talking about being something to let people know what's going on.

Board Member DiSalvo stated I run into a lot of people, they say what's going on, what's new.

Chairman Rogan stated yeah.

Board Member DiSalvo stated and I'll just like go over the agenda and I'll say, you have to come by, our agendas are posted downstairs in that glass enclosed case.

Board Member DiSalvo stated so people know.

Chairman Rogan stated yeah but that doesn't say a whole lot though, Rimaldi Site Plan, and what the hell does that mean.

Rich Williams stated the.

Board Member DiSalvo stated I always thought about putting the locations under the titles, you know when people come to the meetings, they don't know where this property is and we never refer to as far as an address when we speak about a project.

Chairman Rogan stated I'm not saying we have to resolve any of this tonight, just to have the conversation.

Rich Williams stated look Maria, I'm sorry, not the agendas the public hearing notices, the public hearing notices, not the agendas.

The Secretary stated yes.

Board Member Pierro stated okay.

Rich Williams stated the agendas we are trying to get better about getting them up online, I'm trying to get better about getting them up online.

Board Member DiSalvo stated I think if we put the address down on some of them, even in the audience people that come in just to see what's going on, they don't know where this property is, people (inaudible) everyone is talking to one another and then it gets noisy in there.

Board Member Cook stated there are times when we're not sure.

Chairman Rogan stated it happens to me all the time.

Board Member DiSalvo stated South Patterson Business Park, where is this one again.

Chairman Rogan stated yeah.

Board Member Cook stated where is that property.

Chairman Rogan stated yeah, you're right.

Board Member DiSalvo stated you have to look at the tax map.

Chairman Rogan stated Teddy, do you have any feelings on this whole thing.

Rich Williams stated Shawn, the review memos I do, all have the address on it, so.

Ted Kozlowski stated you know, I've seen in Brewster, Southeast, they post a sign up on the property.

Rich Williams stated we do that too but that doesn't happen until just before the public hearing.

Chairman Rogan stated right.

Ted Kozlowski stated early on you can.

Board Member DiSalvo stated like guess whose coming to dinner.

Rich Williams stated why I put it where I did in the process is because its an expense to the applicants and I didn't feel that it was really appropriate to make them incur that expense on projects that you know were conceptual in nature and may not go forward. Once we got to a public hearing, we have some reasonable assurance that this project is going to forward so that is why I put it where I did in the process.

Board Member Pierro stated can we put a generic, can't the Town have a couple of generic signs made up that we can get permission to install at our leisure on the property.

Rich Williams stated well you know private property.

Chairman Rogan stated well yeah.

Board Member Pierro stated we have to get permission, like we get permission to do a site walk.

Chairman Rogan stated that would be part of applying, the application would have to say something in there to give that type of authority.

Board Member Montesano stated if you do that.

Board Member Pierro stated right.

Ted Kozlowski stated there is always that, I'm not taking sides here but there is always that discussion.

Chairman Rogan stated I hate these signs.

Ted Kozlowski stated that who are we serving, the town or the developer; you can make the argument that it is a cost to the developer.

Board Member Pierro stated right.

Chairman Rogan stated we are always talking about.

Ted Kozlowski stated but who are we working for.

Board Member DiSalvo stated I like this idea of the Town, regular mail, sending it out.

Board Member Montesano stated if you put those signs on property, who is going to responsible for people walking on the property.

Board Member Cook stated once that application comes in (inaudible).

Board Member Pierro stated Ted.

Chairman Rogan stated and I'm not talking about every single application obviously.

Board Member Pierro stated you think in spite.

Chairman Rogan stated we are not talking about sign applications; we're not talking maybe fill permits.

Board Member DiSalvo stated no.

Chairman Rogan stated we're talking about subdivisions, commercial projects, these you know, these major projects which aren't.

Ted Kozlowski stated we're not talking about the average Joe, we are talking about the warehouse, that is going up, D'Ottavio's warehouse.

Chairman Rogan stated right.

Ted Kozlowski stated a lot of people are asking me what the hell is going on.

Board Member DiSalvo stated nothing is going on there.

Ted Kozlowski stated it's a big hole in the woods now.

Chairman Rogan stated yeah.

Ted Kozlowski stated again, who are we working for.

Board Member Pierro stated there is a symbiotic relationship between the developer and the ability of the people in this community to live here.

Ted Kozlowski stated I know Dave but who.

Board Member Pierro stated I'm not, I don't lay over backwards for a developer going through a project.

Ted Kozlowski stated right.

Board Member Pierro stated but I also understand that the people in this community also deserve to have a tax base, a commercial tax, mainly in the right locations, properly constructed that will tax dollars.

Ted Kozlowski stated I'm not saying otherwise but.

Board Member Montesano stated I still want to know who is going to be liable when the people stop.

Board Member Cook stated we are going on different strata here; all Shawn is bringing up is to notify people and if something comes in like this or these. When it first comes in, that a notice goes out, whether it goes out from Michelle's desk or from the application just to people in this area, that says this is going to be on the agenda. Not a public hearing, it's the first step.

Board Member Pierro stated god knows these guys have enough work to do with notifications and then you get into a scenario where somebody didn't get a piece of mail and they didn't know about it but if we have a generic sign on a project that we can slam in the ground, you know, early on in the process.

Board Member DiSalvo stated what if the applicant sent it out regular mail.

Chairman Rogan stated I hate those signs, I would go for it but I hate those signs.

Board Member Pierro stated I know, I hate them too.

Board Member Montesano stated one question, you want to put a sign on a piece of property that's not the Town, a private piece of property, now we get permission from the developer to say yeah, you can put the sign up there.

Board Member Pierro stated give the developer the sign, put it up yourself.

Board Member Montesano stated no, if someone stops and walks over and falls over and breaks their leg, is the Town going to accept the responsibility.

Ted Kozlowski stated put it near the road.

Chairman Rogan stated I like what Rich was saying about the general notice, that is like an interim measure between having a conceptual public hearing, having a concept plan public hearing which does cost for having technical staff at the meeting. For having the certified mail sent out, you send out a generic notice that says on this particular property, an application has been presented for, fill in the blank, if you are interested in this project, you may want to check the Town website to know when they will be on the agenda over the next and in the future, there will be a public hearing and if you come to the meetings. Let's face it, we always accept written comment, somebody sends in a letter saying hey I've been at the meetings and this is what I've noticed, we don't not accept it even though the public hearing hasn't been opened yet. At least we are all aware of it, we say hey, you know Joe Smith has a concern that this going to go up forty feet from his house and maybe we should consider that, hopefully we would have considered it anyway.

Ted Kozlowski stated Shawn, the only thing about the letter writing, there are pros and cons for everything.

Chairman Rogan stated absolutely.

Ted Kozlowski stated but the letter writing, what we find, I do stuff like that for my other career but you have renters.

Chairman Rogan stated oh yeah.

Ted Kozlowski stated they don't get the mail, it goes to the property owner who could be in New York City, who is not going to call them, people, you know move, they don't it, whatever so then you run the risk of being criticized.

Chairman Rogan stated you're right.

Ted Kozlowski stated I'm Ted Kozlowski, I've been renting this house, I had no idea, you know, blah,

blah, blah, post the sign, its up, its done, it's a one shot deal, like Dave was saying its done, here it is, you know, you have questions, here is the phone number, Rich Williams, call him.

Chairman Rogan stated I wouldn't say that.

Board Member Pierro stated it will generate the interest and have people and give people the onus to go and look around and find out, go on the website and find out what is going on.

Chairman Rogan stated yeah.

Board Member DiSalvo stated so how big can those signs be without.

Board Member Pierro stated the same size as the ones they put up now.

Board Member DiSalvo stated the site plan signs.

Board Member Pierro stated get a couple of them, five or six of them made, and we'll slam them into the ground on site walk, if we get permission.

Ted Kozlowski stated shouldn't it just be part of the.

Chairman Rogan stated that's part of the, have them put it up.

Rich Williams stated you can.

Board Member Pierro stated it may.

Chairman Rogan stated anything we do, first of all, we all should just know that no good deed goes unpunished, like you said. You are going to try and do something good and there are going to be people that aren't happy, we can try one tact and see if it works for a year or two, the beauty of it is, if it doesn't work you don't have to do it or change it.

Board Member DiSalvo stated let Panino be the guinea pig.

Board Member Pierro stated I resemble that remark.

Ted Kozlowski stated I think you have to draw a threshold of who gets a sign and who doesn't.

Chairman Rogan stated yeah, you're right.

Rich Williams stated well if we are doing signs, there is an expense to get the signs made up, there are some other things that certainly, we are going to have to approach the Town Board on it.

Chairman Rogan stated approach the Town Board, yeah.

Board Member Montesano stated maybe we can borrow the sign from the school district.

Chairman Rogan stated yeah but you know, under the aspics of this whole transparency and open government that is a small price to pay to keep people involved in a process.

Ted Kozlowski stated I was looking at this here, McMurray fill permit, you going to post a sign.

Chairman Rogan stated no.

Ted Kozlowski stated North County Homes, are you going to post a sign.

Board Member Pierro stated no, there are no cars going by.

Ted Kozlowski stated Watchtower, are you going to put a sign at Watchtower.

Board Member DiSalvo stated that is a waiver.

Chairman Rogan stated that's a good point thought, its all things to consider.

Board Member DiSalvo stated Meadowbrook, that is a major event there.

Ted Kozlowski stated Meadowbrook are we going to post a sign.

Chairman Rogan stated they already know, they've all been here.

Ted Kozlowski stated yeah but where do you.

Chairman Rogan stated yeah you're right.

Ted Kozlowski stated Martins Subdivision, there is one I could say post a sign.

Chairman Rogan stated yeah.

Ted Kozlowski stated because they are going to develop a piece of ground now, you are going to put three new homes.

Board Member Montesano stated one new home.

Ted Kozlowski stated one, I don't know, Dave, I'm just.

Chairman Rogan stated well let me ask a question, going back to what I said originally, a concept public hearing. Is it something that the Planning Board can use the discretion to say that this is project that we feel we should have a concept for whatever reason. If it's Watchtower, its in the middle of no where.

Board Member DiSalvo stated I would say Guiding Eyes would be an example for a concept.

Chairman Rogan stated look, it, you know, it maybe doesn't warrant it.

Rich Williams stated we would write, you know if that is your concern, we would re-write the code to allow for a concept review, we would make it mandatory and then give the Planning Board the ability to waive that.

Chairman Rogan stated discretionary authority.

Board Member Pierro stated like Watchtower, I don't think like the waiver we just did requires a sign but if they come in with another 65,000 square foot building that is a different story, its coming.

Chairman Rogan stated clearly and I like that discretionary authority, as long as everybody can state why we are doing an action.

Board Member Pierro stated right.

Chairman Rogan stated it's reasonable.

Board Member Pierro stated right.

Chairman Rogan stated it's either reasonable or it's not reasonable but somebody will always find fault with it but they are going to find fault with us anyway.

Board Member Pierro stated right.

Chairman Rogan stated but I'm thinking about Joe Buschynski is one of the most mild mannered guys you will ever meet, standing there as Charlie had said, red in the face after while with this public hearing because these people are livid about stuff and they are concerned and it really is the eleventh hour.

Board Member Montesano stated right.

Chairman Rogan stated we are basically; we're approving that that night.

Board Member Pierro stated right.

Chairman Rogan stated don't you think that, other than us hearing them and really being you know, letting them know that we were really listening to them, what can we do, it had to be something really, really significant to say look, we spent a lot of time on this process, the applicant I thought has done a great job of hearing us, these people must have walked away saying hey, they asked for comment and they approved it five minutes later.

Board Member Pierro stated right.

Chairman Rogan stated how does that make people feel.

Board Member Cook stated the comments weren't the types of comments to change the application, you know what I'm saying.

Chairman Rogan stated not in this case.

Board Member Cook stated right.

Chairman Rogan stated right.

Board Member Cook stated if something comes up.

Chairman Rogan stated you're right, we'd stop.

Board Member DiSalvo stated (inaudible).

Board Member Cook stated they ask a question that points to the site plan and says what's not on here are these wetlands or whatever it might be.

Chairman Rogan stated right.

Board Member Cook stated then that is a flag that says don't approve it tonight but you know, speeding on the road.

Chairman Rogan stated right.

Board Member Cook stated after that meeting I drove the road, there is a thirty mile an hour sign at each end, nothing in the middle okay, so.

Ted Kozlowski stated name one road they don't speed on.

Chairman Rogan stated that crazy but.

Board Member Cook stated that is all the road.

Chairman Rogan stated and the one guy the neighboring property owner about the slope off that corner, he just went on and on and on and it was you know, we'll deal with that, when he comes in with application, we're going to be looking at a ski slope and you know.

Rich Williams stated you know I took another look at the drainage and (inaudible).

Chairman Rogan stated no and I agree with that, water isn't going to flow up hill.

Board Member Pierro stated because it was up hill.

Chairman Rogan stated let's just, everybody just kind of think about this for the next month or two, let's not do anything right now, we've had a lot of great discussion.

Board Member Pierro stated right.

Chairman Rogan stated let's just kind of keep it in the back of our minds, maybe two months from now.

Rich Williams stated do you want it on the agenda for the next work session or the next meeting.

Board Member Pierro stated the next work session.

Chairman Rogan stated the next work session, to keep mulling it over.

Board Member Pierro stated right.

Chairman Rogan stated because I think some more ideas will come out, we may decide not to do anything, maybe let's keep kicking it around.

Board Member Pierro stated let's shuffle papers all at once, one three, while we're not talking.

7) SOUTH PATTERSON BUSINESS PARK WEST – Continued Site Plan Review

Chairman Rogan stated South Patterson Business Park West.

Board Member Pierro stated okay.

Chairman Rogan stated all right, okay.

Rich Williams stated South Patterson Business Park has resubmitted plans, they have also submitted architectural for the Board's review.

Board Member Pierro stated my only concern was the.

Rich Williams stated they did not address the issue about the, well let me say this, they did not widen the driveway in response to the Board's concern, their response is to show that the driveway has adequate turning radius.

Board Member Pierro stated so I guess we have to wait.

Rich Williams stated and if you look, there is a nice little picture with a truck on it shows, it is readily apparent that the truck does have turning radius as long as there is no snow piled on the edge.

Board Member Pierro stated yeah but how do they in that position Rich.

Rich Williams stated they would have to go down and turn around and come back up.

Board Member Pierro stated and if that parking lot is, oh and this is a gravel.

Rich Williams stated yes.

Board Member Pierro stated why is gravel.

Rich Williams stated I would imagine.

Chairman Rogan stated reduce stormwater.

Rich Williams stated and I haven't really deviled into this review but I notice on the existing plans, that they are showing areas of disturbance within a wetland buffer on this plan.

Board Member Pierro stated oh okay.

Rich Williams stated so that may be why.

Board Member Pierro stated initially.

Ted Kozlowski stated they are going that far back.

Rich Williams stated I haven't gotten that far into it.

Board Member Pierro stated initially we thought they were not impacting the wetlands.

Ted Kozlowski stated they were a ways away, now their in.

Rich Williams stated yeah, I don't know, again I haven't gotten that far in.

Board Member Pierro stated well its still within the area where the SSDS is.

Rich Williams stated yeah, I don't know, on the existing, on the existing plan, on the existing site plan, they are showing an area of disturbance but they are not showing the buildings or anything else.

Chairman Rogan stated yeah.

Rich Williams stated see they have this area of disturbance coming all the way back here.

Board Member Pierro stated right.

Rich Williams stated here is the wetland like this, here is the DEC buffer. I don't know why they are showing this, I haven't gotten that far.

Board Member Montesano stated (inaudible), using this because there is an existing wall.

Board Member Pierro stated so we're talking about coming in from a main road and coming around on the gravel or coming around through the parking lot, going around those cars backing out, the spaces during lunch and then jacking the truck in here. I guess it works, we had a nice plan for something like that but that might.

Chairman Rogan stated wait.

Board Member Pierro stated that might put them in the side yard set back.

Chairman Rogan stated let's find out.

Board Member Pierro stated because I liked this much better coming in.

Chairman Rogan stated yeah can't, even just; right here they don't have the ability.

Board Member Pierro stated they don't show it.

Ted Kozlowski stated Rich, they show it 300 feet away.

Chairman Rogan stated they cut out this.

Rich Williams stated what.

Ted Kozlowski stated they show it 300 feet away.

Board Member Pierro stated they would have all the room in the world, move this back.

Rich Williams stated what is shown 300 feet away, are you talking about the DEC buffer.

Ted Kozlowski stated whatever it is.

Rich Williams stated it's the DEC buffer, yeah.

Chairman Rogan stated you have more (inaudible).

Board Member Montesano stated the warehouse here.

Board Member Pierro stated come in, change lanes, pull in here and back it in, this one may be a little tougher but.

Rich Williams stated you're looking at the drainage plans.

Ted Kozlowski stated right, but here's.

Rich Williams stated because on the existing plans, they are showing a boxed area as an area of disturbance where the buffer is going through the area of disturbance, that is what it says. It doesn't have a building, it doesn't have any of the improvements on it, its just the box showing the area where they are proposing to disturb, its pushed all the way back.

Board Member Montesano stated do we need all this parking area.

Rich Williams stated and until I get into figuring out why they are doing that.

Chairman Rogan stated good question.

Ted Kozlowski stated the topo doesn't change.

Rich Williams stated yeah, I don't know, I'm just saying.

Board Member Montesano stated cut this out, make this whole thing nice and flowery and trees and pretty and put everything right there.

Board Member Pierro stated do they require all this; you haven't looked at the plan.

Rich Williams stated require all the way, parking.

Board Member Pierro stated all the parking that they have.

Rich Williams stated yeah probably.

Board Member Montesano stated how big is this, what are we going to have everybody standing.

Board Member DiSalvo stated where are they going to have trailer parking other than by the loading docks.

Rich Williams stated here is the box, it goes like this.

Chairman Rogan stated they unload.

Board Member DiSalvo stated there's a back up.

Rich Williams stated all right, here is the wetland, here is the DEC buffer.

Board Member DiSalvo stated snow storm in, they were all backed up here and can't get out of the driveway.

Rich Williams stated I don't know why they did this, maybe this is just a mistake. I have to look at it.

Ted Kozlowski stated I don't know, when you look at this, it came out.

Board Member Pierro stated is this the DEC buffer, this black line.

Chairman Rogan stated no, that's the zoning district.

Ted Kozlowski stated approximate location of zoning district boundary lines.

Board Member Pierro stated oh.

Rich Williams stated which is way forward of those wetland boundary lines, so I don't know.

Board Member Pierro stated okay, you'll find out more on this this week.

Ted Kozlowski stated are they coming in, they are coming in, so let's ask them.

Chairman Rogan stated okay.

Board Member Cook stated from a building point of view, could we, this is next to, one way or another the Rimaldi property, right.

Board Member DiSalvo stated right.

Board Member Pierro stated down the hill.

Board Member DiSalvo stated is this what's going to look like.

Rich Williams stated two properties up, two north.

Board Member Cook stated two up, we should introduce them to one another and as far as the design of the buildings.

Chairman Rogan stated they've got two big buildings between them plus that residence.

Board Member Pierro stated that stone building.

Board Member DiSalvo stated who knows, that may come down eventually.

Chairman Rogan stated they are separated quite a bit.

Board Member Montesano stated they have those big boxes there, one is supposed to be rug and one is supposed to be.

Chairman Rogan stated okay, anything else tonight on South Patterson.

Board Member Pierro stated no.

8) GUIDING EYES FOR THE BLIND – Initial Site Plan Application

Chairman Rogan stated Guiding Eyes for the Blind, we did a site walk, its no wonder why they had complaints about the off site lighting because there are at least four different unshielded, fluorescent lights out there. I drive by it at night, there are two on the right side, two on the front, they have to be taken care of we obviously identified a number of issues on the site walk, especially leaving the site trying to get out of there.

Rich Williams stated was that a problem.

Chairman Rogan stated it was hilarious. We had a pedestrian walking down the center of the road creating all kinds of chaos.

Board Member Pierro stated yes it was.

Board Member Cook stated it was timely.

Chairman Rogan stated it was, you're right.

Rich Williams stated and I have independently confirmed that periodically tractor trailers have been backing up that driveway.

Chairman Rogan stated so we have to resolve that.

Rich Williams stated so they are looking at what they can do as far as re-aligning that driveway, recognizing that they've got some issues with DEP and their regulations and the stream that goes through there.

Chairman Rogan stated yup, okay, anything else on Guiding Eyes for tonight.

9) **PATTERSON CROSSING RETAIL CENTER – Continued Site Plan Review**

Chairman Rogan stated Patterson Crossing, new information, they got through Zoning, as everybody is away, pending litigation but that doesn't stop our process. Rich have you had a chance to look at anything of Patterson Crossing.

Rich Williams stated I haven't had a chance to get into that very much at all.

Chairman Rogan stated all right.

Rich Williams stated they do have the architectural drawings with this set of plans.

Board Member DiSalvo stated they're in color too.

Rich Williams stated yeah.

Chairman Rogan stated yeah, make this Patterson Crossing a priority in terms of where we are in the process with this over, maybe over some of the other things, if you would please. Make sure it gets a thorough review and you're on your tippy toes.

Board Member Pierro stated you're on you're a game.

Chairman Rogan stated you're a game.

Rich Williams stated I'm always on my A game.

Board Member Pierro stated not talking about you Rich, talking about everybody else in the room.

Chairman Rogan stated oh, never mind, its not important.

Board Member DiSalvo stated do they know which stores are going to be in which buildings.

Board Member Montesano stated yeah the one with the roof on it, the gray roof.

Rich Williams stated they had initially when they came in with the DEIS indicated one would be a home improvement and wholesale.

Board Member Pierro stated wholesale foods.

Chairman Rogan stated at one time they had identified the retailers, not all of them but a couple of them.

Board Member Montesano stated those same retailers are closing stores, not opening them.

Board Member DiSalvo stated its looks like more box store than all the others.

Board Member Pierro stated location, location, location.

Chairman Rogan stated tell you one thing the architectural drawings though don't give the impression of box store or.

Board Member Pierro stated box at all.

Chairman Rogan stated I think the architectural are pretty interesting.

Board Member Pierro stated from what I read in the newspapers, the emergency access road is certainly a bone of contention with one of the homeowners there.

Board Member Montesano stated it can be whatever they want, that's why they have court. Is that the same owner that was very upset that the woman promised him the property and sold it to somebody else.

Board Member Pierro stated not me.

Board Member DiSalvo stated it almost looks like clock tower.

Board Member Montesano stated does it have a clock in it.

Chairman Rogan stated right in the center.

Board Member Montesano stated is it going to work.

Board Member DiSalvo stated it almost looks like a lighthouse, like a Cape Cod lighthouse.

Chairman Rogan stated I mean Clock Tower Commons.

Board Member Montesano stated yeah, that annoying little village. They'll have a great place for the birds, if they leave the copulas open, they'll end up with nice falcons.

Board Member DiSalvo stated city pigeons.

Board Member Montesano stated when they were putting up Costco, or Sam's Club or over in that area, it was full of peragin falcons and every other kind of falcon (inaudible). Did you ever look at that, where they put Sam's in, its all part of the Fishkill River and now it will be all buildings.

Rich Williams stated this was the cell tower that was proposed up on Route 311.

Board Member DiSalvo stated we have to talk about that.

Chairman Rogan stated Tractor Supply.

Board Member Pierro stated oh yeah, right I'm sorry, drawing a blank.

Chairman Rogan stated let's bring the meeting back here and either get it over with or continue this conversation because I do feel bad for Michelle with these minutes.

Board Member DiSalvo stated these are probably (inaudible).

Chairman Rogan stated Patterson Crossing, we have architectural, we have engineered plans, and we have something from Insite which has comments back from our comments. Obviously nobody has had a chance to look at them yet so let's take a look at them over the next week.

10) OTHER BUSINESS

a. Code Changes; signs

Chairman Rogan stated under other business, we have Code changes, which is the new revised sign application, ordinance.

Rich Williams stated revised sign.

Chairman Rogan stated everybody take a look at that. Rich, any changes that have been made to this that have been significant in changing the way you apply or is it just clean up type.

Rich Williams stated you mean make an application or significant changes that I've made.

Chairman Rogan stated significant changes that you made that you change what we read.

Rich Williams stated okay, based on Charlie's comments, I separated local retail centers from regional retail centers and gave them their own standards and downsized, within the local retail centers, the volume of signs, the height of signs and such.

Chairman Rogan stated okay.

Board Member DiSalvo stated so now you are suggesting that all these signs come in for sign permits.

Rich Williams stated our Code currently requires all signs.

Board Member DiSalvo stated like number three.

Chairman Rogan stated a real estate sign.

Rich Williams stated um, no, real estate signs are typically, well, what do I have, real estate signs are typically exempt.

Board Member DiSalvo stated it says not more than one year, renewable one year at a time.

Board Member Pierro stated I had one on the.

Board Member DiSalvo stated D'Ottavio.

Board Member Pierro stated no, not on D'Ottavio, I personally had one on East Branch and Haviland Hollow, on the corner.

Board Member Montesano stated East Branch.

Board Member Pierro stated that lot that I sold to FRoGS, it had a real estate sign on the corner with a map of the lot.

Chairman Rogan stated that would be under.

Board Member Pierro stated would that require a permit Rich, less than six square feet.

Rich Williams stated there is another section of the Code that kind of dove tails into this, but it needs to be clearer here.

Board Member DiSalvo stated I mean if we don't have a record of the sign being installed, how can we enforce the time frame on it, as far as not more than one year.

Board Member Pierro stated regular lawn signs for real estate sales.

Board Member DiSalvo stated I'm not talking about those, I'm talking about the big ones.

Board Member Pierro stated that is written here in the Code, set back from the edge of travel, at least twenty feet back from the road, so I may have one in violation on Route 311 now. Except for signs that are advertising such sale or lease, not exceed thirty square feet, not for more than one year.

Board Member Montesano stated every time you put a sign up, you're going to have to come in for a permit.

Board Member DiSalvo stated (inaudible).

Board Member Pierro stated if its over thirty square feet.

Board Member Montesano stated if its over the thirty feet, not coming in and saying you can't go over the thirty square feet, is that what I'm understanding.

Rich Williams stated does that answer, I see that I have to clarify this, this is the way it is currently in the Code, its been there for years. Essentially if you have a sign that is under thirty square feet, you don't need a permit. If you are going to go over thirty square feet, you need a permit, that is how you document that one year.

Board Member DiSalvo stated do we have any signs that are in that time frame.

Board Member Pierro stated the Heelan sign, is that a Heelan sign, right out here on [Route] 311.

Rich Williams stated if the sign is under six square feet, you don't need a permit, if its over six square feet, you need a permit better six and thirty feet, you need a permit and that establishes that one year.

Board Member Montesano stated once you get your approval.

Board Member DiSalvo stated so like the sign at D'Ottavio.

Board Member Pierro stated now except.

Board Member DiSalvo stated they are all like the size of a sheet of plywood, four by eight.

Chairman Rogan stated this sentence, I'm glad you are going to clarify it Rich, we know what you mean, its just not clear it all.

Board Member Pierro stated except that a sign or signs advertising some sale.

Rich Williams stated this is the way it has been in the Code, it just doesn't make sense.

Chairman Rogan stated its not, it's horrible.

Board Member Pierro stated not exceeding thirty square feet in aggregate area may be allowed for a period of not more than one year.

Rich Williams stated right.

Chairman Rogan stated why doesn't it just say, real estate signs less than six feet are exempt, signs between six and thirty.

Rich Williams stated it will.

Board Member DiSalvo stated yeah right.

Chairman Rogan stated signs between six and thirty square feet, you need a permit, you know.

Board Member Montesano stated does it have in there that you should only have one sign per property without a permit.

Chairman Rogan stated per property.

Board Member Montesano stated yeah in other words I can come in there and put a sign here and a sign here and a sign here, as long as I keep it under six square feet, I can put signs up, it doesn't give me a number.

Chairman Rogan stated well that's why it says in aggregate.

Board Member Montesano stated its got to be in there.

Chairman Rogan stated yeah.

Board Member Montesano stated I mean, if you want to put to put two signs up, you come in and get a permit, put two signs up, let's say you have a corner piece of property on two main roads if you'd like to, that's fine.

Chairman Rogan stated too many signs.

Board Member Pierro stated you're telling me a sign less than thirty square feet in aggregate area may be allowed for a year, for not more than a year.

Rich Williams stated right.

Board Member Pierro stated does that require a permit.

Rich Williams stated if the sign, this is the way we've always applied it. if the sign is between six square feet and thirty square feet it needs a permit and you can get a permit to put that sign up for the maximum of one year.

Board Member Pierro stated I don't read it that way.

Board Member DiSalvo stated six feet is not big.

Board Member Pierro stated it says except that a sign.

Rich Williams stated well we all agree that it needs to re-written.

Board Member Pierro stated except that a sign or signs, advertising such sale or lease not exceeding thirty feet in aggregate area may be allowed for a period of not more than one year.

Chairman Rogan stated you're saying without a permit is what it says, right.

Board Member DiSalvo stated you say they do need a permit.

Board Member Montesano stated so parking your truck on the lawn with a sign on it, isn't okay.

Board Member Pierro stated like Heelan over here or the Tractor Supply property, the house next to the Tractor Supply, there is a Heelan sign there, they don't have permit.

Board Member DiSalvo stated Heelan or Purdential.

Board Member Pierro stated sure, so you've not been enforcing it anyway.

Rich Williams stated yes, you are absolutely right, you haven't been enforcing the real estate provisions in our Code.

Board Member Pierro stated but you know what, if you don't enforce it, its not against the law.

Board Member DiSalvo stated as long as you don't get caught.

Board Member Pierro stated if you don't enforce it, then you can't enforce it.

Board Member Cook stated we should sent a note to the Town Board, to direct the Building Inspector to go out and start.

Board Member DiSalvo stated in his travels, you know.

Board Member Cook stated start enforcing.

Chairman Rogan stated let's get a properly written Code first because this Code as it exists, is not clear.

Board Member Cook stated okay, fine.

Board Member Montesano stated and it will get thrown out.

Board Member Cook stated after.

Rich Williams stated with all due respect to everybody here, you're worried about real estate signs.

Board Member Pierro stated I'm not worried about them.

Rich Williams stated we have legitimate businesses in this Town that don't have sign permits, everywhere.

Board Member DiSalvo stated yeah but those are nice looking, some of these real estate signs.

Board Member Cook stated Rich.

Board Member DiSalvo stated they are old.

Board Member Montesano stated they have their picture on it.

Board Member Cook stated I (inaudible) all the signs that do not have a permit, okay, the latest one being on the telephone pole over here that says Chinese food, with a bowl of rice.

Board Member DiSalvo stated I saw that.

Rich Williams stated there is a provision in our code that says you can't hang signs on the telephone poles period.

Board Member DiSalvo stated that's a law, that's actually a state law.

Chairman Rogan stated I think they should, never mind.

Board Member Montesano stated that's a state law.

Board Member Cook stated my point is.

Chairman Rogan stated tag sales.

Board Member Cook stated see to the Senator from.

Board Member Montesano stated you hung it up.

The Secretary stated I put up all the signs on all of the telephone poles.

Board Member Cook stated that once we got the stated finished.

Chairman Rogan stated clarified.

Board Member Cook stated clarified, well it has to be approved by the Town Board, right.

Chairman Rogan stated yeah.

Rich Williams stated yeah.

Board Member Cook stated that they understand, there are concerns, the Building Inspector has to go out, whether in his travels or specifically designates an area, one day a week and goes out and lists the signs and finds out if they have permits or not and if not, tell the folks, get a permit, here is a copy of the new Code, get a permit or [whistles] get rid of the sign.

Chairman Rogan stated did you see in the paper, they just that a couple of weeks ago in Carmel, Mike Carnazza with the Town Supervisor, he went into the Building Inspector and someone else, they has like three pick up truck loads of illegal signs, they just went around, they just collected them.

Board Member DiSalvo stated oh that was.

Chairman Rogan stated it was in the paper.

Board Member Cook stated it's getting worse.

Board Member Montesano stated years ago we used to have a Supervisor of Highways that lived in Town and if you wanted your signs for real estate or otherwise, you went over to the dump, which is now the recycling center, if you were lucky enough to be told, and you could pick them up before they crushed them up and he would be up and down [Route] 311 or [Route] 22 and go because it wasn't according to State and that was one of his erks.

Board Member Cook stated the Town is starting to look shabby.

Board Member DiSalvo stated yeah, that's what its.

Chairman Rogan stated how are you doing.

Dave Raines stated its an election year, I expect (inaudible).

Chairman Rogan stated isn't it an election year ever year.

Board Member Pierro stated did you see the Valentine's Day signs down at the.

Board Member DiSalvo stated at the Castle, I passed it, I didn't know which way to look, I thought I was going to have an accident.

Board Member Pierro stated did you see those.

Chairman Rogan stated where.

Board Member Pierro stated the Castle put up two.

Board Member DiSalvo stated I heard there was a big brawl in there a couple of weeks ago.

Board Member Pierro stated I don't see that place lasting so long.

Chairman Rogan stated okay, so let's read the rest of the sign code and see if anybody else has any other questions for next week, lastly, Fox Run Phase II.

b. Fox Run Phase II

Chairman Rogan stated got anything new on that.

Rich Williams stated they submitted a letter to the Board, outlining what they would be willing to offer.

Chairman Rogan stated we have that, I didn't see it.

Board Member Pierro stated yes, they would be willing to contribute to the pool.

Dave Raines stated if you guys haven't, I urge you to do a little site walk out there and see the horrible conditions that the infrastructure is in.

Chairman Rogan stated its gotten worse.

Board Member DiSalvo stated oh yeah, with the winter and the plowing and everything.

Board Member Montesano stated did they plow.

Dave Raines stated oh its, I was just out there.

Board Member DiSalvo stated there's probably (inaudible).

Dave Raines stated even how they are managing their garbage, their (inaudible) control.

Board Member Pierro stated I have one question.

Board Member Cook stated put that in a memo to us, so if this fellow comes in next week.

Dave Raines stated you know, I stood up and said it on the record at the meeting, the first time this came up.

Chairman Rogan stated yup.

Board Member DiSalvo stated how eroded.

Dave Raines stated this is an absolute travesty based on the fact that they've been crying poverty and infrastructure wise its.

Board Member DiSalvo stated how eroded is the road going up to where the pool is, I mean that's a dirt road.

Dave Raines stated we can always shut that down, that's easy but the parking areas, you know, the, the water is going where it wants to go and every which way.

Board Member DiSalvo stated are they going to work on anymore of those roofs or the retaining walls.

Dave Raines stated the walls, yeah, they are in the process of completing the third, the three worse that I sited.

Board Member DiSalvo stated are there any more.

Dave Raines stated if this thing does move at all forward, I think Rich agrees with me, you guys should take a look for yourselves to see the conditions that are there now.

Board Member DiSalvo stated and its probably over crowded, the parking lot at night, people are home and commercial cars and trucks are still parked there.

Dave Raines stated I mean, yeah, there are quite a few, vans and box trucks and things like that (inaudible).

Board Member DiSalvo stated just over crowded.

Dave Raines stated creating a lot for those things but again, my only question Shawn, at the time was.

Chairman Rogan stated yeah.

Dave Raines stated did you guys, are you guys okay with issuing a permit on the cooling towers for Watchtower.

Chairman Rogan stated we issued it.

Rich Williams stated they did the variance, they did the waiver.

Chairman Rogan stated the waiver.

Rich Williams stated we'll get you a memo tomorrow.

Chairman Rogan stated yup.

Dave Raines stated that's fine, they called me today and I'll call them, as long as I checked with you guys I could have their permit tomorrow, you know.

Chairman Rogan stated a couple of the members of the Board did a site walk and we were fine with it, so yes, we've approved it.

Dave Raines stated they've been a good neighbor to us so.

Chairman Rogan stated I think they've been a great neighbor.

Dave Raines stated so they are stressing out, they are worried about it getting to warm and then their cooling capacity is not going to be, which is legitimate bitch.

Board Member Pierro stated Shawn, you looking for Fox Run.

Chairman Rogan stated yeah.

Board Member Pierro stated here.

Chairman Rogan stated horrible.

Dave Raines stated I'll do a memo tomorrow just indicating a specific, I'll give you five, the top five things that I feel are concerns, of Fox Run.

Board Member Pierro stated top five on the.

Dave Raines stated there are a probably dozens but the tangibles, you know, the roofs are the roofs, they put them on there, they are worse now but I don't think that really is so much an issue as much as you know, the place is just.

Board Member DiSalvo stated some of the steps, they were always kind of wobbly walking down.

Dave Raines stated they've been replacing those as they do the walls.

Board Member Montesano stated are they using the steel studs.

Dave Raines stated yes, steel I beams.

Board Member Montesano stated thank you.

Dave Raines stated (inaudible) yeah but they don't have the geetch to do them all.

Board Member DiSalvo stated where are they going to get the money to do the new section.

Dave Raines stated I'm not worried about building it.

Board Member DiSalvo stated maintain.

Dave Raines stated its going to be maintaining it, they are saying they can't maintain the infrastructure now, what do when (inaudible).

Board Member Pierro stated it's the typical language, you see that all the time, you know.

Dave Raines stated they are going to bring the other ones up (inaudible).

Board Member Pierro stated you know you but us back, we are going to cut back.

Chairman Rogan stated one at a time.

Dave Raines stated I'm sorry, I forgot.

Rich Williams stated but you were talking so.

Board Member Pierro stated I'm sorry, I was being rude.

Dave Raines stated we were, fill me, I got stuck at work, we had a hydrochloric acid spill.

Board Member Montesano stated just in time.

(Side 2 Ended 9:13 p.m.)

Dave Raines stated unless you have questions for me.

Chairman Rogan stated I think everybody had expressed significant concern, when we were out there on a site walk as to the current condition and how the next phase or additional phase would be supported by the infrastructure that exists, number one. Everybody expressed concern over the existing road way, whether or not it could handle an increase in traffic, also bullet Hole Road, an increase in traffic on that road so, we asked them for some supporting information on that, you had done some comparative analysis of single family homes on the four acre lots versus the multi-family concept, I think the Board needs to now take that information and decide which way we are going on this.

Board Member Cook stated if I remember right, I think the applicant was going to provide a traffic study, another type of study for this project.

Rich Williams stated I don't recall him committing to that, it is usually a pretty large undertaking, I can go back and check the minutes but.

Board Member Cook stated I thought it was in something that written that we received from them.

Board Member Pierro stated synopsis, they agree to contribute 50,000 dollars for the pool.

Board Member Montesano stated the road is falling apart, the roofs are falling apart and they are going to give you the money for the pool.

Board Member Pierro stated they are going to do, they are also going to drill a new well, connect it to the existing system.

Rich Williams stated well, let me, you know, because I do manage that water district, simply adding a new well and then connecting it to that water district isn't going to be anywhere near sufficient, there is going to need to be two or three wells and right now the tank is sized for the existing units, remember we re-built that whole system what they want to connect to is not the system that they originally built, we re-built that whole system, based on current design standards with just the existing area.

Board Member Pierro stated right.

Rich Williams stated so the water tank, the water storage tank is not sized sufficiently for the expanded area, now there are a couple of different ways we could go, we would probably re-design the system so that we are using the wells actually for storage and have continuously running pumps providing water and get rid of the tank if we are going to add this in.

Board Member Montesano stated okay.

Rich Williams stated but, I mean, that's also you know.

Board Member Pierro stated that we need to discuss.

Rich Williams stated it's an interesting hurdle to get over because its an existing district, we have to expand the district and then re-design and reconstruct the pump house.

Board Member Pierro stated and they are also talking about redoing the access road.

Chairman Rogan stated top coursing it.

Board Member Pierro stated it will be upgraded to top course and repairs needed to the existing asphalt surface, prior to installing the top course.

Board Member Montesano stated you are going to put a new top course on it.

Board Member Pierro stated he's going to repair it first.

Board Member Montesano stated yeah, well the thing I would like to know is A, how big of a top course are you going to put on there, how thick is that going to be because not you are almost doubling the amount of traffic that they want to put there just to get to the alleged new project.

Board Member Pierro stated that is a question for the applicant.

Board Member Montesano stated I'm just saying.

Rich Williams stated typically top course is an inch and a half to two inches Mike.

Board Member Montesano stated is that going to be sufficient.

Dave Raines stated the skin coat is not going to, you know they are talking a top coat, you put a skin coat down because that is what is cost effective, its not you didn't see.

Rich Williams stated that is after repair.

Dave Raines stated right, when you see the deviation, I mean the deviation of the pavement now is substantial, high traffic areas and again, and I should have probably, I didn't really think it was going to move forward, I really thought but as Charlie requested, I'll put something together tomorrow because I was just out there.

Chairman Rogan stated cool.

Dave Raines stated we had a situation out there, water again, I went out and happened to notice that all the dumpsters were all over flowing, I mean bad, real bad, not just some paper on the ground, I mean couches and things thrown in there, so I met with the new. They got rid of the property, the same company, different property managers, this gentleman is starting from almost ground zero, his answer is we don't have any money, we don't have any money, so I said these are necessities, these aren't nice to haves.

Chairman Rogan stated right.

Board Member Pierro stated who picks up their garbage.

Dave Raines stated I honestly don't know Dave, I don't know who they. They even went into some discussion with the Town.

Rich Williams stated the Town picks the garbage up, they wanted to opt out but the Town won't let them.

Board Member Pierro stated then why are the dumpsters over flowing.

Board Member DiSalvo stated if they are filling.

Chairman Rogan stated they are filling them too quick.

Board Member DiSalvo stated if they are throwing couches and everything in there they shouldn't be doing that.

Rich Williams stated I don't have an answer for that.

Dave Raines stated I didn't realize that, so what does the Town, I know recycling was an issue they were talking about, they wanted to opt out of recycling.

Rich Williams stated they wanted to opt out of everything, I believe.

Dave Raines stated oh okay, that is just one of the, I can't even get them to bring dumpsters that meet the code either, dumpsters with lids. I can't get them to put the fencing back in, all the fences are gone around all those enclosures, parking stops are gone in areas that there is you know, a danger that if a vehicle rolled.

Board Member Montesano stated I noticed that.

Dave Raines stated there is an over population there and quite a few special needs folks, there are no handicap spots marked anymore, I mean, the fencing it down, the lighting is out, these are concerns, those are the top concerns. Like I said, the roofs are the roofs, they are leaking, they are flat roofs, they are membranes, they have been patching and repairing roofs. One of the biggest life safety hazards was at buildings two, four and five were the walls and the last three years, we are on the third wall now. I've been mitigating but.

Board Member DiSalvo stated now that is a project that they homeowners should know that they are planning on building more units.

Rich Williams stated they do.

Board Member DiSalvo stated they do know.

Chairman Rogan stated since this meeting.

Rich Williams stated well.

Chairman Rogan stated this meeting was with the homeowners, the result of this was to talk about and they probably said, you're going to do all this, we want money towards a pool and we want, you know.

Board Member Pierro stated new roads.

Rich Williams stated yeah, I actually went, not too long ago to go meet with the Board of Directors to update them on this project also and I think Dave has talked with them a little bit what is going on.

Dave Raines stated I met with them prior to you and that is why I asked what your meeting was about, the concerns of our meeting is the place is falling apart, what are you going to do about it. I'm not doing anything about it, you know, I'm going to bring it to the attention of the property management, there are life safety issues, we'll address them, they did, we had them in court and they reacted by bringing in an electrician to fixing those problems, bringing in a plumber and fixing the septic, they have on going septic issue. It is getting backed up in many of the sub-grade units, the units in couple of buildings that are sub-grade and the stuff just comes right in, we have it documented, to show the stuff, you just have to pull the files, we only have one main file on Fox Run but there are five or six that are chronically.

Board Member Montesano stated we have no way of stopping this project from continuing because their failure to maintain the first one.

Board Member DiSalvo stated let's not put them on the agenda again until these are addressed.

Board Member Montesano stated no, that is what I'm trying to find out.

Rich Williams stated no, no, it is a whole separate piece of property.

Dave Raines stated right.

Rich Williams stated so you really can't tie one to the other.

Board Member DiSalvo stated but you are going in, the same road is going into it.

Rich Williams stated but the question here Maria, before the Board, is right now, its zoned R-4, he is requesting that the Town re-zone it, this Board needs to make a recommendation if you think its appropriate to have additional multi-family housing out there, if based on what Mr. Raines is saying, you feel that this would only exacerbate the existing problems out there, that certainly is, you know should be conveyed to the Town Board as a reason why you don't think its appropriate to increase the level of multi-family housing in that area.

Dave Raines stated what I'm going to do, I'm going to take it a step further for you, I see this is going to be a critical path here, I'm going to go out and take pictures and put together, photos, hard copies for you, I'll have Michelle help with that and I'll also do a power point, so if you want it, and you know, we could throw it up there and say, here are dated pictures, here are ten pictures, you know of the conditions, this is our concerns and this is how it will affect any additional growth with this. We are not talking about pockets and corners, I'm talking about the main travel areas, I'm talking about lighting that used to be there that is not there, you know and the pool itself, that is a whole separate, you know.

Chairman Rogan stated right.

Dave Raines stated there should be no vehicle traffic up there period and I don't know if we can enforce that, I'm not even sure if that is something that, I would probably have to work with your office because they over see the whole operations to see if I can get that.

Chairman Rogan stated yeah.

Dave Raines stated there is nothing in the Code that says you can't have a goat trail to your pool.

Board Member DiSalvo stated can you get an ambulance up there, if someone is having a heart attack.

Dave Raines stated I can't say you can or you can't but it is probably a concern.

Board Member DiSalvo stated how about the fact that some of the units the occupancy is well over what the units are designed for.

Dave Raines stated and that is very difficult unless someone steps up and says that, just like the Hamlet here, I can't knock on doors obviously, we've gone to less than a dozen in ten years that been over crowded because somebody tapped out, somebody said hey listen, 406 have fifteen people living there, I can go as far as knocking on the door, if they don't let me in, they don't let me. Most of the complaints have come from the Fire Department, the Fire Department will go there on a call, building whatever, they are cooking on a hibachi on the porch or we went into the unit because there was water coming through the ceiling and there were 8 mattresses and it's a one bedroom unit, so, they have the exigency, under the law to just go in there and I can follow up but when they are owner occupied, its difficult.

Chairman Rogan stated it is difficult.

Dave Raines stated it's difficult.

Chairman Rogan stated and the difficult part of this, getting back to what Rich said to Maria, we have to concentrate on the aspects that are like a shared resource here, because Dave could take the best pictures in the world and show that this multi-family, in this case doesn't work. We could use that to say the Town of Patterson doesn't need anymore multi-family because this is what it could become if its not managed properly but when its separate properties they can say, that might be them and we are going to build these brand new facilities and we are going to manage them properly. Field and Forest is a great, same argument.

Dave Raines stated Field and Forest.

Chairman Rogan stated there we are approve additional units, going through an area at the time were really run, not managed very well.

Dave Raines stated if you look at the minutes, both partners said that we are going to put, when the bank gives us money, we are going to address Mr. Raines' and Mr. Piazza's concerns, you know, yada, yada.

Chairman Rogan stated right.

Dave Raines stated we laid them out, not that there are any guarantees.

Chairman Rogan stated yeah, right.

Dave Raines stated other then we violate them again when its all over and we say you still didn't fix the stairs and the lighting and siding and the.

Board Member DiSalvo stated yeah but Fox Run is talking hundred of people.

Chairman Rogan stated right.

Board Member DiSalvo stated in a tight area.

Board Member Cook stated its much because its separate properties, this whole interlocks.

Chairman Rogan stated yeah, you're right.

Board Member Pierro stated its supported by common fees.

Chairman Rogan stated we need to just make sure that we have the information that we've already collected, the information that Dave is going to provide and we have a clear conversation that if we make a judgment one way or another, we articulate that, so that we cover the Town, do what we are supposed to do, make sure that we do it in a way that you know that is dependable.

Board Member Pierro stated my only concern, my real concern is that this place isn't going to get any better, if they don't have a massive influx of cash and if they don't and helping it with individual additional common fees might be advantageous to them.

Rich Williams stated that is not the way its going to work Dave, this is a separate piece of property, the new units, may end up participating in the overall.

Board Member Pierro stated right.

Rich Williams stated but you are likely to see, because they are new units, similar to what they do down in Somers.

Board Member Pierro stated at Heritage.

Rich Williams stated at Heritage, they've got different units, they have different fees assessed.

Board Member DiSalvo stated and different homeowners associations.

Chairman Rogan stated so the homeowners in the new place are saying hey, why would I pay into common areas to fix up somebody else's house.

Board Member DiSalvo stated that's right.

Board Member Pierro stated yes but this developer is going to make contributions to the road, do the repairs so the 50,000 dollars for the pool and granted he has that last line in there well if you cut me down on the number of units, it will be less money that I can provide.

Chairman Rogan stated sure.

Board Member Pierro stated we've seen that shake down before.

Board Member DiSalvo stated and he'll less of an expense too.

Chairman Rogan stated right.

Board Member DiSalvo stated construction is slowing.

Chairman Rogan stated that I think everybody I think can take as a understandable statement.

Board Member Pierro stated sure but there has to be some improvements done and this may be, this project, this new project may be the only way to do it, I certainly do not believe in any way, shape or form that individual single family homes are going to be executed, its just not going to happen.

Chairman Rogan stated because the market won't support or because of the.

Board Member Pierro stated why would you pay top dollar for a house like that when you have to drive through a slum. So you buy a new condo, the old one is getting fixed up.

Board Member DiSalvo stated you're still driving through the slum.

Board Member Pierro stated yeah you're driving through the slum but at least you have a new driveway, you have a new pool, you got a new well, you have new supporting infrastructure, you know, maybe taking care, they are doing some of the work there, hopefully they will be doing some of the roofs.

Dave Raines stated Dave has a good point and I just don't know how legally you get the buy in legally.

Board Member Pierro stated right.

Dave Raines stated you know it's like, I'm praying that Joe Rielly when the time comes that they start working on buildings one and two in Field and Forest, I don't know. I can't answer that, if there is a vehicle for us, for the Planning Board to get buy in from the developer, that if this project moves forward that they will x, y and z, to update the infrastructure in the existing area, you know existing association, I don't, they are going to tell you whatever they want, I'm sure you guys know, you've been doing this a long time.

Board Member Pierro stated right.

Dave Raines stated it is at a point where, you know even all the violations we've had on them over the years, again then the Board changes, the property management company changes, we start over, they go to the judge, they say, listen we just took this over six months ago, we need a year to re, okay, come back to us in a year and let us know. O'Rourke doesn't want to hear it, he doesn't want to hear anything with a homeowners association, he is not going to have the Town manage, he takes it as, he stood up and said it, we are not going to manage Fox Run and we are not going to manage Carmel, whatever, we are not going to do that, he doesn't even hear the case. Versus a homeowner who may be renting that has an unsafe condition, he'll hear that, if I tell him someone on South Street has renting to fifteen people in a house that is supposed to be occupied by four, he'll hear that and pass an injunction in our favor to do something

about it. He has never moved on any of the, even the ones in Brewster that Kenny Clair and Joe Hernandez have addressed, he doesn't want to hear that. We are not going to do that, we are not going to start managing these private, he calls them quasi municipalities because they are collecting taxes.

Chairman Rogan stated yeah.

Board Member Pierro stated Rich, they would need a site plan waiver on this to permit this, over at Steakhouse 22.

Chairman Rogan stated yeah.

Board Member Pierro stated so we can get this young lady out of here.

Board Member DiSalvo stated how many times has the use of that property been changed, where Fox Run is.

Board Member Montesano stated rentals then.

Rich Williams stated it was multi-family.

Board Member DiSalvo stated then it went to private, individual homes.

Chairman Rogan stated well that's not a change in zoning.

Board Member Pierro stated it went to condominiums.

Chairman Rogan stated change the ownership.

Rich Williams stated let me say this, it was changed from multi-family housing to R-40, single family homes in 1976 and it stayed that way until 2003 when it was changed to R-4.

Chairman Rogan stated so it went from multi-family to single single-family and then the single-family changed from a smaller piece to a larger piece.

Board Member Pierro stated in essence.

Chairman Rogan stated so the actual use of it is.

Board Member DiSalvo stated and now they want it back to.

Rich Williams stated multi-family.

Board Member Montesano stated in '76, they were listed as condos, I thought it was just rental apartments at the time.

Rich Williams stated I said multi-family.

Chairman Rogan stated yeah.

Board Member Montesano stated but then it went into condos.

Rich Williams stated it was originally built as Garden Apartments.

Board Member Montesano stated yes.

Board Member Pierro stated rentals.

Rich Williams stated and then Ron Caplan bought it, subdivided it, sold off the Garden Apartments for condominium units so he got all his money back out of what you know, he bought and then had the property in the back to boot.

Board Member Montesano stated yes.

Dave Raines stated is that the developer.

Board Member DiSalvo stated and we're not even.

Dave Raines stated sorry, is that who is developing.

Rich Williams stated that is the current applicant also, yes.

Board Member DiSalvo stated we're not even sure if these new units are going to be condos, I think we asked him at the site walk and he was unsure.

Rich Williams stated yeah, he is looking to have it rezoned multi-family, we don't differentiate between condos, town houses.

Board Member DiSalvo stated well I'm just thinking on, as far as the impact on the rest of the property.

Board Member Pierro stated its' probably going to be like Cornwall Meadows, its going to be a PUD.

Rich Williams stated well Cornwall Meadows is town house.

Chairman Rogan stated what is a PUD.

Board Member Pierro stated Planned Unit Development, they are town houses, they're not condominiums they own their footprint.

Board Member DiSalvo stated right, as opposed to.

Board Member Pierro stated and they own their, condominiums.

Board Member DiSalvo stated as opposed to like Garden Apartment rentals.

Board Member Pierro stated right.

Rich Williams stated right, they are town houses with common area.

Board Member DiSalvo stated but is that what this is, they don't know.

Board Member Pierro stated they don't know yet.

Board Member Cook stated well with phase one is, phase two is going to be because they are saying that phase two project that forty-eight units will join into the existing homeowners association.

Board Member DiSalvo stated well, he could (inaudible).

Rich Williams stated yeah but they could be single family homes in the HOA.

Board Member Cook stated really.

Rich Williams stated yeah, it doesn't matter.

Board Member Pierro stated what's the number.

Board Member Montesano stated that is why you check your state attorney general, its gets more confusing (inaudible).

Board Member Pierro stated what is the number of single family homes that could be up there if they get approved.

Chairman Rogan stated I think we figure it was like eight or ten.

Rich Williams stated yeah, I don't remember.

Board Member Pierro stated its not going to happen, a new house today, three or four bedroom house with a couple of acres is three fifty, four hundred thousand, new is six hundred but existing is three or four hundred thousand. Why would you buy six hundred there when you could go on Cornwall Hill and pick up a house four three twenty-five and five acres.

Chairman Rogan stated all right.

c. Steakhouse 22

Board Member Pierro stated Steakhouse 22.

Chairman Rogan stated Steakhouse 22, we have a letter in, Jim Troetti, the owner, wants to put a, as I understood it anyway, a hot dog truck in his parking lot to catch some extra business driving up and down [Route] 22 in these difficult financial times, quite honestly. I think maybe he feels that people would pull over and get a bit to eat and not come into the restaurant to pull in and sit down. We approved for Costa's which was really a cart, serviced and that didn't go at all but this the idea he came.

Board Member DiSalvo stated that didn't go because he went.

Chairman Rogan stated well.

Board Member Pierro stated its probably his only source of income at this point, I don't have a real problem with this, as long as you know (inaudible).

Chairman Rogan stated any business right now that is struggling, how could you not try to help them, you want business like this to stay in Town, the guy came in for the approvals when he did the deck, it seems like he's kind of done things through us the right way, I don't recall anything, you know.

Rich Williams stated listen, if he is going to do anything, he always comes in to Cheryl or Dave or Myself.

Board Member Montesano stated can we allow a hot dog truck in that zone.

Rich Williams stated yeah.

Chairman Rogan stated the town has a (inaudible).

Board Member Montesano stated what I'm asking is does he have to go to the ZBA to get a special use permit or any of that nonsense.

Board Member DiSalvo stated what did we do with the other one.

Rich Williams stated well, the real issue is it's a vehicle, and as long as its road worthy, it's a vehicle, he is just parking it there.

Chairman Rogan stated the funny thing is.

Board Member DiSalvo stated on wheels.

Rich Williams stated the only real thing is that he's parking it in parking spaces, so essentially that is what you're doing, you're allowing.

Chairman Rogan stated he is parking it in parking spaces that in essence aren't being used. He's not putting the hot dog truck out there for business when his restaurant is packed.

Board Member Pierro stated no, you won't see it out there on a Saturday night.

Chairman Rogan stated if he moved a hundred feet up or down the road on to somebody else's property and got permission, he would even have to come before us, he's goes to the Town to get a peddlers permit for a vending vehicle, gets the approval from the Health Department and he parks along side the road.

Board Member Montesano stated if he's a veteran he can get away with it.

Rich Williams stated if he stays within the road right of way, that's fine, if he puts it on somebody's private property he needs site plan approval.

Board Member DiSalvo stated if he puts it down here more, you know where that little house is, the garage, he puts it over there more.

Chairman Rogan stated if its somebody's residence, he can't park along the front of somebody's house on a.

Rich Williams stated that would be my application of the Code.

Board Member Montesano stated that little stretch of road between the restaurant and the house on the end.

Chairman Rogan stated Steakhouse 22.

Board Member Montesano stated is that a town road, a private road, is it a road.

Rich Williams stated oh no, that's Old Route 22, I believe it's a town road.

Board Member Montesano stated right, okay, now that means theoretically he could park in front of his garage and people could use that aside from his parking area.

Rich Williams stated yeah but doing that he doesn't have real, any real parking in that area for the hot dog truck, I think that is why he wants to keep it down the north entrance, he has an entrance right there, he has parking right there.

Board Member Montesano stated I got no problem with it.

Board Member DiSalvo stated yeah because that part of the parking lot goes pretty deep when he wants to.

Board Member Pierro stated we can take a look at it Saturday when we go out.

Board Member Montesano stated tell him to bring the truck and we'll see.

Dave Raines laughs.

Ted Kozlowski stated where are you meeting Saturday and what time.

Chairman Rogan stated the fill permit.

Board Member Montesano stated Saturday morning at seven o'clock for breakfast.

Chairman Rogan stated let's go for breakfast at the diner, its still a little cold to sit in front of the deli.

Board Member Pierro stated fill permit for McMurray.

Chairman Rogan stated yeah.

Board Member Pierro stated Big Elm and we'll look at Troetti, Steakhouse 22.

Board Member DiSalvo stated yeah.

Chairman Rogan stated again, I just think something like a hot dog truck, if the guy can try to make a little extra to recover something and keep him in business.

Board Member Pierro stated yeah.

Board Member Montesano stated I tell ya, during the week, these guys up and down here, there are guys that have hot dog trucks on [Route] 22 that do well.

Chairman Rogan stated [Route] 22 is tough though because it's a fast road.

Dave Raines stated yeah, I was going to say.

Board Member Montesano stated those trucks if they get (inaudible).

Chairman Rogan stated Boniello even had a tough time, one of neighbors on Bullet Hole there had a, a nice truck he had it there on that pull off across from Boniello there, but he said I sit there and people are going fifty-five and they just don't pull off, he couldn't do it anymore.

Board Member DiSalvo stated and now there are clothes containers to drop stuff off.

Board Member Pierro stated hideous.

Chairman Rogan stated yes there are areas in the County where these hot dog trucks do, right by Home Depot, that guy, he does very well, he'd probably argue that.

Board Member Montesano stated on thirty-five.

Chairman Rogan stated do we have anything else for tonight.

Board Member Pierro stated no, I make a motion we adjourn.

Board Member DiSalvo stated I want to talk about the, before it gets any deeper with this cell tower in the silo. A few months ago there was a memo on it and it said that if we had concerns we could write to the company as to what other sites that they looked at, if they did. I would like that followed up on, with other sites that they looked at.

Chairman Rogan stated which, refresh my memory, where is this located, the existing.

Board Member DiSalvo stated the pony farm on [Route] 311.

Rich Williams stated they had written a letter in about whether there were any historical concerns with putting the tower, the antenna in the silo.

Board Member DiSalvo stated got back into October, November, there was a memo from them addressed to you asking about if we had any discussion on it and it said something about what other alternate locations could be made available or whatever and I'm asking us as a Board, to find out what other sites they looked at, if they looked at any. You talk about the people trying to stay in business and the economy but what about the tax payers in the Town, did they look at any Town property around that we could put this cell tower on, how much money is going to be generated that maybe the Town is going to lose out on by not having it on Town property, you know similar to Pleasantville, you know down there.

Chairman Rogan stated so this is, you said the pony farm on [Route] 311, I still don't know where you are.

Board Member DiSalvo stated across from O'Hara's.

Board Member Montesano stated where.

Chairman Rogan stated oh up the subdivision, up there, oh to the right of the subdivision road.

Board Member DiSalvo stated right, now if they want to, if they are talking about concealing it in a silo you know, I'll build a silo on my hill and we can put it on my hill. You know, its just, these things happen a lot upstate, putting them in silos when there is no one really around for miles and miles and a few people in the new development are not happy with it, whether they can see it or not, you know. Does it have to be disclosed on selling a house that a cell tower is around.

Board Member Pierro stated not that I'm aware but I would always research that if there was one near a listing I was selling. They've been nosing around up at a property, I represent the owner up on [Route] 311 as well, multiple cell tower companies.

Chairman Rogan stated does the Town, not that we have legal council here but does the Town have the right to, if this person is proposing something that's not going to be, I'm assuming that the silo is existing.

Board Member DiSalvo stated mmhmm.

Chairman Rogan stated okay, so you have an existing.

Board Member Pierro stated silo.

Chairman Rogan stated so they are going to put it inside of, does the Town have the right to take, if they say hey, we have a Town park down the road and would rather have it there and get some income for the greater community, we have the right to do that, to take that away from a private person.

Board Member Pierro stated I'm sure there could be some serious litigation.

Rich Williams stated we don't have the right to take it away, on the other hand we could approach the people and say, we have a piece of property, it's a Town owned piece of property.

Chairman Rogan stated yeah, well and if it was.

Rich Williams stated you don't need area variances because its Town property, you don't need site plan because its Town and they will jump at it.

Chairman Rogan stated if it was a difference between let's say for instance the silo wasn't there and they were going to put the silo, you know, in other words you are creating the eyesore versus.

Board Member DiSalvo stated you know like they did at Stew Leonards, they put a silo up in Yonkers, I don't know if there is a cell tower in it but as far as hiding it, silos don't have to be made out of steel block like hers is you can make them out of wood and camouflage it that way, that is why I would like to know if there is Town property, what exactly, what range they are looking at on [Route] 311 and what's the radius for reception for what they looking at, what is the matter with the Town recycling center where the ball fields are.

Chairman Rogan stated has, I'm glad you brought this up because I wasn't really aware of this.

Board Member DiSalvo stated we have to get every penny we can for the tax payers.

Chairman Rogan stated we don't have the approval process for this.

Rich Williams stated no, that is what I started to say, it came in for, they had made the inquiry about whether or not it was historic property and if there are any historic concerns in that immediate area. The Board directed the Town Attorney to send him a letter saying, not that we're aware of but by the way, you know, you're required to have site plan approval and you need these other variances, you need this process you have to go through.

Chairman Rogan stated okay.

Rich Williams stated now, when they go through that process, the issues you are raising, are all questions that we all normally require them to respond to but what I'm hearing from you is that you want to be a little more proactive and actually approach the company and say you know, we have a good site for you, would you consider this.

Board Member DiSalvo stated or where are the other sites that you looked at only to pick this one. Also, you're hiding the cell tower but you still have all the apparatus on the bottom of the cell tower.

Board Member Cook stated you mean the box.

Chairman Rogan stated talking about cell towers by the way, the monopole that we approved over by Panino, that way, that was definitely the right way to go because I drove past and I paid attention the last three or four times driving by and even against the sky, even though it's a different color, it doesn't stick out.

Board Member DiSalvo stated and there are no house around there or anything.

Chairman Rogan stated one tenth as bad as what do they call them.

Rich Williams stated a lattice tower.

Chairman Rogan stated lattice, yuck. The monopole you almost don't even realize is there.

Board Member Montesano stated we have one of those poles, the, now we have a comparison, we have one right here that is the old fashion kind.

Chairman Rogan stated even in other areas, we've seen in other areas, we've seen where they put a flag on it and make it look like a fat flag pole.

Board Member DiSalvo stated like the diner on Route 2.

Chairman Rogan stated I think that sometimes almost draws more attention to it, you look at it like, what the heck is this flag pole, the flag almost draws attention to it.

Board Member DiSalvo stated the one on the diner, the Olympus diner on [Route] 6, that is a monopole behind it, it has a flag on it.

Board Member Montesano stated I know.

Chairman Rogan stated so let's see, really valid point Maria, when they come in to us for approval that is one of the first things we'll hit them up with, we want to know why you are selecting this site, what do you have to back it up, what is the coverage, what are the alternatives.

Board Member DiSalvo stated there is another silo on [Route] 164.

Chairman Rogan stated all that.

Rich Williams stated I think what Maria wants to do, before they get that far.

Board Member Montesano stated entice them.

Chairman Rogan stated right.

Rich Williams stated is try to entice them away with some other property. If the Board wants me to send them a letter, I'll be happy to, if that's what you want me to do.

Chairman Rogan stated I would first check with, I think it's a good idea but I would first check with council.

Board Member Pierro stated I would definitely speak to council.

Rich Williams stated what I was going to say is, I would be more comfortable having the Town Board direct me to do something like that if they wanted to. You are talking about Town property that is controlled by the Town Board, they are the ones that are going to approve it.

Board Member DiSalvo stated are they aware of the cell tower going in over there.

Rich Williams stated so if you want Joe, if you want to go tell Joe to tell me to write a letter on his behalf.

Board Member DiSalvo stated can we as a Planning Board, don't use my name individually, but we as a Planning Board are concerned about possible other sites that the Town owns.

Chairman Rogan stated yeah I don't know if I would go as far as to reach other to them, without them coming in for the process. Part of the process for any tower is to say what is the coverage, what are the alternatives.

Board Member DiSalvo stated us to recommend to the Town Board.

Chairman Rogan stated oh, I see what you're saying, to reach out to them, just to ascertain whether or not they looked surrounding properties.

Board Member Montesano stated such as a ball field.

Chairman Rogan stated I think if I were the Town Board, before I did something like that I would be running it past council because I think if I were the property owner I would say not for nothing Town but I

have the right to come for an application for a process that is part of my inherent right as a taxpayer and if I, you guys have the option of reviewing and denying but I have the option of going after this and you are seeking to take that option away from me by drawing.

Board Member DiSalvo stated well you know, it happens all the time.

Board Member Montesano stated if you go to a Town property.

Chairman Rogan stated hey Maria, it doesn't mean that its legal, it doesn't mean the Town should be in the business of doing it.

Board Member Montesano stated you're not, yes you should be and I'll tell you why. If a Town and I'm looking at it as the business man that is coming in with the tower, if I go onto Town property I do not have to come before them five nags on the Planning Board, that is number one, number two I do not have to go to the five nags at the Zoning Board of Appeals, that is a lot of money I'm saving, a lot of time, which means if the Town Board says, you got it, the next thing you know, I don't have to waste six or seven months going through this process, or a year I can have my tower up within six months.

Chairman Rogan stated but you know what though, that's fine then what I would say is that the Town Board would be better if they said, you know what, we have an idea, we want to see if we can find somebody willing to put a tower on Town property, period. Not because we think this guy might have a proposal and we are going to take the client away from him, just in general, hey we want to generate some funds, maybe there's an interest in that, I don't actually happen to support that but I think that because I hate all the cell towers, I think the sooner we can change the technology and get away from them, we are better off. It would be like us saying, I think maybe the Town has land and I think we should have some business venture that would be taking away business from you or business from someone else and I don't think that is the business of government to create those things.

Board Member Montesano stated I think it's the business of government to try to lower my taxes and if putting a cell tower that pays the Town of Patterson two or three thousand dollars.

Board Member DiSalvo stated I would like to hear a figure as to what they are talking about. Are they talking fifty or sixty thousand dollars a year here.

Board Member Montesano stated how much are they (inaudible).

Chairman Rogan stated my point is that wouldn't matter whether they are putting one there or not, if that is the case then you go about it in terms of that is a good thing for the Town, regardless of whether there is an application.

Board Member Pierro stated its usually about twenty-five hundred a month per carrier.

Rich Williams stated its probably up closer to three to five, depending on the number of carriers you have.

Board Member Pierro stated right, and depending on the location is how many carriers you get.

Board Member Montesano stated just think we would be able to put up (inaudible) we would be able to put up and we wouldn't be taking.

Board Member DiSalvo stated I don't know how high they are proposing this but its going to be higher than what the silo is because her silo isn't that high.

Chairman Rogan stated its not that high.

Rich Williams stated but they are proposing, again we haven't seen plans but the correspondence said that they are installing it inside of the silo.

Board Member DiSalvo stated right, I think the pole is going to be higher than the silo, which means some of it is going to stick out.

Board Member Pierro stated how do you know, the technology may have changed since the last one we did.

Chairman Rogan stated maybe the silo acts as part of the antenna, all that bulk if its metal or something.

Board Member Pierro stated who knows.

Chairman Rogan stated well anyway, that is all I meant was, I'm not objectionable to the idea of the Town looking into this but I think if they are going to do it, they should do it as hey, this is something we are interested in, not because we hear there is something going on somewhere else and we want to maybe pull that client, that customer away.

Board Member DiSalvo stated well how active was the Town when you were talking about a cell tower here in the parking lot to offset the cost of the court house. How did that happen, was the Town approached or it was just like.

Rich Williams stated well the Town was approached, I was approached by Tectonic and they came in here and they asked if I had any knowledge of properties that might be suitable for them and you know, I directed them to Peckahms' I directed them to the Maple Avenue park and then I came up with this brilliant idea that blew up, you know back here. Which, initially was well received and then other considerations were made and they decided not to do it, so.

Board Member Pierro stated so you're worried about the Town, they could have done it back here and they didn't because of the politics of it all and those politics will exist in the Maple Avenue park and it will exist on other properties in Town.

Board Member DiSalvo stated at the recycling center.

Board Member Pierro stated at the ball field, I'm sure.

Board Member DiSalvo stated why, they have poles there already, holding up the fences.

Board Member Montesano stated well the ball field, you figure that would be easiest because there are hardly any residents.

Board Member Pierro stated but its down in a hole Mike, I don't know if its suitable for that.

Chairman Rogan stated well, that's part of the.

Board Member Pierro stated that's part of the process.

Board Member Montesano stated this is part of their technology.

Board Member DiSalvo stated wasn't the lake in a hole.

Chairman Rogan stated it seemed like it.

Rich Williams stated actually there was another cell tower previously proposed to be put back there that the Town was moving on and then again reversed course at the recycling center, by the ball field.

Board Member DiSalvo stated what happened there.

Rich Williams stated the residents came out in opposition.

Board Member DiSalvo stated what residents.

Rich Williams stated the ones from Cornwall Hill Estates.

Board Member DiSalvo stated you wouldn't even see it with all those trees.

Rich Williams stated whether you can see it or not, they came out anyway.

Board Member DiSalvo stated they are going to come out over here.

Board Member Pierro stated the perfect spot would Eagle's Nest, Bruce Major's lot on top of Cornwall Hill Road, that real high lot he's got up there.

Board Member DiSalvo stated that eagle's nest one.

Board Member Pierro stated I don't think you could see it even if you drove by it, put it on the top of that rock.

Chairman Rogan stated you can't crank your head around enough.

Board Member Cook stated its easy money.

Board Member DiSalvo stated well its easy money and we are missing the boat on a lot of this stuff.

Board Member Montesano stated well let's put it this way, there are an awful lot of towns that have it.

Chairman Rogan stated well put the bug in Town Board's ear to consider, you know.

Board Member Montesano stated an awful lot of towns in Westchester, a lot of towns going upstate have them now, they put it right on their property.

Board Member Cook stated on school properties.

Board Member Pierro stated sure.

Board Member Montesano stated that they have more of a fight on their hands though, people don't like their kids going near anything that looks like an electrical tower.

Rich Williams stated have we exhausted this.

Board Member Cook stated until.

Chairman Rogan stated beating a dead horse.

Board Member Montesano stated motion to adjourn.

Board Member Pierro seconded the motion.

Chairman Rogan asks for all in favor:

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

Motion carried by a vote of 5 to 0.

Chairman Rogan stated thank you everyone.

Rich Williams stated time to go home.

Board Member Pierro stated good night young lady.

The meeting adjourned at 9:50 p.m.