

TOWN OF PATTERSON
PLANNING BOARD MEETING
March 4, 2010

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**TOWN OF PATTERSON
PLANNING & ZONING OFFICE**

ZONING BOARD OF APPEALS

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PLANNING BOARD

Shawn Rogan, Chairman
Charles Cook, Vice Chairman
Michael Montesano
Maria Di Salvo
Thomas E. McNulty

**Planning Board
March 4, 2010 Meeting Minutes**

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

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

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

The meeting was called to order at 7:30 p.m.

Michelle Russo was the Secretary and transcribed the following minutes.

Chairman Rogan stated thank you, please be seated.

1) CENTERLINE PROPERTIES – Sign Application

Mr. Scott Spano, the property owner, was present to represent the application.

Chairman Rogan stated okay, do we have anyone here for Centerline Properties, come on up sir. If you would please state your name for the record.

Mr. Spano stated Scott Spano.

Chairman Rogan stated how are you doing Scott.

Mr. Spano stated good, how are you doing.

Chairman Rogan stated good, this is a sign application and this is the property on Commerce Drive, this is the potato chip, pretzel...

Mr. Spano stated yea, a tenant of mine.

Chairman Rogan stated Utz.

Mr. Spano stated Utz.

Chairman Rogan stated there was one question that was raised at the work session, someone had asked on the Board there are one, two, three, five spots on the sign that you are showing.

Mr. Spano stated I wanted four but...

Chairman Rogan stated okay....

Mr. Spano stated four or three.

Chairman Rogan stated and the question was, it would beg the question, are you looking for four or three tenants or it's for future...

Mr. Spano stated yea, just, yea, basically three tenants.

Chairman Rogan stated and how many tenants do you have their now.

Mr. Spano stated three, myself being one of them.

Chairman Rogan stated okay, so, I mean, we know that, that we have three tenants out there and we are going to put those three and then you are going to leave one more for future.

Mr. Spano stated the only reason I was looking for four was I also, I own two businesses, Inter County Paving and Inter County Petroleum.

Chairman Rogan stated okay.

Mr. Spano stated so, it's all within the same space but that's...

Board Member Cook stated do you want to leave it at five.

Mr. Spano stated no.

Board Member Cook stated four.

Mr. Spano stated three or four, you know, whatever.

Chairman Rogan stated and the size is fine, it meets within the Code. I had one other question...

Board Member McNulty stated what color yellow did you...

Mr. Spano stated I wanted it to kind of match my building, my building is a yellowish with green trim, I was...

Board Member McNulty stated so it would tie into the building.

Mr. Spano stated that's what my plan was, if I can find something. I wanted to do the posts out of like a vinyl, like a four by four with vinyl over so I don't have to worry about painting it...

Chairman Rogan stated okay.

Mr. Spano stated so whatever, I was hoping to buy something in the same family.

Chairman Rogan stated the location that you have shown on your sketch plan that you sent us, it shows the sign to located in like a grass island, like an unpaved island...

Mr. Spano stated yes.

Chairman Rogan stated and the location looks like it is right on the property line and the only question I have about that Rich and maybe you can confirm this and drive out there, maybe if you make the location that you are going to put it...

Mr. Spano stated well where would you want it.

Chairman Rogan stated well no, what I was going to say was just to ensure that its not creating any kind of a site distance issue. I know there are big trucks in and out of there but there are all kinds of vehicles going in and out of there that when they are exiting the facility, back on to Commerce [Drive], currently there is not a whole lot beyond you on Commerce [Drive] but have plans for that, we have people coming in with lots of plans. Making sure that isn't just going to create a problem.

Rich Williams stated that's fine, it's set 12 to 13 feet back from the entrance on to the road so it should be fine.

Chairman Rogan stated okay.

Mr. Spano stated my plan was to put it like in the center down the lawn, center off both ways and then put like a, you know just a mulched area around it so I don't have to worry about weed whacking around it. Maybe a couple of flowers around it but I was hoping for aesthetics, put it in the middle of the lawn both ways...

Chairman Rogan stated which looks like from your sketch plan that would put it right on the property line, you know then it would probably fine.

Rich Williams stated you still want me to go look at it.

Chairman Rogan stated yea.

Rich Williams stated Scott, if you could just, you know stake it out at some point when you've got the stakes in call me...

Mr. Spano stated I am just going to put a stake in...

Rich Williams stated I'll meet you out there, we'll talk.

Mr. Spano stated okay.

Chairman Rogan stated um, that's all, anybody else have any other questions or comments. We need a SEQRA Determination and a motion on the sign.

Mr. Spano stated did we determine how spaces we are going.

Chairman Rogan stated you can have up to five, you showed five.

Mr. Spano stated I was going to put four, I think that was just something that we pulled off somewhere...

Chairman Rogan stated that's fine.

Mr. Spano stated maybe it was something you sent us.

Rich Williams stated I don't know.

Board Member Cook stated you got four.

Mr. Spano stated okay.

Chairman Rogan stated sounds great.

Board Member Cook stated I make the motion that in the application of Centerline Properties, 96 Commerce Drive that he Planning Board of the Town of Patterson finds that the proposed action will not have a significant impact on the environment and hereby issues a negative declaration of significance.

Board Member Montesano seconded the motion.

Chairman Rogan asks for all in favor:

Board Member McNulty	-	aye
Board Member DiSalvo	-	absent
Board Member Montesano	-	aye
Board Member Cook	-	aye
Chairman Rogan	-	aye

Motion carries by a vote of 4 to 0.

Chairman Rogan stated okay.

Board Member Cook stated I make the motion that the Planning Board approves the sign application from Centerline Properties, 96 Commerce Drive, Patterson, dated February 10, 2010.

Board Member Montesano seconded the motion.

Chairman Rogan asks for all in favor:

Board Member McNulty	-	aye
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Board Member DiSalvo	-	absent
Board Member Montesano	-	aye
Board Member Cook	-	aye
Chairman Rogan	-	aye

Motion carries by a vote of 4 to 0.

Chairman Rogan stated thank you, just give Rich a call...

Mr. Spano stated yup, thank you.

Chairman Rogan stated thanks Rich.

2) **REV DESIGN – Sign Application**

Mr. Anthony Lomeli, the applicant, was present.

Chairman Rogan stated anyone here for Rev Design, come on up sir.

Mr. Lomeli stated good evening.

Chairman Rogan stated good evening, please state your name for the record.

Mr. Lomeli stated Anthony Lomeli.

Chairman Rogan stated good evening Anthony.

Mr. Lomeli stated how are you.

Chairman Rogan stated good, how are you.

Mr. Lomeli stated good, tired.

Chairman Rogan stated yea, it's not snowing out, so look at the, we are all happy about that...

Mr. Lomeli stated thank god.

Ted Kozlowski stated it is snowing Shawn.

Board Member McNulty stated it is, flurries.

Mr. Lomeli stated nothing will accumulate.

Board Member Montesano stated that's like General Custer telling them he's not worried about the Indians.

Rich Williams stated listen Mike.

Chairman Rogan stated we are not going to waste the opportunity since that just happened, you know Anthony, at least we all don't have a million dollars tonight. See if that works, didn't work out, figure why waste it.

Mr. Lomeli stated all right.

Chairman Rogan stated if it were so easy right, you have the office located at 83 Haviland...

Mr. Lomeli stated correct.

Chairman Rogan stated in the lake and the sign we see, the only question that I brought at the work session about it was that it looks like it is a very difficult building to put signage on because it doesn't have a façade above the, you know the roof line basically doesn't allow you to put signs where most people would. So I see why you have to put them on the stone, we were wondering whether and maybe it's the way that the picture was taken the brilliant white background on a stone building looks like something and its good for you, it really catches you eye...

Mr. Lomeli stated right.

Chairman Rogan stated as you drive by and we were just making sure that it wasn't something that was going to be a distraction from you know people that are, just like we don't have unshielded lights for that reason. Mike you had some ideas you wanted to ask...

Board Member Montesano stated I wanted to ask about the light that sits above it.

Mr. Lomeli stated yes.

Board Member Montesano stated that has to be shielded...

Mr. Lomeli stated what do you mean.

Board Member Montesano stated because right now all you have is a bulb sticking down...

Rich Williams stated it has to have a flood cover...

Board Member Montesano stated its got to have a cover on it.

Mr. Lomeli stated yea that's, first of all that is not our light, those already exist, are you saying because it is going to reflect off of...

Board Member Montesano stated yes.

Chairman Rogan stated yea when that lights up that sign that's going to be something that we want to make sure it doesn't...

Mr. Lomeli stated in other words it would have to be on the outside...

Board Member Montesano stated yes it would just be around the lights, so the lights contain and it will point down.

Rich Williams stated right.

Mr. Lomeli stated that shouldn't be a problem.

Chairman Rogan stated I don't know that anyone is saying you have to move the light, just that you need to put something to shield and we recognize that it is an existing light that most likely was installed for the walkway...

Mr. Lomeli stated right, I assume so, yes.

Chairman Rogan stated you know, but...

Mr. Lomeli stated we are only there two months, so...

Chairman Rogan stated okay.

Mr. Lomeli stated so you would want that shielded.

Chairman Rogan stated that's it.

Mr. Lomeli stated all right, that's cool.

Chairman Rogan stated and then Mike you had a question about tying in the colors from...

Board Member Cook stated Tom did.

Chairman Rogan stated oh, Tom, go ahead I'm sorry.

Board Member McNulty stated we brought up an idea at the work session to maybe break up the white to border around it, I did a little drawing there, if you want to look, just tie the colors in and put a border around the white.

Chairman Rogan stated tie into the...

Mr. Lomeli stated oh yea, we can do that.

Chairman Rogan stated which would tie the red in from the Monument Square.

Board Member McNulty stated the monument sign color maybe the background.

Chairman Rogan stated it might soften that white also.

Mr. Lomeli stated yea, that is...

Board Member McNulty stated maybe four inches or something, go around and wrap it.

Mr. Lomeli stated that's fine, we can do that.

Board Member McNulty stated my other question is when you mount that sign, do you know how you are going to mount it, will it encroach in the width of the stairs at all and how high is that sign.

Mr. Lomeli stated oh no, its not even going to come near the steps at all.

Board Member McNulty stated because it sits right about the steps.

Mr. Lomeli stated yea but its only going to be maybe a half an inch thick.

Board Member McNulty stated okay.

Chairman Rogan stated good question.

Mr. Lomeli stated then its going to mounted on, into the mortar.

Board Member McNulty stated some stone can be tough, three or four inches...

Mr. Lomeli stated there is nothing on the wall itself that sticks out that far, it's pretty flat, maybe a half inch or a quarter inch from stone to stone. So then they would put, I guess anchors into the mortar, you don't want to put it into the stone and then they would attach to that but then even if it was an inch out, that's it...

Chairman Rogan stated okay.

Board Member McNulty stated you want to watch your steps though, if you have 36 now and you lose an inch then you lose your Code so, you want to take that into consideration.

Mr. Lomeli stated no, right, I don't think it's...

Board Member McNulty stated you can keep that if you want it.

Mr. Lomeli stated I don't need it...

Rich Williams stated if we can have it for our files, we'll make a...

Mr. Lomeli stated you keep that and I'm going to...

Rich Williams stated copy and send it over then we are going to know and you're going to know and we'll both be on the same pages about what he is proposing.

Board Member McNulty stated okay.

Chairman Rogan stated great.

Board Member McNulty stated all right.

Chairman Rogan stated anything from anyone else.

Mr. Lomeli stated so now, one second, let me ask one question...

Chairman Rogan stated yes.

Mr. Lomeli stated so you're idea is to sort of use, just to break up the white, does it have to be the red of the awning.

Board Member McNulty stated the monument sign that is in front of the steps, that background color, the burgundy, the brown...

Mr. Lomeli stated yea, yea, yea, okay.

Board Member McNulty stated if you can, I tried to use a pencil that was close but...

Mr. Lomeli stated I get the drift, that's fine.

Board Member McNulty stated you can keep the buildings, tie in the same colors, that would be great.

Mr. Lomeli stated absolutely.

Board Member McNulty stated okay, that's all I have.

Chairman Rogan stated okay, we need a SEQRA Determination on this.

Board Member Cook stated I make the motion in the application

Board Member Montesano stated Rev.

Chairman Rogan stated Rev Design.

Board Member Cook stated of Rev Design, 83 Haviland Drive, the Planning Board of the Town of Patterson finds that the proposed action will not have a significant impact on the environment and hereby issues a negative declaration of significance.

Board Member Montesano seconded the motion.

Chairman Rogan asks for all in favor:

Board Member McNulty	-	aye
Board Member DiSalvo	-	absent
Board Member Montesano	-	aye
Board Member Cook	-	aye
Chairman Rogan	-	aye

Motion carries by a vote of 4 to 0.

Board Member Cook stated I make the motion that the Planning Board approves the sign application of Rev Design, 83 Haviland Drive, dated February 12, 2010, with the changes that were discussed at the meeting in accordance with the photo that we discussed.

Chairman Rogan stated and the light bulb being shielded.

Board Member Cook stated and shielding the light above the proposed sign.

Chairman Rogan stated thank you...

Board Member Montesano seconded the motion.

Chairman Rogan stated second.

Chairman Rogan asks for all in favor:

Board Member McNulty	-	aye
Board Member DiSalvo	-	absent
Board Member Montesano	-	aye
Board Member Cook	-	aye
Chairman Rogan	-	aye

Motion carries by a vote of 4 to 0.

Chairman Rogan stated thank you sir.

Mr. Lomeli stated great, thank you very much.

Chairman Rogan stated good luck with your business.

Mr. Lomeli stated thank you. Will you send me over the...

Rich Williams stated a copy of that sign, yes.

Mr. Lomeli stated cool, good night.

Chairman Rogan stated Harry, good night, thank you, be careful in the snow.

Board Member Montesano stated its still in the picture.

Mr. Lomeli stated oh joy.

3) PATRICK O'MARA – Wetlands/Watercourse Permit Application

Mr. Harry Nichols, engineer, was present to represent the application.

Chairman Rogan stated how are you doing Harry.

Mr. Nichols stated good evening.

Chairman Rogan stated good evening.

Board Member Cook stated good evening.

Mr. Nichols stated I missed you guys, I haven't been here for awhile.

Chairman Rogan stated we wondered if you were coming back, we've missed you as well.

Mr. Nichols stated you too Ted.

Chairman Rogan stated Harry, this feels like the first time we are really talking about this project, I know we just did a site walk and we haven't had much discussion on this but we had a number of questions for you.

Mr. Nichols stated okay.

Chairman Rogan stated I am sure Rich and Ted probably have more but at the work session, some of the questions revolved around the and please let us know if some of these design elements are because of things that the DEC is going to require or you know whatever. You are showing a fence that is approximately 18 to 20 feet behind the residence at the limits of disturbance that is required to develop the lot, you are showing some kind of a post and rail fence. The Board actually as much as we appreciate you being so restrictive, wondered if it was realistic for that property owner, given the rest of the property that they have down the stonewall...

Mr. Nichols stated right.

Chairman Rogan stated to only have 18 feet behind the house when, I think a lot people felt that that stonewall was going to be that natural demarcation, that natural barrier between the residence and the wetland area and certainly we want to make sure that is maintained and you show no change to that. Some people had the opinion that maybe we use the natural stonewall, we maybe even enhance it to fill in any of the gaps that are there to make that a permanent barrier...

Mr. Nichols stated that would be appreciated.

Chairman Rogan stated and use some of that area, maybe not all of it because we have to cover this issue of rain garden versus stormwater practices, et cetera, so I know the disturbances down there haven't been defined yet very clearly. Anyway, the Board generally was open to the idea of not having that fence at that location and looking downhill a little bit towards the stonewall...

Mr. Nichols stated okay, would you want a fence at all down there or just the stonewall.

Chairman Rogan stated I think we can discuss it, I think we can discuss it, I think we had every different idea thrown out between having it, not having it, having it in front of the stormwater practice, on the uphill side of the stormwater practice but there was a lot of discussion about the rain garden. How the or I guess how am I trying to say this, how the area was determined for the size of the rain garden whether or not that size rain garden was appropriate for the area that was draining into it, that is the technical things that you guys are going to talk about...

Mr. Nichols stated well it was sized for the first flush, if you are trying to size it to a full ten year storm, you're going to end up with a big pond down there, not a big pond but a pond that is going to cause a lot of disturbance. We realize the site itself has a lot of constraints on it, we were trying to come up with mitigations that would not cause a lot of disturbance and one other thought I had was just to have a ditch

down there or like a berm or a swale, we've done this before, where you create a swale that is level across that has a berm on the downhill side and that functions as similar to what a rain garden would be, except it would be a linear type thing rather than having a width to it. It might disturb about five feet and it would be have a length of 50 feet or a hundred feet, whatever would be appropriate.

Chairman Rogan stated Ted and Rich, one of the issues that you spoke about at the work session was the maintenance factor with rain gardens and is a swale and a berm less of a maintenance issue than one of these rain gardens, do you think. Ted you were more passionate about the maintenance issue...

Ted Kozlowski stated I'm very passionate.

Chairman Rogan stated you are, that is what we love about you.

Board Member Montesano stated but he's got the mic.

Rich Williams stated it depends on what you do with it and what you are trying to do with it, you know if you are just going to, I mean you've got topography, a piece of property with the topography that is all slopes back towards the wetlands, towards that wall, you put a berm up, now you've got an area where the water is going to be going down by sheet or shallow concentrated flows, its going to hit that berm, its going to pond and then its going to want to go some place and depending on what you do with the berm. If you are putting it across the whole back, then you are just going to, eventually it is going to follow the berm and go off on to the neighbors property and we don't want to create that kind of a situation.

Mr. Nichols stated the berm could be at intervals, we could have like a stone check built in...

Rich Williams stated sure.

Mr. Nichols stated which would slow, which would allow it to trickle out a very slow rate that way you end up getting rid of the velocity situation, it slows down, allows (inaudible) suspension to fall out hopefully and...

Rich Williams stated sure.

Mr. Nichols stated I think that might be more effective and less maintenance.

Rich Williams stated let me see if I can get an ally in this a little bit, see what Andrew thinks about the idea that I was pitching.

Chairman Rogan stated what the engineer thinks.

Rich Williams stated essentially a rain garden as you are well aware is an excavated area where they put in a gravel sub-base and then a soil media to a certain depth and then plant on top of it. What I was thinking based on the numbers that I ran, you would need to follow the length of the stonewall, come out from the stonewall about 12 feet, with that soil gravel mix and then plant over the top of it. Essentially creating a long linear rain garden across the back between the stonewall coming out and then put a post and rail fence in front of that. Now you've got a 12 foot vegetated barrier that has this soil mix, which is essentially going to work like a rain garden, treating the water before gets in, you know I didn't size it for the first flush because we are now sizing things for a little bit bigger, I was looking at a ninetieth percentile storm event. Ted's concern was nobody is going to take care of it...

Andrew Fetherston stated I'm with Ted, it's a residential...

Rich Williams stated I tried.

Andrew Fetherston stated you don't have the residential police for stormwater, you know, its tough, I think something more simplistic, maybe like what Richie's talking about, it almost sounds like a level spreader, something that is going to follow the contour...

Rich Williams stated so...

Andrew Fetherston stated and maybe its linear and maybe there are sometimes when the homeowner has difficulty mowing it right after a rain but most of the time they are mowing it but its going to pond some water for a little while...

Chairman Rogan stated not the way Rich was talking...

Andrew Fetherston stated and then soak in...

Chairman Rogan stated he was talking about having a post and rail fence on the high side of it and...

Andrew Fetherston stated and probably letting it go wild.

Chairman Rogan stated and letting it go.

Rich Williams stated well yea, you are going to have a specific vegetated target, you are going to let it basically go wild, they want to go in and you know do some maintenance, fine, if not you let it go wild.

Andrew Fetherston stated what you have there Harry though, allows the full use of the property or that fence says stop.

Chairman Rogan stated no.

Mr. Nichols stated not really, we were, see we still have to deal with two other agencies and I, Rich and I would have discussions on this...

Andrew Fetherston stated you have to forgive me, I haven't seen this before.

Mr. Nichols stated and we really are just trying to come up with something that would be acceptable and would work but yea I understand what your saying and the idea is to keep the people from going down there, the rain garden there is going to end up being overgrown anyway, so. I really think the swale, (inaudible) or a slight depression within the mediate stone filters in it, might be the least disturbance and the simplest and then put your fence in front of that on the uphill side or even further up the hill, whatever you think is the appropriate place to put it.

Rich Williams stated Andrew what we were trying to do is recognizing that we need to start treating stormwater as much as we can and come up with some sort of means of doing that, we suggested that maybe we wanted to look at some sort of rain garden out there which is probably the least intrusive rather

than infiltrators or anything else. What Harry came back with was this round rain garden ponded area with two swales on either side capturing the whole developed area, back into that...

Mr. Nichols stated in addition to having a, we still have a leaching pit for the roof drainage...

Rich Williams stated right.

Andrew Fetherston stated I guess I was thinking you were doing something linear from end to end with some way to bleed out excessively pond water to not exacerbate any situation on the adjoiners...

Mr. Nichols stated I would prefer to do it that way but that wouldn't be (inaudible).

Rich Williams stated and that is what I suggesting but I was suggesting by doing by a rain garden style structure where the water comes down, goes into the ground, the overflow just keeps going on by it, not a berm...

Chairman Rogan stated so it would be a directional flow as an overflow, it would basically still be sheet flow beyond the rain garden.

Rich Williams stated right except the ninety-fifth percentile storm would drop out.

Andrew Fetherston stated I guess...

Chairman Rogan stated you know...

Andrew Fetherston stated if I bought the house, I would want full use because there is so much I'm restricted from using.

Chairman Rogan stated yup.

Andrew Fetherston stated I would want something linear that I could mow when it's dry and leave it when its wet and use the entire thing and maybe there is a soil matrix underneath it to infiltrate some of it, you know whatever the amount is that you are deciding to infiltrate but something linear that no fence, the wall, just the wall, use the whole property to the extent that you can, to the wall.

Chairman Rogan stated if you notice on this plan, that is kind of why we brought that up, he shows a fence at the limit of disturbance in essence the people would limited to the property uphill from that fence. The fence between there and the road which I don't think is realistic and the slope from that fence down to the stonewall isn't that steep.

Mr. Nichols stated the soils are excellent down here by the way, we have perc rates in the 3 to 7 range, its pure sand in there almost.

Andrew Fetherston stated it's going to disappear and the people have full use of the property, if somebody comes up from the city, they are not going to understand what this is you know, you'd have to have a buyer for this property with that device that understands it and would take care of it and that might be few and far between.

Chairman Rogan stated Rich, can you design, not you personally, can you install as you're saying a rain garden though, instead of having the natural, like a wetlands plantings or something you put in a hardy grass over the top if it.

Rich Williams stated that is basically what it is.

Chairman Rogan stated so you can kind of mow...

Rich Williams stated well...

Andrew Fetherston stated something deep rooted...

Rich Williams stated its not something you really want to mow, its an ornamental grass that is going to grow up high, give you an example, Eurostyle Marble...

Chairman Rogan stated I was just thinking of that one.

Rich Williams stated remember the planted that, those have some grasses which are tolerable to drought and periods of inundation, saturation and the other thing is recognizing that there are other agencies in this, I was going with this because if we just do the berm, it doesn't meet the design requirements for New York State, whereas if you call it a rain garden and do the basic design, well you are right, there's not going to be residential police. You've got the basic design out there and it meets the State requirements so the State agencies are going to be you know a little bit more tolerant, I would think and you know if it disappears you still have that soil matrix, you still have the lawn like Andrew was saying.

Chairman Rogan stated Ted.

Ted Kozlowski stated um, we are heading in the right direction but there are a couple of issues and one of course is what I've said previously and what Andrew is saying and I think Rich understands it as well, I is that this can't be too complicated because you can't expect a homeowner to have the technical expertise to manage this thing because you are dealing with plants and plants and the planting always changes, no matter how well designed, it ages, evasives come in, things happen to it.

Chairman Rogan stated nature takes back.

Ted Kozlowski stated calling it a rain garden you know don't forget, the entire site is within the buffer of the wetland, it is a natural, forested wetland and we really should mimic something which relates to that, when we call it a rain garden, we may be using ornamental plants, we may be using other things that may not go there. The other thing you have to look at and Rich used Eurostyle Marble and I have a beautiful rain garden that lies in Park and Arboretum, they are in full sun without any competition, this is a forested area, you have to look at the number of trees that are going to be removed, the sun field. It's a lot of technical things to look at and whatever is done here, has to really be designed so that the plants are being used are going to grow in those conditions with the amount of shade that's given, the amount of, all the other things that we throw at it because what we all want it to do is to work, so whether you want to call it a rain garden or a natural depression or a natural planting, whatever it is I really don't care but it has got to be something that the homeowner can live with and something that is functional. So I think it is going to be a compromise between everything that we are talking about here and I think, instead of with the Board and in front of everyone else, I think these technical things really should be worked out among us and we'll figure it out.

Rich Williams stated I would like to ask Ted a question if I could...

Chairman Rogan stated of course.

Rich Williams stated your house, you've got a beautiful garden around the pool, ornamental grasses and such, god forbid you sell your house to somebody else and move on, say you do that...

Ted Kozlowski stated right.

Rich Williams stated would you expect the new property owner to come in and tear that garden out or would you expect them to buy the house because that is an asset and continue maintenance on it.

Ted Kozlowski stated I would, I don't know how this, I would love the homeowner...

Rich Williams stated go ahead say it.

Ted Kozlowski stated to take care of it but case and point, I have a landscape architect friend who did exactly what Rich is talking about in Lake Carmel and the next homeowner came in and tore it all out and made it turf grass for his kids to play on.

Chairman Rogan stated sure.

Ted Kozlowski stated so you don't know what's going to happen.

Chairman Rogan stated but the difference is the plantings at Ted's house is not part of a stormwater feature that was designed for the lot.

Ted Kozlowski stated part of that permit was taking impervious surface away and planting plants but I know what I'm doing, I like to think I know what I'm doing but you know whatever we put here has to work and we've got to think, minimize the amount of maintenance that is going to be involved. Like I said, I don't care what we call it but it really should work as best we can design it and what Harry has there I don't think is going to work, what Rich is talking about, I think we modify that and what Andrew, I think if we all sit down, we can hash this out and maybe it will be an example of future situations that come in front of it.

Mr. Nichols stated well knowing that the soils in there are very, it's mostly sand 3 to 7 on percs that we got...

Chairman Rogan stated so the water is never going to reach this rain garden.

Mr. Nichols stated it probably will not get there.

Chairman Rogan stated right.

Mr. Nichols stated right.

Chairman Rogan stated the other agencies are what the DEC and the DEP.

Mr. Nichols stated DEC and DEP rides on their coat tails and (inaudible).

Chairman Rogan stated okay, all right, go.

Board Member Cook stated I would just ask, no offence to anybody here that in looking at this from the technical aspect, don't forget the adjacent homeowners.

Ted Kozlowski stated oh yea.

Board Member Cook stated there is a lot of focus on this piece property and doing right for the new owner coming and let's remember the guys on the each side, that's all.

Ted Kozlowski stated this is a challenged site...

Board Member Cook stated yea.

Ted Kozlowski stated and its sandwiched between two existing well established homes so...

Mr. Nichols stated and their disturbance carries all the way down to what is considered to be the wetland, you can see something in here...

Chairman Rogan stated yea.

Mr. Nichols stated and we know this one carries all the way back so this one down the middle is being restricted, there's...

Ted Kozlowski stated see but Harry, unfortunately he came in place after all the laws were in place.

Mr. Nichols stated they should have done it 20 year ago.

Ted Kozlowski stated yes.

Andrew Fetherston stated your total disturbance Harry, it looks like $\frac{3}{4}$ of an acre, no.

Mr. Nichols stated on either side, yea these go all the way.

Andrew Fetherston stated no, is it like $\frac{3}{4}$ of an acre, the disturbance.

Mr. Nichols stated oh this lot, this lot goes all the way back.

Andrew Fetherston stated the disturbance on that lot...

Mr. Nichols stated over here.

Rich Williams stated the total area of disturbance.

Mr. Nichols stated the disturbance goes back to about here.

Andrew Fetherston stated the disturbance on the lot that is being presented before the Board tonight.

Mr. Nichols stated no, no, no.

Chairman Rogan stated he is wondering what the area of disturbance is, quantify it.

Andrew Fetherston stated what is it.

Mr. Nichols stated we are showing the disturbance here, from here.

Chairman Rogan stated what kind of an area is that.

Andrew Fetherston stated what would it be.

Chairman Rogan stated a quarter acre.

Mr. Nichols stated its about 150 by 150, about a half an acre.

Andrew Fetherston stated I think simplistically, linear maintainable, get the water into the ground where, are we talking about recharging base flow, getting it into the ground water.

Rich Williams stated yea.

Andrew Fetherston stated then just something linear, I think...

Rich Williams stated right along the wall.

Andrew Fetherston stated we're spending a lot of time on something that is very small.

Chairman Rogan stated that sounded like a motion to approve, just kidding.

Andrew Fetherston stated it's a very small area and he does have a, I mean again, it's the first time I'm looking at it, there is a dry well rooftop for some quantity. I don't know what that is but maybe something linear with the soil matrix to get that into the ground and then big flows over and above that are going to go into the wetland anyway.

Rich Williams stated right along the wall...

Chairman Rogan stated jump right in Tom, you don't have to wait.

Andrew Fetherston stated I would put it down at the bottom, give them full use of that yard, yea.

Rich Williams stated now let ask you, let me see if I can get you one more step...

Andrew Fetherston stated yea.

Rich Williams stated just so you define that you have stormwater practice there, you put the post and rail fence and now you a have double barrier to the wetland. What do you think.

Andrew Fetherston stated if you want to have the fence, I don't see the point of the fence.

Ted Kozlowski stated I think we have to close the stonewall off though.

Chairman Rogan stated that is my biggest thing.

Board Member McNulty stated modify the stonewall to close...is there room for additional drywells or leaching pits if the soil is that perc-able.

Rich Williams stated I think there is but I think it's a more expensive alternative.

Board Member McNulty stated less maintenance though in the long run.

Mr. Nichols stated you still have to maintain them, if you don't, they get plugged up, that's a problem.

Board Member McNulty stated you'll get 20 years out of it right...

Chairman Rogan stated it goes by so fast though.

Mr. Nichols stated it depends.

Board Member McNulty stated it does.

Chairman Rogan stated it really does.

Mr. Nichols stated I really like your idea, you know (inaudible).

Board Member Montesano stated Charlie (inaudible).

Mr. Nichols stated the surface disturbance and do so much digging in there.

Andrew Fetherston stated yea Shawn, that is just what I'm thinking is you have the soils, you're thinking drywell, I'm thinking plastic, I'm thinking linear. I'm designing this from coat tails with five minutes of looking at it...

Chairman Rogan stated that is what we pay you for, come on.

Andrew Fetherston stated I'd probably put a series of infiltrators in there and backfill it with the soil that's there if it has that kind of perc, perfectly honest with you.

Rich Williams stated (inaudible) do that.

Andrew Fetherston stated it simple and its done and you know what, there's not going to be much maintenance with it running across backyard lawn, how much sediment is it going to get.

Chairman Rogan stated right, that is why we have you guys working on this.

Rich Williams stated now here's the problem though...

Chairman Rogan stated yup, go ahead doom and gloom.

Rich Williams stated there are two other agencies in this.

Chairman Rogan stated right.

Andrew Fetherston stated what is the permitting authority on $\frac{3}{4}$ of an acre...

Rich Williams stated the limits are disturbance for the DEC (inaudible).

Mr. Nichols stated we are in the state wetland, we are in the buffer.

Chairman Rogan stated DEC wetland.

Andrew Fetherston stated I didn't know that.

Ted Kozlowski stated there may be a, you know if you go with all lawn there may be a situation, I don't know if its going to come up but lawn needs fertilizers, phosphates, stuff like that, I don't know if that is going to be an issue with other agencies.

Andrew Fetherston stated oh, there's the buffer.

Mr. Nichols stated here is the wetland line.

Andrew Fetherston stated okay, so we are all the way up here, okay, I take it all back.

Chairman Rogan stated yea.

Mr. Nichols stated I wouldn't go as close to the wall as you are suggesting, I would stay back from the wall, even if it ten feet or twenty feet...

Andrew Fetherston stated is there a flood plain there.

Mr. Nichols stated to stay back.

Rich Williams stated he's out of the flood plain.

Chairman Rogan stated yea, he's (inaudible).

Mr. Nichols stated yea, it keeps going down.

Ted Kozlowski stated Harry, the challenges that this is a home that is going to be built and these people are going to want to have use of the property and that is going to be an issue so whatever we come up with, you know.

Rich Williams stated I keep saying...

Andrew Fetherston stated I would have liked to have seen this before.

Rich Williams stated try to stay with the state standards.

Andrew Fetherston stated I didn't realize he was in the buffer.

Ted Kozlowski stated everything that goes on at this house in the future is going to need a wetlands permit and it is going to be...

Rich Williams stated he wants to put a shed up...

Chairman Rogan stated so throw a shed location on there and then we have an approved plan and he doesn't have to come back.

Mr. Nichols stated well people on either side should have to do the same thing.

Ted Kozlowski stated I know but you know, they want to put a pool in, they want to do something, there are going to be issues.

Board Member Montesano stated it will turn into a house.

Chairman Rogan stated just, you know what, Rich, hey Rich, let me ask you a question, since Ted just said that. You know how we've asked on, especially on the subdivisions, we've asked for them to show some shed, out, accessory structures, pools, if they are shown on the plan especially on this plan, if we show just for the sake of argument a proposed pool and a proposed shed and they become part of the approved plans, if those people that buy the house want to build those structures in the location they are shown on the plan, do they have to go and get approvals again or they haven't already been granted.

Rich Williams stated they have already been granted, here is the issue, the wetlands permits are only good for a year.

Chairman Rogan stated okay.

Rich Williams stated and you know as always...

Chairman Rogan stated but it certainly carries a lot more weight if there is...

Rich Williams stated yeah but you know, again the difficulty that Harry is going to have is there are two other agencies in this...

Chairman Rogan stated no, I understand.

Rich Williams stated he is within a limiting distance of the DEC regulated wetland which means he needs to go get a variance from New York City DEP, you know not sometimes it is very challenging to get through them, sometimes not. They are going to be looking at any impervious surface, if you are going to put a pool up, if you are going to put a shed up, and you are going to call it proposed, they are going to say why are we going to consider it.

Chairman Rogan stated of course.

Rich Williams stated if Harry wants to do that...

Chairman Rogan stated no, I am just asking the question really, just because it was.

Ted Kozlowski stated you know even if they show it, they are still going to make a request for a review, a lot of time as you know, you show the pool in one location and then the next day its something different and its located somewhere else and people always forget about trees and shade with pools and they need a big wide area of open space...

Mr. Nichols stated the State is going to be reluctant to give you a permit for something you might do in the future.

Chairman Rogan stated right.

Mr. Nichols stated because even now when we were getting variances for expansion areas if needed in the future that are in the State buffer, they are telling us that we will have to come in at that time and they will issue the necessary permit but they will not give you the permit in advance.

Chairman Rogan stated so then going back to what we started out this discussion on this application, the fence that you are showing, is that driven by the idea that you think the DEP or the DEC is going to require that in that proportion...

Mr. Nichols stated no, I actually thought the Town of Patterson would probably be the toughest one to deal with...

Chairman Rogan stated and we were trying to give you extra room here.

Mr. Nichols stated yea.

Rich Williams stated I'm surprised.

Andrew Fetherston stated designing by the coat tails...

Rich Williams stated come on, you're a big boy you can do this.

Andrew Fetherston stated how about if you infiltrated all the stormwater that would hit any of the impervious surfaces inside of the buffer, can you fit an infiltration system in those good soils from all areas that are impervious, inside the buffer. How many cubic feet would that be, it doesn't seem like it would be very much, if you have one drywell there, a series of infiltration to make all of the water that would run off the impervious surfaces inside the buffer disappear, not turn into runoff but turn into ground water.

Mr. Nichols stated well we've done that with the roof drainage...

Andrew Fetherston stated I see that...

Mr. Nichols stated now we can also do it for the driveway pavement.

Andrew Fetherston stated I don't know that the Town would require anything as drastic, if its not making every good faith effort towards DEP, DEC.

Mr. Nichols stated we are below the acre of disturbance...

Andrew Fetherston stated I understand that...

Mr. Nichols stated what's reasonable, the best you can do.

Rich Williams stated and that it what we are trying to do here, what is reasonable, recognizing that we have an issue with stormwater runoff, looking to mitigate it any way we can, even though you are below the threshold that would make you show quality controls. It is still good if it's reasonable.

Andrew Fetherston stated have you had any pre-application meeting with DEC or DEP on this.

Mr. Nichols stated I submitted to them and they accepted the application, its being completed, I'm waiting for their comments, they've advertised it.

Andrew Fetherston stated would that not help the Board, I mean I'm, we are going from very some infiltration to all, right now we are shooting back and forth. Wouldn't it be more helpful to have the opinion of the agencies.

Mr. Nichols stated all the (inaudible) is going to do anything for you, it's supposed control anything that might happen. The linear swale for me would be something that would control the lot, in addition to having the roof drainage going into a thick above it...

Rich Williams stated the linear swales, how is it treating pollutants.

Mr. Nichols stated infiltrating.

Rich Williams stated if it's infiltrating but you're better off with a trench rather than a swale at that point.

Andrew Fetherston stated I guess I'm sitting here saying Code requirements don't require you to do anything when you have $\frac{3}{4}$ of an acre period for stormwater. So, I am wondering if its not more advantageous to the applicant to seek some guidance from the other agencies unless the Board feels that there is some level of infiltration that they are seeking here.

Chairman Rogan stated well I asked that question at the work session, why we were dealing with rain gardens...

Andrew Fetherston stated its over and above the Code, that is why I'm having difficulty...

Chairman Rogan stated but you were talking about the new level of treatment that is required.

Andrew Fetherston stated yea.

Chairman Rogan stated right.

Rich Williams stated right, I am looking to mitigate pollutant runoff anywhere I can so its not increasing...

Chairman Rogan stated right.

Rich Williams stated every one of these properties we develop that we don't treat the stormwater, there...

Chairman Rogan stated understood.

Rich Williams stated is a small increase but a small increase of phosphorus going into the watershed.

Chairman Rogan stated phosphorus.

Rich Williams stated so you know I am looking at this point to mitigate that so we are not dying a death of a thousand cuts here...

Chairman Rogan stated right.

Rich Williams stated you know at the same time we are trying to find ways not only to stop it, arrest it but start bringing it back down.

Andrew Fetherston stated so I guess are you good with the quantity but not that there may be some problem with maintenance.

Rich Williams stated well I haven't seen quantity, I haven't seen how, he hasn't submitted anything...

Andrew Fetherston stated (inaudible).

Rich Williams stated he hasn't submitted anything as far as drainage calculations, he hasn't submitted anything to demonstrate that dry that he has there is sufficiently sized.

Andrew Fetherston stated I guess my, I'm very, I'm greatly at a disadvantage, I have not seen this application...

Rich Williams stated I didn't mean to drag you into like we have.

Andrew Fetherston stated well no I was just trying to find, you had asked for guidance and I don't know, I'm looking for the goal, if there is a number for this, I'm all about numbers...

Rich Williams stated sure.

Andrew Fetherston stated I'm an engineer, if there is a number, a cubic footage, some number that we are looking to infiltrate, we could give that to the applicant and he can achieve that number...

Chairman Rogan stated I don't think this Board would have a clue to answer of that...

Rich Williams stated well...

Andrew Fetherston stated you will see will be minimal maintenance and your consultants will be able to say to the Board...

Chairman Rogan stated and our Board, I think our perspective is how is the homeowner going to utilize this lot, what are the impacts to the wetlands, the stormwater, I mean we go back to your guys to say that, I said it at the work session, wow do we need all this, I was thinking back to you know, you used to put the roof drains and the footing drains into some drywells or some level spreaders and that was it, so I acknowledge

the greater necessity for treatment, I didn't know where all this water was coming from, I didn't envision the sheet flow given the topography that we are shown between the house and the wetland. I didn't envision even in a drastic rain event...

Rich Williams stated there are a couple of different ways you can approach it...

Chairman Rogan stated (inaudible).

Rich Williams stated and I did run some numbers on my own, so I did have an idea that maybe the drywell and certainly the rain garden weren't sized, maybe the first flush but not, certainly we are looking to, we are supposed to be looking at design storms much greater than that. Certainly your approach and there is probably an easier approach is just simply saying take all the impervious surface and put it in an infiltrator, you know I was trying to go to the next level about capturing the lawn and the impervious area and putting that into the ground and everywhere we've changed the landscape from forested to lawn to impervious to capturing that and that is where I came up with the concept of a linear rain garden, right in front of the wall, you know kind of just the soil matrix with the plants you know you still have the underlying gravel trench, not a big deal so if it didn't get maintained over time you know you would still have the infiltration but you know if you want to go with an easier way, take Andrew's suggestion...

Andrew Fetherston stated well...

Rich Williams stated and just infiltrate the impervious area.

Andrew Fetherston stated I don't know that it's easier or that it's less, I guess I'm still hung up on what is the number, what is the volume and it, you know...

Chairman Rogan stated I was going to ask you that question.

Andrew Fetherston stated yea well I could give you ten different answers, if you are speaking about first flush and a half an inch that is passé for many years...

Mr. Nichols stated what about the 90th percentile.

Andrew Fetherston stated yea, I mean if we are talking about something like that or the one year storm or, it's a simple number and could be (inaudible) I'm shooting from the hip here saying what are we looking to gain, if it's the entire area...

Rich Williams stated I did it with the 90th percentile storm, I calculated the volume for the 90th percentile storm.

Andrew Fetherston stated I guess the Board is trying to be fair to the applicant...

Chairman Rogan stated the Board is waiting for our technical people to tell us what they want.

Andrew Fetherston stated I think to be fair to the applicant, we have to give him a goal, here is what you have to attain.

Mr. Nichols stated I don't think the 90th percentile would be impossible to get...

Chairman Rogan stated okay, is that our technical staff's recommendation.

Andrew Fetherston stated oh fine, yea.

Rich Williams stated it would be fine with me...

Chairman Rogan stated okay.

Rich Williams stated you know I think it doesn't get us to where we are today but it gets us just below where we are today and I think we are just below where we are is a reasonable standard, I think where we are today is a little difficult at time.

Mr. Nichols stated but I think to do it, we are going to do it linearly, I think we are going to have it, you want to call it a rain garden whether we have plants that run continuous or whether we just build a gravel surface, a gravel bed that comes up right up to the surface from the sand that is already there, put some sort of cover on it that will not inhibit the percolation into it...

Rich Williams stated I just thought that...

Mr. Nichols stated as opposed to putting plants that have to be maintained, that is something we can also do.

Rich Williams stated even if you put the plants in and they disappear over time, I just thought it was an easier sell with the DEC, me personally.

Board Member Cook stated just a question, is it best if you guys are going to meet and Harry first get through DEC and DEP and then meet with you...

Mr. Nichols stated well I would hate to have to go back again...

Chairman Rogan stated because any changes we make here have to go back.

Mr. Nichols stated see now I am going to have to, we are probably going to have to advertise this again.

Board Member Cook stated so then...

Rich Williams stated what I was going to...

Board Member Cook stated you should meet first and then go to...

Mr. Nichols stated no, I would like to work something at the same time, an idea from you and go to them.

Rich Williams stated sure, here is what I suggested at the Town Board is unofficially, not representing the applicant but just you know, draw it up, draw up a quick sketch about what we are looking at, not design it because I'm not an engineer but just a quick sketch about the general area, shoot it up to Brian Drum, I'm not sure who you submitted this to but shoot it up to Brian Drum and say Brian does this have a chance in hell of getting through.

Mr. Nichols stated well Brian is very helpful but he's not going to be the one that is going to approve. He'll be good to have there at the meeting. I can do this; I can go to New Paltz and meet with them...

Rich Williams stated I am not suggesting that you go to New Paltz, I can e-mail it up to him and just you know and if he shoots it back saying no we're not going to approve this kind of disturbance, you know, we're done, we are looking at something different.

Andrew Fetherston stated would, I don't know if you would feel comfortable doing this but would the Town Planner write a letter to DEC saying we understand the location, we understand the buffering, we understand our need to reduce phosphorus. In all of that understanding and trying to have the applicant develop this lot, we believe that infiltration of the 90th percentile storm would be a prudent mitigating factor, we are looking for your concurrence, and that's it.

Rich Williams stated well sure, what do you think about drawing up a couple of rough option, either saying exactly what you said which I think is great but also saying either through some sort of green infrastructure or infiltration through you know, drywells or...

Andrew Fetherston stated how about through any means available and (inaudible) manual and (inaudible) brand new standards.

Ted Kozlowski stated I hate to go round and round on this but we are talking about one specific thing in a stated wetland that is effecting the buffer and the DEC, as well as my concerns are the functions of the buffer and natural area. We are talking about digging up the site, creating rain gardens and doing all sorts of stuff which is not a natural, native thing, that occurs in a buffer, you know we are talking about stormwater, dealing with stormwater and runoff here, which we have to but its complicated by the fact that this is all in a buffer and DEC is going to be looking at this as a natural area, it's a State regulated wetland, a Town regulated wetland, its all forested and we are taking the forest away and making something that wasn't there in the beginning, so we can come up with all these designs but I think DEC's and we can't worry about DEC you know, this is a Town wetlands permit that we are looking but if you want my gut feeling is that DEC is going to be more concerned about the buffer and it being turned into something that is not there now.

Rich Williams stated that is why we want to ask.

Board Member McNulty stated so this goes back to Andrew's original, one idea that we put drywells or some of drainage within the outside the buffer area...

Ted Kozlowski stated which you can't do.

Andrew Fetherston stated it's all down hill.

Rich Williams stated you can't.

Board Member McNulty stated its all in the buffer.

Ted Kozlowski stated the whole site is in the buffer.

Andrew Fetherston stated I guess, let's not.

Board Member McNulty stated I thought the fence was the start of the buffer.

Andrew Fetherston stated let's not forget...

Mr. Nichols stated this line you see coming across...

Chairman Rogan stated it goes through the middle of the house.

Mr. Nichols stated this line right here, that's the buffer line, right through the middle of the house.

Ted Kozlowski stated they have to have a permit to have the kitchen.

Andrew Fetherston stated you don't want to forget that we're not putting the stormwater mitigation device in the buffer, we are putting the house in the buffer...

Mr. Nichols stated (inaudible).

Board Member McNulty stated so six turns aren't legal anymore.

Andrew Fetherston stated so in the scale of things, it's better to have a mitigation device in the buffer than a house, so we are mitigating for the house because of the zoning that says the house has to go there.

Chairman Rogan stated what about the fact that you've got underlying soils that 3 to a 7 minute perc rate, that is probably as good of a perc rate as you're going to get through this rain garden, so shouldn't that account for something.

Rich Williams stated it works no matter what infiltration practice you're proposing and a rain garden is basically an infiltration garden...

Chairman Rogan stated I mean what I'm saying is the natural forested cover that's there with those great soils underneath it, is a fantastic rain garden in and of itself.

Ted Kozlowski stated but you're complicated again because the rain garden, this rain garden has to have plants that can deal with periodic flooding...

Chairman Rogan stated yea.

Ted Kozlowski stated and then dryness because...

Chairman Rogan stated but the plants that are there right now already do that.

Ted Kozlowski stated the plants that are already there now is a forest that is invaded by invasive trees too, it is complete different than what we are talking about here. In creating the rain garden, you've got to have plants that are going to be able to deal with this fluctuation in hydraitc conditions, as well as sun/shade conditions, so its not that easy. Everybody is talking about how easy it is, it is not easy in this kind of situation because this is not somebody front lawn we are talking about, it is a buffer of a wetland in a forested area so let's remember that.

Chairman Rogan stated so Ted what is your recommendation on...

Ted Kozlowski stated my recommendation is that we are going to have sit down and hash this out and have some more arguments among ourselves because we are not going to get this resolved here tonight in front of you, it's not going to happen. We'll have to include Harry and we'll have to sit down and come up with the best scheme that works for, we are complicated by a number of things, it's all buffer, it's all regulated, it's a house, it's a homeowner, let's assume he knows nothing about we are talking about here, he's going to have kids, he's going to want to be like everybody else...

Chairman Rogan stated sure.

Ted Kozlowski stated there are going to be all sorts of things thrown into this mix, so we have to come up with the best scheme because yours truly is going to dealing with homeowner five years from now because they can't put a garage up or they can't do this or that...

Chairman Rogan stated and that is the other thing, Harry, is the owner of this lot, do you know, planning on building this house for himself...

Mr. Nichols stated no.

Chairman Rogan stated because the size of the house is so darn small, 28 by 36...

Mr. Nichols stated yes but its only a two bedroom house, the septic system we could only get it to work for a two bedroom.

Chairman Rogan stated from the size of the house we just got proposed for Put Lake that is only a two bedroom, connecting two houses, I mean two bedroom house doesn't mean it has to be a small house. What I'm saying is do we approve this and then when they go to build it they come back because they want a 28, even a 28 by 48 by today standards is a small house, that's a typical raised ranch or something, this is a small house with no garage on this lot and...

Mr. Nichols stated there can be a garage underneath...

Chairman Rogan stated underneath...

Mr. Nichols stated it's grading such that the driveway can go in underneath the house.

Chairman Rogan stated okay, it just seems like a very small house.

Andrew Fetherston stated would you be, if the DEC came back with...

Chairman Rogan stated yea, going round and round.

Andrew Fetherston stated a satisfactory, an acceptance of a design by the engineer, would you, would that, you concern with Town wetland aspect of this wetland. The DEC is concerned with the State aspect, if the State said we accept one of the designs that we are speaking about tonight, would that appease the Town as well or are you looking for a higher level. I guess I'm trying to give him a number, a target...

Ted Kozlowski stated the DEC sometimes can be very unpredictable...

Chairman Rogan stated inconsistent.

Ted Kozlowski stated inconsistent, sometimes I think its what they did the night before.

Chairman Rogan stated can we ask for the four of your gentlemen, Carl, you're off the hook on this one. The four of your gentlemen to sit down and come together with a plan that the four of you agree on...

Rich Williams stated how do you feel about...

Chairman Rogan stated everybody gets one vote and Harry gets equal vote to you guys.

Rich Williams stated but how do you feel about Andrew's suggestion about me writing a letter to the DEC.

Chairman Rogan stated well I think that's great but after hearing you guys go round and round I am kind of confused and don't remember what everybody said to be honest with you, other than...

Rich Williams stated I could explain it to you real easy but its an off color joke and I will tell you at the end of the meeting.

Mr. Nichols stated the one reason the house has to be small is because of setbacks...

Chairman Rogan stated yea.

Mr. Nichols stated we have the setbacks on the front, we have the setbacks on the other side and to get the septic in and to work it has to stay out of the buffer.

Chairman Rogan stated Harry I am not trying to, I'm balking at the idea of you coming in with a small house, I'm just making sure its realistic, when the people goes to build it the person says how are we ever this is too expensive for this lot.

Mr. Nichols stated my client is a builder also and is comfortable with this...

Chairman Rogan stated all right, we are going to wrap this one up.

Board Member Montesano stated Charlie, that's far.

Rich Williams stated so I'm sending the letter.

Chairman Rogan stated all right we are going to wrap the up.

Rich Williams stated so I'm sending the letter.

Chairman Rogan stated what you guys spoke about, send up a letter, doesn't means its going to, at least you get some input...

Rich Williams stated we are going to see what the letter says then we are all going to meet and try to work it out.

Chairman Rogan stated I think you guys all need to be, everybody gets...

Board Member Montesano stated is that going to be far, far away.

Chairman Rogan stated give us the vote count when you're done.

Rich Williams stated and I will explain this whole thing at the end of the meeting.

Chairman Rogan stated fair enough.

Mr. Nichols stated is there a particular day that we are all in the same area.

Rich Williams stated well do you want me to get a response back from the DEC.

Mr. Nichols stated well do you want to discuss, we can discuss what we are going to propose to them first as...

Board Member Montesano stated not (inaudible).

Mr. Nichols stated we did discuss about three different type camels here...

Chairman Rogan stated at least three.

Rich Williams stated yea, no, I know and I think Andrew and I are fairly close on this if not on the money I think the difficulty here is (inaudible).

Ted Kozlowski stated you know like I said, I am the one who has to deal with these homeowners...

Rich Williams stated well I think we are all being realistic, realistic in recognizing Shawn's right, the forested area right now serves the function and if you want to leave that fencing 8 feet behind the house and not give them any rear yard, that solves the problem. I was looking at it like giving the property owner a reasonable use of this rear yard, assuming he is going to turn everything back to the wall into lawn. Now we have compensate for that because you're going to strip off the trees, you're going to strip off the humus layer, you're going to compact the soils somewhat, you're going to change infiltration, certainly the underlying soils have great infiltration but how do we get the water there now that you have a slightly compacted lawn area.

Ted Kozlowski stated Rich let me ask you a question, if we are worried about...

Rich Williams stated Ted shut up.

Ted Kozlowski stated if we are worried about phosphorus and worried about pollutants, the best thing to do is leave the forest alone...

Rich Williams stated you're right.

Ted Kozlowski stated and if we take that forest away and make that lawn, that homeowner is going to the Home Depot, buying fertilizer every spring and fall...

Chairman Rogan stated we have to talk about (inaudible).

Ted Kozlowski stated and that fertilizer is going to be NPK, Nitrogen, Phosphorus, Potassium, going into the wetland, so let's end it right here and say it's a forest, that's it, we've done it with other project.

Rich Williams stated it's up to the Board.

Chairman Rogan stated that is the way it's proposed but I think, you said it yourself...

Mr. Nichols stated what would be a reasonable distance between the house and the no disturbance line, 30 feet with the 90th percentile, the runoff being collected and infiltrated. Is that something we can all live with, in other words, don't go in there and cut it all the way to the stonewall.

Andrew Fetherston stated I think we are taking a great deal of time on something where DEC could be the bad guy instantaneously and say no house in the buffer period.

Mr. Nichols stated it's an approved subdivision lot.

Chairman Rogan stated they are not going say that.

Ted Kozlowski stated they're not going to say that.

Chairman Rogan stated this isn't an individual lot that we are trying to work with here you know...

Mr. Nichols stated it's a pre-approved...

Ted Kozlowski stated lot, if this came fresh today it would not get approved.

Mr. Nichols stated it would be no, right.

Chairman Rogan stated right.

Board Member Montesano stated well I'm waiting for them to come up one day and say pre-approved or not, it's too old.

Chairman Rogan stated well if it was...

The Secretary stated hold on, hold on, hold on.

(Tape 1, Side 1 Ended – 8:25 p.m.)

Mr. Nichols stated I have a few of these previously approved lots that I'm dealing with the DEC on and the indication that I'm getting is they are going to work with the applicant to give him something reasonable...

Chairman Rogan stated sure.

Mr. Nichols stated they are not just going to say no.

Rich Williams stated then why don't you let me just write the letter to DEC that Andrew suggested, see what their response it and we'll go from there.

Chairman Rogan stated okay, let's do that.

Board Member McNulty stated also, it sounds like Rich you ran numbers but Andrew and Harry haven't maybe we can get all the numbers that I don't know, I know what numbers you're looking for but you're runoff, your cubic foot of...

Andrew Fetherston stated I think what Richie said is...

Board Member McNulty stated put that together and maybe come up with, maybe we can get another 6 feet out of the backyard maybe it says that 18 feet is it.

Rich Williams stated well when I ran the numbers what I was looking at is the wall is the line that we are talking about at a reasonable distance that Harry was looking for, you pull it back the numbers reduce, you know...

Board Member Montesano stated why don't you guys get together and do this like we've all suggested, if not we can continue this all night long and get absolutely no where, so I will recommend...

Chairman Rogan stated everybody is just going to get frustrated which...

Board Member Montesano stated I would recommend that you guys get together and if we need that in the form of a motion I'll be very happy to make it because this is going round and round and I'm getting dizzy, so I would suggest gentlemen get together and let it get over it with so we can proceed with the rest of the business at hand, we may have a chance to get something done. Thank you.

Rich Williams stated I would just like to add one last thing to this Mr. Montesano, remember the name of the application.

Board Member Montesano stated why.

Rich Williams stated it's tradition.

Board Member Montesano stated let's put it this way, tradition is fine but we need professional opinion of which the members of the Board unfortunately don't have, all of us anyway...

Chairman Rogan stated consensus.

Board Member Montesano stated so we are counting on you, go and do it, see you later, thank you.

4) JOEY MCKNEELY – Wetlands/Watercourse Permit Application

Chairman Rogan stated okay we have a letter from Mr. McKneely on the watercourse permit application that he is out of the country. I think what we were looking to do on this application was schedule a site walk, this is an application where the gentleman wants to take two existing homes and connect them to make one two bedroom house, it is also before the ZBA, they are also going to do a site walk on this. Ted has stated that he doesn't issue with the, I mean it's, the impacts are there but I think we need to see it.

Board Member Cook stated yes.

Chairman Rogan stated just so we clear on it.

Board Member McNulty stated I think his plans weren't very clear either as far as connecting two existing houses within that footprint, that new plan looked like it was knocking everything down, maybe more of a detail plan would work as well.

Chairman Rogan stated okay.

Ted Kozlowski stated Shawn, that is Mrs. Chiappa in the back.

Chairman Rogan stated oh, I'm sorry, absolutely; we are going to do that next...

Ted Kozlowski stated that would be.

Chairman Rogan stated thanks for getting that. Okay Rich so if we could just consider we are going to, let's set up a site walk with McKneely and we'll get out there. Number five on the agenda is Taggart but Theresa could you give us one minute, if you would be so kind...

Mrs. Ryan stated sure.

9) OTHER BUSINESS

h. Chiappa Wetland/Watercourse

Mrs. Peggy Chiappa was present.

Chairman Rogan stated because you have a long couple of things here, can we jump ahead to Chiappa.

Mrs. Chiappa stated yes.

Chairman Rogan stated you are the last one on the agenda, do you want to go next or do you want to wait until the end of the night, four hours from now.

Mrs. Chiappa stated I'll go next.

Chairman Rogan stated okay, come on up.

Board Member Montesano stated I love a volunteer.

Chairman Rogan stated I actually apologize that we didn't pull you up an hour ago.

Mrs. Chiappa stated oh that's okay.

Chairman Rogan stated just give us a second to shuffle paperwork, we have to look to the bottom here.

Mrs. Chiappa stated I wish I had more copies of this.

Chairman Rogan stated oh that's okay. Ted why don't you give the Board a quick overview of what we are doing with this application.

Ted Kozlowski stated as I said previously, I had met with Mrs. Chiappa, she lives off of Cushman Road, at the corner of Cushman and Baldwin...

Chairman Rogan stated Cushman, got it.

Ted Kozlowski stated she has an existing house and attached garage, that garage and part of the house is within a wetland buffer as we were just talking about. The garage needs some attention, she would like to replace the garage and not change much around there, its developed lawn and driveway. Then Mrs. Chiappa submitted a letter after our meeting and after a memo that I sent to you folks that her architect designed something a little different then replacing in kind and it makes it a little bigger and wider and as I said at the, as we all talked about that the work session is that going to have an impact on the driveway and the turning radius into the garage and all of this other stuff, which then in fact would require more work in the buffer, so I asked Mrs. Chiappa to come in and to resolve this with the Board. My feeling is that it is an existing garage, existing residence, a site already landscaped and disturbed, as long as she's not disturbing any of the existing wetland and not going into it and not causing any pollution problems with anything regarding this project, I don't object to a waiver but I asked her to come in to explain to the Board exactly what she would like to do and go from there.

Mrs. Chiappa stated he sounds like my lawyer.

Chairman Rogan stated sounds like (inaudible).

Board Member McNulty stated don't say that, he'll send you a bill.

Mrs. Chiappa stated okay, so when, okay when I submitted the footprint design for the Board to look at, at the time my architect wanted to make it 28 feet by 24 feet, it is currently 24 feet by 24 feet. Ted had called me, he had some issues with the driveway, he thought that the turn radius might be a little bit difficult if we extended it 28 feet. My architect's concern is that if it's not at least 26 feet we won't be able to access the upper part of the garage for storage. So...

Chairman Rogan stated you need the extra width for a set of a stairs and also for the width of the cars.

Mr. Chiappa stated yes, so the compromise that I have here is 26 feet by 26 feet, I can leave this all with you, she had also come up with a turn radius design which is you know within the codes and she said that the garage door on the right looking at it from the exterior meets the dimension turning radius requirements for the 90 degree access and architectural graphic standards. The left door looking at it from the exterior meets the requirements of AGS' three maneuvered turn and if we add a bump out to the end of the driveway, it would angle away from the wetland and it should be a problem. That bump out would be, going, the wetlands are over here, a bump out this way to provide for coming out of the...

Chairman Rogan stated okay.

Mrs. Chiappa stated so I can leave all of this with you then.

Chairman Rogan stated the same angle in the front, so it would like this.

Board Member Montesano stated right.

Mrs. Chiappa stated here is a smaller, this has a, that is the whole site plan and the red is the proposed.

Board Member Cook stated Ted, have you looked at these.

Ted Kozlowski stated no. This is a slightly version than what I've seen.

Board Member McNulty stated so you want to go two feet wide and 2 feet longer overall.

Chairman Rogan stated (inaudible).

Board Member McNulty stated 26 by 26.

Mrs. Chiappa stated yes, 26 is within, it's...

Chairman Rogan stated yup.

Mrs. Chiappa stated it's not encroaching on the roadside we are within our...

Board Member McNulty stated setback.

Mrs. Chiappa stated setbacks and we are just going, the driveway does not need to change. The driveway towards the wetlands, I mean I would have to repair the driveway but the driveway towards the wetlands can stay within the same footprint that it is in right now.

Board Member McNulty stated you are just going to make it a little wider towards the Baldwin side and then on the back so you can have a turn around.

Mrs. Chiappa stated on either side, well it, if it's approved, where its 26 feet, we would need another two feet, actually we would need four because she wants to shift it a little bit this way.

Ted Kozlowski stated shift what.

Mrs. Chiappa stated the footprint...

Board Member McNulty stated of...

Mrs. Chiappa stated its on the plans, you can see it, so it shifts over...

Chairman Rogan stated does it shift over two feet and she is adding two feet or does it shift over...

Mrs. Chiappa stated I think that's what, yes, yes.

Chairman Rogan stated so she is shifting the original footprint over two feet and then she adding the additional two feet to make 26 foot wide.

Mrs. Chiappa stated exactly.

Chairman Rogan stated so it's a net shift of four feet.

Mrs. Chiappa stated right.

Board Member McNulty stated the red line here is the existing structure.

Mrs. Chiappa stated the red line is the new, no, the red line is the...

Board Member McNulty stated on this overall site plan.

Ted Kozlowski stated Mrs. Chiappa...

Mrs. Chiappa stated I always thought the red line was the new but now I think the red line is existing.

Chairman Rogan stated the red line, no, because proposed is in the black.

Mrs. Chiappa stated yea, okay.

Ted Kozlowski stated Mrs. Chiappa let me ask you some, the existing driveway are you going to resurface that, tear it up and do a new driveway or what is your plan.

Mrs. Chiappa stated resurface, can I resurface it.

Ted Kozlowski stated I have to ask you something because I personally have experienced this with a construction project at my house.

Mrs. Chiappa stated okay.

Ted Kozlowski stated this garage is going to be torn down, correct, so that means heavy equipment is probably going to come in there...

Mrs. Chiappa stated yes.

Ted Kozlowski stated to tear this garage down and you're probably going to have a dumpster or two and you can't put it on Baldwin Road and the only place you can really put it on is on this driveway, I think there is a really good possibility that this driveway is going to get chewed up because it is already existing on marginal soils because you are pretty, you're right on top of the wetlands basically...

Chairman Rogan stated wetlands.

Ted Kozlowski stated so you've got to come up, you've got think about this here for a second and I don't mean to complicate your life but I've experienced this and if that driveway gets destroyed or severely damaged from the demolition of the existing garage, it is not a matter of resurfacing anymore...

Mrs. Chiappa stated okay.

Ted Kozlowski stated it's a matter of replacing the driveway...

Mrs. Chiappa stated okay.

Ted Kozlowski stated and that you know, they are going to be within the uncomfortable zone so, you've got to talk to your contractor, what is going to happen here, you have to ask that question...

Mrs. Chiappa stated okay.

Ted Kozlowski stated because like I said, you don't have a lot elbow room, you have a lovely house, you're in a lovely area but all this work and all this stuff that is going to go on is a little complicated and how are they going to do it.

Board Member McNulty stated is the driveway in good condition now.

Ted Kozlowski stated the driveway is okay.

Board Member McNulty stated you could run, if there is no septic or well, you could bring the machinery across the lawn and take care of it.

Ted Kozlowski stated I think you have to see if the lawn, this is, believe it or not the garage is behind the house.

Mrs. Chiappa stated no.

Ted Kozlowski stated well your house faces...

Mrs. Chiappa stated yes but I'm Baldwin Road.

Ted Kozlowski stated your houses faces Cushman and you have to go on Baldwin Road to access your garage.

Mrs. Chiappa stated right.

Ted Kozlowski stated there is like a driveway...

Board Member McNulty stated you could come across the lawn, unless there landscaping in way, I haven't seen the house.

Mrs. Chiappa stated yes, no, I don't, actually all the bushes that are on the side of the garage which are kind of like swamp, not swamp...

Chairman Rogan stated blend trees.

Mrs. Chiappa stated they are like you know, those gnarly kind of piney things...

Board Member McNulty stated junipers.

Mrs. Chiappa stated they are all coming out because they are up above, that one of the problems is they are up above the garage and the water is going in this side.

Ted Kozlowski stated all I'm saying is I don't want to be in a situation and this Board doesn't want to be in a situation and you don't want to be in a situation where uh-oh, I have to replace the driveway now.

Mrs. Chiappa stated supposed, what if I did have to replace the driveway.

Ted Kozlowski stated so come up with a plan to, then you are going to need a wetlands permit because there is no way they are going to replace that driveway without effecting you know, your wetland is right up to the edge of the driveway, there is no way they can replace the driveway without impacting you know the stuff. We, you know, we originally started off this whole conversation about replacing an existing garage in kind...

Mrs. Chiappa stated right.

Ted Kozlowski stated and this is the third time we've talked about it and this is the third revision to that idea. So I just...

Mrs. Chiappa stated yea but try to appreciate where I'm coming from, I did this because I didn't want to violate any rules, I wanted to make sure I was well within the rights of things that I could do. I haven't done anything, I haven't even gotten an approval yet.

Ted Kozlowski stated I haven't said you did, I am just saying that this is the third revision and its not a replacement of in kind, it's expanding and there are implications here, you're going to be taking a garage apart, you know...

Chairman Rogan stated I think it's pretty obvious that Ted is just trying to make sure that you are aware that if the Contractors don't do a job carefully, it might have impacts. You are recommending that the Board consider a wetlands/watercourse waiver on this, replacement from a 24 by 24 to a 26 by 26 garage in the same basic location, acknowledging that it is going to shift two feet and the foot print is actually 4 foot larger on one side, 2 foot less on that other, is that all correct.

Mrs. Chiappa stated exactly, yes.

Chairman Rogan stated that is in the form of a motion.

Board Member Montesano seconded the motion.

Chairman Rogan asks for all in favor:

Board Member McNulty	-	aye
Board Member DiSalvo	-	absent
Board Member Montesano	-	aye
Board Member Cook	-	aye
Chairman Rogan	-	aye

Motion carries by a vote of 4 to 0.

Chairman Rogan stated okay, just tell the contractor to acknowledge, understand that when they demo this thing, maybe they should do a lot of the work by hand as you know, as least damage as possible and you know if more comes out of this than what we anticipate then you might be back in front of us for a

wetlands permit for a driveway but if they take, have them lay sheets of plywood down on the driveway, \$300 worth of plywood there...

Mrs. Chiappa stated yea, I don't want to replace the driveway, I don't want to go through that expense, I was just saying what if I did have to replace it, you know, is that going to be a big problem.

Ted Kozlowski stated I don't want to do that.

Mrs. Chiappa stated so I will...

Chairman Rogan stated yea, Teddy is speaking from experience and I do get a sense...

Mrs. Chiappa stated and I can have them go across my lawn from Baldwin Road.

Ted Kozlowski stated I think you have to plan this out carefully.

Chairman Rogan stated yea.

Board Member McNulty stated Ted do you need an application to resurface the existing driveway.

Ted Kozlowski stated no.

Chairman Rogan stated see when things are going to happen...

Mrs. Chiappa stated so now, do I have approval to do a 26 by 26 garage...

Chairman Rogan stated you don't have a building permit.

Mrs. Chiappa stated I know I don't have a building permit but I don't want to pay for architectural stamped drawings...

Chairman Rogan stated you have an approval based on what you submitted here tonight for the location of a 26 by 26 garage, you still have to go through the whole building permit process...

Mrs. Chiappa stated of course.

Ted Kozlowski stated you need a demolition permit and a building permit.

Mrs. Chiappa stated okay.

Chairman Rogan stated great, okay, thank you kindly.

Mrs. Chiappa stated thank you very much.

Chairman Rogan stated thanks for your patience this evening, thanks Ted. Ted thanks for bringing to our attention that Mrs. Chiappa was sitting back there, sometime people sit the whole meeting and then get up and leave and they just came to listen.

Mrs. Chiappa stated thank you Ted.

Ted Kozlowski stated take care, good luck.

Mrs. Chiappa stated thanks.

5) TAGGART ESTATES SUBDIVISION – Continued Review

Mrs. Theresa Ryan of Insite Engineering, Surveying and Landscape Architecture, was present

Chairman Rogan stated okay, I'm sorry Theresa, back to Taggart Subdivision, Theresa thank you for your patience as well.

Mrs. Ryan stated that's all right.

Board Member Montesano stated you want to make a motion for a major subdivision.

Chairman Rogan stated let's have Theresa bring us up to speed and (inaudible).

Board Member Montesano stated (inaudible).

Mrs. Ryan stated hi.

Chairman Rogan stated I thought the last time we saw you was out on this property.

Mrs. Ryan stated that's right, it's been awhile.

Chairman Rogan stated how are you.

Mrs. Ryan stated good.

Chairman Rogan stated good, good.

Mrs. Ryan stated I just wanted to discuss some of the things that came up in Andrew's and, I have to speak into this, Charles told me...

The Secretary stated I appreciate that you speak into it.

Mrs. Ryan stated okay.

Board Member Montesano stated hanging around you long enough.

Mrs. Ryan stated some of the items that came up in Rich's and Andrew's memos, most of this stuff, you know we looked through it and we can address most of it but some of the items I want to discuss with the Board tonight. One of the things is fire protection, I know on other projects we've proposed underground tanks and Rich recommended something like that at the entrance and if that is what the Board wants us to look at it, we can go ahead and do that.

Chairman Rogan stated what were you thinking Theresa.

Mrs. Ryan stated something similar to that, the size of that would have to be determined.

Rich Williams stated the Fire Inspector is going to be in tomorrow, I expect that he is going to have some recommendations but you know we worked closely in the past and I have a good sense about what he's looking for, so...

Chairman Rogan stated okay and also the, because we now have this single lot for our stormwater and wetlands area, we can certainly put it on that lot or create a lot with that...

Rich Williams stated we are going to have to take a look at that because the, for me the optimum location to do that would where the infiltrator is. So we may have to push in a little bit.

Mrs. Ryan stated okay.

Chairman Rogan stated okay.

Mrs. Ryan stated street trees, something that the Board was looking to have installed.

Chairman Rogan stated are you asking or...

Mrs. Ryan stated asking.

Chairman Rogan stated you know, we haven't even discussed something like that.

Board Member McNulty stated is that a note that you put in, in your letter Rich.

Rich Williams stated I didn't.

Mrs. Ryan stated Andrew did.

Andrew Fetherston stated I only mention it because in the preliminary nature there were no street trees mentioned and the road...

Board Member Montesano stated (inaudible).

Mrs. Ryan stated yes.

Andrew Fetherston stated ordinance says curbs, that would make it real easy to put in trees but now you have no curbs and swale, which I think is better from a stormwater point of view but then you are going to be putting street trees possibly out on private properties, perhaps.

Rich Williams stated yea, there are a couple of issues here, our Code says we have the ability to install street trees within a subdivision but typically most of our subdivisions are in forested areas so we are not looking to put the street trees in. Certainly if we are going to do street trees, we are not going to do them in the street right of way. So, we push them back off of the street right of way because there is a liability issue and we don't want to create any sort of obstructions within that road right of way. So, typically we don't...

Chairman Rogan stated no, I could see if we were doing something like a boulevard concept like we looked at in Southeast...

Rich Williams stated yes.

Chairman Rogan stated they put some very small growing, you know low growing street trees, they look nice in that kind of concept. Theresa, can I just ask quick, I know you have a lot things, we were very confused I was very confused when I looked at this layout because this 50 foot right of way off the cul-de-sac, in an anomaly to me when it was thrown out. To be specific, Dave, who is not on the Board anymore was very vocal about possibly the idea of the owner of this property speaking to other property owners for the potential for connectivity from one lot to another. It exists into the Boniello lot which is over here, it had nothing to do with...

Mrs. Ryan stated oh that's not where you wanted it...

Chairman Rogan stated well we didn't, I don't want it per se, I don't want you to show...

Mrs. Ryan stated oh.

Chairman Rogan stated it was more direction and correct me if I'm wrong and sorry Tom, you weren't on the Board then but the intent was that there might be some benefit for this property owner talking to this property owner to gain access to a piece of property which we walked, when we originally walked this property, Taggart's property and what I think Dave was hinting at was a connection through, now there originally there was a house shown I don't remember what lot it was but basically our stormwater lot at the top of it, in here. I am not promoting that, I just remember that being an issue, they were saying to explore it.

Board Member Montesano stated he was mentioning it because the Boniello property you had to make a ski jump basically...

Chairman Rogan stated go through a wetland and, yea...

Board Member Montesano stated to get up to it and at the time, I'm just, I'm trying to remember how Dave had that but he had spoken of the possibly of owner A contacted owner B to see if they would be interested in making a connecting way.

Chairman Rogan stated and that is really the extent of it.

Board Member Montesano stated and that's (inaudible) was.

Chairman Rogan stated I mean there is no benefit that the Board can see to having connectivity between the cul-de-sac and a commercial piece of property...

Mrs. Ryan stated that's fine.

Chairman Rogan stated so, if it was a mis...

Mrs. Ryan stated that really, it was a misunderstanding.

Chairman Rogan stated you must have been like what are they thinking, you know us better than to, you should ask, when I saw that on the plans I thought what are they proposing that they haven't told us about yet because...

Mrs. Ryan stated that must have been a misunderstanding because...

Chairman Rogan stated yea.

Board Member Montesano stated yea.

Mrs. Ryan stated that is where I thought that we wanted the connectivity...

Chairman Rogan stated I think initially they were, remember we, well you don't remember...

Mrs. Ryan stated that is terrific because you know some of those lots over there...

Chairman Rogan stated they can really use this...

Mrs. Ryan stated could use that additional land which was another comment I was going to bring up.

Chairman Rogan stated initially when we did this site walk who is the previous application...

The Secretary stated Leonidas...

Rich Williams stated Leonidas.

Mrs. Ryan stated Leonidas.

Board Member Montesano stated Leonidas.

Chairman Rogan stated when we did the site walk for Leonidas, we walked through and walked through and came out at Boniello because we were doing other site walks...

Mrs. Ryan stated oh okay.

Board Member Montesano stated yes.

Chairman Rogan stated and we said wow they have this property up top that there was some very usable nice area up there that you can't gain access to reasonably, at that time it was said if these guys can get together there might be benefit for both.

Mrs. Ryan stated I see.

Chairman Rogan stated and that's the idea, as far as I am concerned for the Planning Board...

Mrs. Ryan stated okay, that's terrific.

Chairman Rogan stated if they want to look at that, that's great you know because...

Board Member Montesano stated so now you can just break that apart and charge additional for that lot.

Mrs. Ryan stated thank you very much.

Chairman Rogan stated that was a couple of years ago so...

Board Member McNulty stated Shawn, what are you saying, you want to pull that cul-de-sac up away from...

Chairman Rogan stated I'm just saying that this right of way shown between the cul-de-sac and the adjacent property owners is not necessary.

Mrs. Ryan stated the right of way.

Board Member McNulty stated oh okay.

Chairman Rogan stated it wasn't asked for nor appropriate I think.

Board Member Montesano stated it wasn't necessary, period.

Mrs. Ryan stated we presented a segway into one of my later comments.

Chairman Rogan stated okay.

Mrs. Ryan stated the zone line that is one our property now, a chunk of it is in the commercial zone and I think at one point we wanted, we asked the Board if they would consider requesting a zone change, shift that zone line off because it doesn't make sense as a landlocked piece of property that's commercial zoned, I think it was just a...

Chairman Rogan stated just a missed, probably.

Mrs. Ryan stated I think so, right Rich, it was just, it wasn't intended to be there, you can see it better here.

Rich Williams stated yes.

Mrs. Ryan stated this is C-1 zone up here in the corner, we just want it all to be residential, just shift that line over because it's a Town Board action...

Board Member Cook stated is it part of the site.

Chairman Rogan stated no, it is part of the site, it's a section of property shown right here...

Mrs. Ryan stated yup.

Chairman Rogan stated you see that section, it basically runs a line about like this that is part of the C-1 zoning, the zone when over a property line and it probably should not have.

Board Member Cook stated so how do we correct that.

Chairman Rogan stated we recommend to the Town Board to...

Board Member McNulty stated to change the zoning for that...

Rich Williams stated to change the zoning.

Chairman Rogan stated to change the zone on that particular chunk of property to residential, R-4 is it.

Board Member Montesano stated so moved.

Board Member McNulty stated is the property all surveyed all ready.

Chairman Rogan stated oh yea.

Rich Williams stated yes.

Board Member McNulty stated it is an official survey so it can be staked out properly, that's all, so that area is accurate.

Rich Williams stated yea for purposes of zoning we do it, you know, we are just going to change our zoning back.

Chairman Rogan stated from the standpoint of this is a particular tax parcel we can simply say that portion of tax parcel X that is shown as commercial property be reverted to or changed to residential and that would encompass all of that property that is not currently residential.

Rich Williams stated right, it would be parcel 37.

Chairman Rogan stated Rich, you're in favor of that.

Board Member Montesano stated make a motion to recommend to the Town Board to change parcel 37 to residential from commercial.

Chairman Rogan stated that portion that is, second.

Board Member Cook seconded the motion.

Chairman Rogan asks for all in favor:

Board Member McNulty	-	aye
Board Member DiSalvo	-	absent
Board Member Montesano	-	aye
Board Member Cook	-	aye
Chairman Rogan	-	aye

Motion carries by a vote of 4 to 0.

Chairman Rogan stated and Theresa what is this reputed Hayt triangle on it.

Mrs. Ryan stated apparently it is a remnant of the oblong.

Rich Williams stated there is a discrepancy in the survey descriptions within this property compared to the adjacent property, correct me if I'm wrong, stop me if I'm wrong. That create this Gore parcel which is really not man's land neither deed description encompasses this property...

Chairman Rogan stated its called a Gore.

Mrs. Ryan stated Gore, yes.

Chairman Rogan stated I've heard that before but I didn't know what it meant.

Rich Williams stated (inaudible).

Board Member McNulty stated a Gore.

Mrs. Ryan stated yup.

Rich Williams stated and what it is, is the, you've heard about the oblong line.

Mrs. Ryan stated sometimes they are created when parcels overlap and sometimes they are created when parcels don't meet those Gores.

Rich Williams stated this is actually part of the oblong line.

Chairman Rogan stated okay.

Rich Williams stated so this area over here was at one time disputed between Connecticut and New York about the ownership and you know they used this as a property boundary and you can follow it up as you go through the town to some degree.

Chairman Rogan stated you're good Theresa.

The Secretary stated everybody knows you.

Rich Williams stated so this property didn't include this land and this property didn't include this, when this individual sold it, they didn't properly describe it within the deed. I know Insite has been you know turning over deed after deed after deed trying to find out...

Mrs. Ryan stated Civil War...

Rich Williams stated who this is.

Chairman Rogan stated as long as we don't have somebody who now says I have a landlocked parcel and I have to get access to it, regardless of slopes or wetlands.

Rich Williams stated there's been talk of the owner building a house on it.

Chairman Rogan stated I'm sure.

Mrs. Ryan stated or giving us a Quit Claim on it.

Rich Williams stated yea.

Chairman Rogan stated yea.

Mrs. Ryan stated that would be Rich, he's an ancestor of the original owners.

Board Member Montesano stated there is a guy whose names GooGoo GaGa he's the Indian that said he owned the property originally...

Board Member Cook stated how d you know that the State of Connecticut still doesn't own it.

Mrs. Ryan stated we don't.

Board Member Montesano stated well actually the guy moved to Wisconsin, he said he owns it.

Chairman Rogan stated wow, interesting, right Ron.

Mr. Taylor stated yea, it used to be a precinct called Southeast Precinct, it is different then Fredericksburg Precinct that most of Patterson was made from. So it was a whole different precinct within New York than Dutchess County.

Chairman Rogan stated wow.

Mr. Taylor stated that is probably why the confusion between the deeds because somebody didn't see when they combined the two precincts together that this piece was missing.

Chairman Rogan stated that's interesting.

Mr. Taylor stated it couldn't go on today because its part of New York.

Board Member McNulty stated we don't know who owns it.

Mrs. Ryan stated it can't.

Board Member Montesano stated so the secret is who is going to put the claim in.

Chairman Rogan stated right.

Board Member McNulty stated whose paying the taxes.

Chairman Rogan stated well its not a separate tax parcel is it.

Mrs. Ryan stated no.

Board Member Montesano stated yea.

Chairman Rogan stated no, it's not.

Mrs. Ryan stated it shown on the tax maps as part of the adjoining parcel but it has, it wasn't taken into consideration...

Chairman Rogan stated I need my house to show up like that so it doesn't show up on the taxes. Okay, I know you have (inaudible).

Board Member Cook stated so how is it represented though, just the way it is, it's not part of this application.

Mrs. Ryan stated its represented as N/F Hayt, right as taken out of this piece.

Board Member Montesano stated we had one that when you used to buy a house in the town of, in this town, at one time you got a wood lot out there and it was part of your house...

Chairman Rogan stated oh yea.

Board Member Montesano stated and a lot of people never realized it...

Mrs. Ryan stated and they have right of ways to them too.

Board Member Montesano stated some gentleman came along and said well he bought up all of these parcels and then he found out he couldn't build anything on it.

Mrs. Ryan stated we are having, our clients are having discussions with the adjoiner and it, if its, we are hoping that they will agree to provide a quitclaim to that so that can come back to this piece but those are ongoing discussions.

Chairman Rogan stated a quitclaim is basically you're signing something saying I don't have any interest or rights...

Carl Lodes stated (inaudible – not using microphone).

Chairman Rogan stated cool.

Board Member Montesano stated happy days are here again.

Chairman Rogan stated okay.

Mrs. Ryan stated so that is ongoing.

Chairman Rogan stated interesting.

Mrs. Ryan stated yup, the one this that we would like the Board to take action on tonight too is the length of the cul-de-sac, we've put a lot of effort into this already and we have more work to do on this and before we spend anymore time on it. We want to make sure that the Board is going to be okay with waiving the length road.

Chairman Rogan stated what is the total length of the cul-de-sac.

Mrs. Ryan stated about 1787.

Chairman Rogan stated about 17, that sounds exactly like 1787.

Mrs. Ryan stated it was a good year.

Andrew Fetherston stated Shawn...

Chairman Rogan stated yea.

Mrs. Ryan stated its 1500.

Andrew Fetherston stated we were just looking at that and what's driving that is the frontage of course.

Chairman Rogan stated sure...

Board Member Montesano stated now since we don't have to go back to this alleged parcel back there with the extra road...

Chairman Rogan stated right.

Board Member Montesano stated connection can we move that cul-de-sac up a little bit and would it cause...

Mrs. Ryan stated the reason why it's where it is and some of the people that did the site walk noticed it, I think Rich walked over there where the cul-de-sac was, not everybody did but it's a nice flat area and that is really where topographically, is the best place for the cul-de-sac. If we pull it back, it is in some steep slopes and we would have a lot more earth work to do to level that off...

Chairman Rogan stated especially through here.

Mrs. Ryan stated it also impacts the frontages for the lots.

Chairman Rogan stated okay. I don't have any problem with the additional length. We've acknowledged on this application all from the start, its access off of a road that is a dead end in and of itself but at least we are not adding to the length of the road to get this in, you know. We are not adding to the road, its not like this comes in off the end of the road and we are making it that much longer so how...

Board Member McNulty stated I have a question Shawn...

Chairman Rogan stated sure.

Board Member McNulty stated new to this, all these distances and things, why do we have a 1500 foot limit on a road...

Chairman Rogan stated you want to tackle that one.

Rich Williams stated reasons of safety, the longer you have the cul-de-sac, it can get a blockage up in front, trying to get to the back on an emergency situation becomes very difficult. Say we have a hurricane and we have trees go down and block the front of the road off, for emergency responders to get 1000 feet back, its difficult, 1500 feet is a little bit more, 2000 feet which is where we used to be is even more difficult, so...

Board Member McNulty stated so we are only looking at 200 feet, 287 feet.

Board Member Montesano stated you have to look at it also on the back of Ballyhack itself is...

Chairman Rogan stated right, a dead end road.

Board Member Montesano stated a dead end road...

Mrs. Ryan stated which is beyond us, past us.

Board Member Montesano stated so that's...

Rich Williams stated by Code, the dead end road here starts a Ballyhack and goes in.

Board Member Montesano stated so what you're approving is, what they have is additional, approximately 250 plus feet but if you add it from Route 22 going in, all that is part of that...

Board Member McNulty stated if you were to add Ballyhack in as well.

Board Member Montesano stated yea, so what we are approving basically would be not necessarily, approximately 1800 feet of road, you are approving an additional 2000 feet before it gets to it or 1000 feet plus the 1800, this is where it can get to be twice as hairy, so now you've got a 2800 foot road, that is a dead end.

Rich Williams stated right and can you imagine if something happened on 22 and then you know down at this cul-de-sac there was an emergency and you know responders had to hike it up all the through from Route 22 up, long way.

Board Member McNulty stated so is that why we have that easement at the top of the map then, to get to the other property.

Chairman Rogan stated no, that was just miscommunication.

Board Member McNulty stated oh okay.

Board Member Montesano stated just to throw it out, just to be aware of what's going on.

Chairman Rogan stated yea, (inaudible – too many talking) just helping us out...

Board Member McNulty stated but the limit of the road is actually from Ballyhack to the cul-de-sac, correct, that is the technical distance...

Rich Williams stated technically.

Board Member McNulty stated so technically we are adding 287 feet, 1787 you said,

Chairman Rogan stated yup, Rich do you have any input on that, extra 287 foot in this case.

Rich Williams stated on the extra...

Chairman Rogan stated meaning on the Board, us taking an action on allowing greater than 1500 feet in this case.

Rich Williams stated its not something that you want to encourage...

Chairman Rogan stated right.

Rich Williams stated you know there is the ability to balance the needs for the safety of the community against the rights of the applicant, you do need to take a look at that, I wouldn't say it's unreasonable in this case. It would be nice if we had some sort of alternative here...

Chairman Rogan stated well the alternative would be if the proposed drainage district parcel wasn't, a drainage district, if this was good property we could then say we want to limit this road to 1500 feet and utilize that property, so I think there can be some correlation between the distance of this road and the...

Board Member McNulty stated not use of.

Chairman Rogan stated the lack of usage or the stormwater usage of this parcel up front, we are losing that chunk of property to you know, if that was all usable property I don't think I would be in favor of 287 extra feet. Also and I don't know if you know this Tom but we, up until the last submissions, excuse me, up until the last submission we had a house shown in here...

Mrs. Ryan stated and.

Chairman Rogan stated and we pushed hard, we really thought that was jamming everything up, I'm sorry go ahead Theresa.

Mrs. Ryan stated we had another on there too, off of Ballyhack.

Chairman Rogan stated oh down in here.

Mrs. Ryan stated remember we had, we kept losing our lot five.

Chairman Rogan stated so in essence we combined now and we took out two houses from the proposal because we knew they were very tough parcels, this is going to be our drainage area now, all of the stormwater for the whole subdivision is going to be taken care of in this...

Mrs. Ryan stated almost all of it.

Chairman Rogan stated well I mean there won't be ponds up in these front yards.

Mrs. Ryan stated no.

Chairman Rogan stated great, I understand there are other practices for those lots but from this main roadway it will...

Mrs. Ryan stated there will be one practice on the lot twelve, part of the road that can't get into that.

Chairman Rogan stated just because of grading you wouldn't be able to...

Mrs. Ryan stated right, we can't daylight it.

Chairman Rogan stated right but where the Board has had some frustration in the past was, we have looked subdivisions, I'm looking at the Couch Road Subdivision as a great example where we thought we were getting one thing and then when the stormwater comes back from other agencies, there was a big stormwater pond in every front yard which defeats what we were trying to achieve. At least in this case we get a sense of what we are going to end up with, what we are looking at is what we should end up with.

Mrs. Ryan stated and we are hoping we will only end up with one stormwater basin, we are going to try to infiltrate all the rest.

Rich Williams stated if I can just jump in here for a minute, they are showing a lot infiltration practices on this, Andrew and I both have some serious concerns, reservations anyway about that infiltration, it was my suggestion that we get through the layout and then we will work on the stormwater, we will get through preliminary plat and then we work on the stormwater...

Chairman Rogan stated right.

Rich Williams stated but we both have some concerns, is that fair to say.

Andrew Fetherston stated yea, I just thought that you would want to contact the Highway Department and see what their experience is in maintaining these structures their experience because if they are going to be dedicated to the drainage district but then also having the concern of the Highway Department enter onto private property. The Highway Department if they are going to enter on to maintain rain gardens, if that just how the maintenance would function, I think needs to be discussed and understood by the Board.

Rich Williams stated I can answer some of that, currently we do not have any infiltration practice being maintained by the Highway Department.

Andrew Fetherston stated it's another new trick to learn, essentially.

Board Member Montesano stated with that note if we make a district out of it, can we include the Town getting permission to maintain that district or would we make it into...

Rich Williams stated we make a district that the Town is the administrator of that district and we can actually hire...

Andrew Fetherston stated can hire somebody to vac it out.

Rich Williams stated yea we can hire somebody outside of our Highway Department, they would be contributing to do that...

Mrs. Ryan stated that was the goal and most of those infiltration practices, all but one will be on that drainage parcel. This is all going to be a proposed drainage district parcel, Andrew and most of the those infiltration practices are along this side of the road. There is one here that is going to serve part of the road and lot twelve and we are going to separate that out so that the road will have one and lot twelve will have its own, whatever practice it ends up being. So this, whatever is down here will have to have an easement around it because that is the only one that won't be able to go on to this drainage district parcel...

Board Member Montesano stated this whole thing.

Mrs. Ryan stated because of the elevations...

Rich Williams stated (inaudible) down below on private property.

Mrs. Ryan stated here.

Rich Williams stated yea.

Mrs. Ryan stated but those would be maintained by the homeowners.

Rich Williams stated the individual property owners, we would have to deed restrict those.

Andrew Fetherston stated okay.

Mrs. Ryan stated yea.

Andrew Fetherston stated I guess that's what I was looking for, for clarification to the Board who is owning what.

Chairman Rogan stated but Mike, what you brought up though, applies more to some of these lots, lots one, two and three, the question was, Carl, maybe you can answer this, would lot owners that don't benefit from the district because they are part of this subdivision have to pay to the district. We have lots, lots 1, 2, and 3 that are down on Ballyhack that wouldn't...

Mrs. Ryan stated these, there's four actually.

Chairman Rogan stated four, okay that wouldn't make use of the drainage district contemplated...

Carl Lodes stated well if you are going to include those lots into the drainage district.

Chairman Rogan stated I guess that was my question...

Mrs. Ryan stated we weren't anticipating that.

Chairman Rogan stated so they are not included, so therefore they are not tied to it.

Carl Lodes stated right.

Mrs. Ryan stated we are only anticipating, including the ones that are going to access off of the proposed road.

Chairman Rogan stated okay, procedurally, for a road greater than 1500 feet, is that a waiver that we do, so it doesn't go to Town Board or anything, its just something that...

Rich Williams stated is a waiver by this Board.

Chairman Rogan stated okay, does somebody want to make that motion.

Board Member Montesano stated no.

Chairman Rogan stated want me to.

Board Member Cook stated make the motion that the Planning Board approve a waiver for the access road for this application that encompasses or approves the roadway going to 1787 feet, which is above the 1500 foot threshold (inaudible).

Board Member Montesano seconded the motion.

Chairman Rogan asks for all in favor:

Board Member McNulty	-	aye
Board Member DiSalvo	-	absent
Board Member Montesano	-	aye
Board Member Cook	-	aye
Chairman Rogan	-	aye

Motion carries by a vote of 4 to 0.

Chairman Rogan stated any opposed, okay.

Mrs. Ryan stated thank you, I still have...

Chairman Rogan stated I know you have a bunch of other requests...

Board Member Cook stated (inaudible).

Chairman Rogan stated go ahead.

Board Member Cook stated one of the letters that you received was from the Historical Society about a level, phase 1b survey...

Mrs. Ryan stated okay.

Chairman Rogan stated is that 1a, have we even done a 1a on this.

Mrs. Ryan stated 1a.

Chairman Rogan stated 1b is the physical part of going out and digging, I thought we were at the 1a level on this.

Board Member Montesano stated yes.

Mr. Taylor stated and 1b too, I think we asked for both since we did the 1a essentially. We looked at the history of the site.

Board Member Cook stated so you're looking for what, 1a or 1b.

Board Member Montesano stated 1a and 1b.

Chairman Rogan stated come on up Ron.

Mr. Taylor stated I don't, I mean for your purposes do you require them to do a 1a and then a 1b or can they skip the 1a and go on to the 1b...

Chairman Rogan stated I don't know.

Mr. Taylor stated because we've essentially done the research for the 1a already.

Rich Williams stated a 1a is the document search and then based on that document search you may identify areas on the site where you need to do a 1b...

Mr. Taylor stated right.

Rich Williams stated so, without doing the 1a, they can't do the 1b. You want to say you've done the 1a and provide it to them, I don't think anybody would have a problem there.

My. Taylor stated because we can provide the document and then they can incorporate it, whatever makes it easier for them.

Chairman Rogan stated there is no sense spending money doing things that are already done.

Mr. Taylor stated this site isn't it, this one.

Chairman Rogan stated lot two.

Mr. Taylor stated I think or in here, where is the existing building.

Mrs. Ryan stated there are several, there is a residence here, there was one here that burned down.

Mr. Taylor stated this is where the old house was.

Chairman Rogan stated yea.

Mrs. Ryan stated it was right in here, that burned down.

Mr. Taylor stated so this is the only place we are recommending they do.

Chairman Rogan stated oh wow.

Mr. Taylor stated it was all open land...

Mrs. Ryan stated just on this lot.

Mr. Taylor stated just in that little corner because that is the only historic documentation, this is much later and this was all farm land or woods, there was nothing shows up on this one and then across the street there was the older house across the street, this was the son, this was the father over here. So that is what we recommending, I can make it clearer if you want me to submit the documents and whatever.

Chairman Rogan stated I think anything you have that you want to submit for the record to substantiate the, you know doing the 1b in that area, that'd be great.

Mr. Taylor stated I think I gave you some of them already.

Chairman Rogan stated Charlie would probably have it, you're our maven.

Board Member Cook stated what are you looking for I'm sorry.

Chairman Rogan stated the document that Ron had sent in relevant to his findings for this.

Board Member Cook stated it's a dollar a copy sir.

Chairman Rogan stated I don't want any copies, you'll have to ask Theresa.

Mrs. Ryan stated I don't have my wallet on me.

Chairman Rogan stated you're good for it.

Rich Williams stated just so we're clear, Theresa is going to review what they did, they are going to make sure its adequate for their needs and going on to a 1b.

Chairman Rogan stated because bottom line is if Ron is saying he's looked at it, this is an area he's got concern about and wants to investigate.

Board Member Montesano stated what is the difference if we say it should be a 1a plus a 1b and they hand us the information that we got for the 1a, we've already included it and we can go from there and then they proceed with the thing.

Rich Williams stated that is essentially what we are going to do.

Board Member Montesano stated okay.

Mr. Taylor stated so I can send you this, I mean its explained in the letter, this is an overlay of the 1854 map on to your...

Chairman Rogan stated Michelle made a copy of that.

Mr. Taylor stated (inaudible), destroyed when 22 went in.

Board Member McNulty stated I was told I can't say anything for two years.

Board Member Cook stated garden center.

The Secretary stated okay.

Board Member Montesano stated thank you.

Chairman Rogan stated would you be so kind to copy that document they are looking at.

The Secretary stated certainly.

Chairman Rogan stated so we can give the original back to Charles.

Mrs. Ryan stated is it the whole lot or just...

Mr. Taylor stated it would be those two because I mean, this was the barn, this was the house, you would think that if there is any historic information it would be...

Mrs. Ryan stated in the front part of this lot.

Mr. Taylor stated yes in that area...

Mrs. Ryan stated okay.

Mr. Taylor stated as you can see there is nothing, absolutely nothing up there, on the overhead maps, they are on this side of the road.

Mrs. Ryan stated okay.

Chairman Rogan stated I guess there are so many conversations.

Mrs. Ryan stated thank you.

Board Member McNulty stated so the issue is here do we approve the phase 1b....

Chairman Rogan stated not approve it but I guess authorize it or at least have a discussion as to what will progress and we don't, our Board doesn't have a lot of experience. These are things that we are starting to get involved with and Ron has been kind enough over the last year or so to really get involved with helping out our Board to guide us in terms of our local history and we appreciate your help with that and your great photography too by the way. We appreciate the pictures.

Board Member Montesano stated he just likes to dig things up.

Mr. Taylor stated I did clean those up a lot, respectfully.

Chairman Rogan stated well they look great.

Rich Williams stated should have taken Ted out.

Chairman Rogan stated I know Theresa that Rich, whether or not he is putting it in writing or not, we were looking at a lot, a few of these lots and the positioning of the house location relevant to the topography and specifically I was looking at lot 8 and the area directly behind the house between the building envelope, the corner of the house. If you take basically a straight line off the end of the driveway to that, you end up with a very small area that is behind the house that is area that can be utilized for structures.

Mrs. Ryan stated right here.

Chairman Rogan stated yup and we wondered if there is anything that can be done to some of these house locations to just move them slightly to gain a little more usable area.

Mrs. Ryan stated oaky, we'll look at that.

Chairman Rogan stated some of them area really, I mean there are sig, as you know, you were on it, significant topography on some of these lots and certainly lots 8 and 9...

Mrs. Ryan stated yea.

Chairman Rogan stated you know.

Rich Williams stated I did list them all.

Chairman Rogan stated you did, okay cool.

Rich Williams stated yes I did.

Chairman Rogan stated 8 is, excuse me, 8 is the one that really jumped out at me when I was looking at this the other day...

Mrs. Ryan stated just so they have a backyard for other structures, possible structures.

Chairman Rogan stated well it just seems like they are these huge lots and we are putting a house right up against a building set back...

Mrs. Ryan stated gotcha.

Chairman Rogan stated and so I am just a little bit concerned about that. Of course the people that buy these are going to say I own 5 acres, I own...

Rich Williams stated give it to Charlie.

Mrs. Ryan stated thank you.

Chairman Rogan stated the original goes back to Charlie.

The Secretary stated oh.

Rich Williams stated to Charlie.

The Secretary stated then who are the copies for.

Chairman Rogan stated Theresa, thank you.

The Secretary stated I made you two.

Mrs. Ryan stated thank you.

Chairman Rogan stated she has a lot of people she works with, two might not be enough.

The Secretary stated did you need a copy of that, are you sure.

Board Member McNulty stated sure.

Chairman Rogan stated okay, the other thing you were going to ask for was for us to declare this a major subdivision and do a coordinated review I was assuming, right.

Mrs. Ryan stated yes.

Chairman Rogan stated yea.

Board Member Montesano stated yea so, it's all good, second.

Chairman Rogan stated Charlie, the motion is on declaring this a major subdivision and conducting a coordinated review.

Chairman Rogan asks for all in favor:

Board Member McNulty	-	aye
Board Member DiSalvo	-	absent
Board Member Montesano	-	aye
Board Member Cook	-	aye
Chairman Rogan	-	aye

Motion carries by a vote of 4 to 0.

Chairman Rogan stated you want me to back up a second and explain that.

Board Member Montesano stated no, we gave him the paper.

Board Member McNulty stated I think I get it.

Chairman Rogan stated major and minor subdivisions are based primarily on lot count, what is usually around five lots or under we do a minor subdivisions. Coordinated review and uncoordinated review has to do with whether or not you involved other agencies in the process, or every man for himself kind of thing. I know I probably way over simplified but in essence...

Rich Williams stated that was good.

Mrs. Ryan stated that's good, no.

Board Member Montesano stated that works.

Chairman Rogan stated in some cases we do an uncoordinated review because there is nobody else to coordinate with.

Board Member McNulty stated no other lead agency that has to be...

Chairman Rogan stated it may be the Highway Department for a permit or something but in this case we have Health Department, highway, you know DEP, there are probably half a dozen that I don't even really recall.

Board Member Montesano stated you got your three little cars, you got your paper, you can (inaudible).

Chairman Rogan stated so motion carries on that and I know you were hoping for SEQRA but we have a little bit of stuff with...

Mrs. Ryan stated no, that's fine.

Chairman Rogan stated yea but we are making some progress.

Mrs. Ryan stated I mean you're not even lead agency yet so you can't.

Chairman Rogan stated you won't ask for it anyway.

Board Member Montesano stated you can try.

Chairman Rogan stated we are silly enough to fall for it with you.

Mrs. Ryan stated the other thing, one other thing.

Board Member Montesano stated uh-oh.

Mrs. Ryan stated I know, two other things.

Chairman Rogan stated okay.

Mrs. Ryan stated the street design, we didn't design it the typical way with curbs as Andrew said but we have the 24 foot width and we have road side swales, we would like to make sure that the Board is over with that. We were trying to, there is a new design manual draft revisions coming out soon and they are really pushing for runoff reduction volume, green infrastructure and reduced road widths and we are okay too with reducing the road width if the Board is amendable to that, I don't know if we have to get Highway Department input and that was the second part of my question, I know was I don't know who we would contact in the Highway Department, we have some items to...

Rich Williams stated before we go down that road...

Chairman Rogan stated road, listen to him.

Rich Williams stated I think between myself and Highway...

Chairman Rogan stated before we go down that road.

Rich Williams stated yea should maybe get together and talk about Town standards and policies and what we are going to do to meet the new DEC requirements.

Chairman Rogan stated yea, you know what Rich in this particular case, I probably wouldn't be in favor of reduced road widths because we are adding to length of it, we always, just what you're saying, blocking and stuff, if we now reduce it, we might have that much more likelihood that we have an impasse.

Board Member Cook stated how wide is it now.

Mrs. Ryan stated 24 [feet wide].

Board Member Montesano stated its 24, they are probably going to look for 20 or 18 something like that.

Chairman Rogan stated they probably look around 20.

Mrs. Ryan stated 20 probably.

Board Member Montesano stated that's fine it you are in New York City maybe or in a major but up here when you've got plow trucks coming through...

Chairman Rogan stated that's a good point.

Rich Williams stated well I was privy to some of the conversations that was driving some of this with the DEC and they were throwing out that they did not support communities have road widths of say 30 feet, now I don't know where those communities are...

Mrs. Ryan stated whoa.

Rich Williams stated but 30 feet is a pretty damn wide stretch of pavement for cars...

Chairman Rogan stated they are all driving hummers.

Rich Williams stated and they probably should be reduced, 24 safely passes two vehicles.

Chairman Rogan stated yea, so maybe that was more...

Rich Williams stated anything less and if you have a big truck coming down at you, its going to be.

Board Member Montesano stated that is why they put that big steel bumper...

(Tape 1, Side 2 ended - 9:17 p.m.)

Mrs. Ryan stated that's good.

Chairman Rogan stated its going to be tight, I agree with that.

Board Member Montesano stated what road.

Chairman Rogan stated you know.

Andrew Fetherston stated sometimes those go down at two ten foot lanes or a twenty feet width and have a you know, a hardened shoulder, I've seen that.

Chairman Rogan stated oh yea.

Andrew Fetherston stated so it (inaudible) so still you wouldn't sink.

Chairman Rogan stated still have a, a hardened shoulder its not impervious.

Andrew Fetherston stated well...

Chairman Rogan stated and secondly Theresa was going to ask.

Mrs. Ryan stated that was the second part, the Highway Department...

Chairman Rogan stated oh.

Mrs. Ryan stated there were a number of items that we need to discuss with them, according to the memos, drainage easements, maintenance of the infiltration, that type of thing. We need to know who to contact.

Chairman Rogan stated let's get them, you guys to all get on the same page and talk to, you know.

Rich Williams stated we'll see what Gene wants to do, he didn't get a lot of opportunity to deal with our former Highway Superintendent but...

Chairman Rogan stated former or current.

Rich Williams stated he wasn't really interested in talking about these issues, he wasn't (inaudible).

Mrs. Ryan stated that's fine.

Board Member Montesano stated he's a future man.

Andrew Fetherston stated we can show him the devices and explain it to him, the maintenance requirements, got to have a manufacturer step in and show him, they will bring him the full size devices.

Rich Williams stated Gene Brandon is the interim Highway Superintendent, we have to see, we have to feel him out to see what we wants to do with this.

Chairman Rogan stated okay.

Board Member Montesano stated now we are going to have a ten foot, ten foot, how big are the breakdown lanes on either side.

Andrew Fetherston stated they would probably be four feet, I mean it's probably going to be, I think you would need details showing exactly but I think it was 24 and then maybe it was four feet then you started (inaudible).

Mrs. Ryan stated four foot shoulders, yea.

Andrew Fetherston stated yea, so if you kept 20, four foot shoulder and then if you went beyond that, you were going to encroach on the ditch.

Board Member Montesano stated so my hummer is going to go into the ditch.

Andrew Fetherston stated no its not, not on a ten foot lane.

Board Member Montesano stated but if I have to pull over into the breakdown lane.

Andrew Fetherston stated you're not pulling over.

Chairman Rogan stated let's talk to the powers that be within highway and see if we can get some input.

Board Member Montesano stated and then go from there.

Chairman Rogan stated and maybe move on to Hudson Valley...

Mrs. Ryan stated yes.

Board Member McNulty stated I had a couple questions though...

Chairman Rogan stated awesome.

Board Member McNulty stated on the Environmental Assessment Form...

Chairman Rogan stated yea.

Board Member McNulty stated I just I'm new to this, I don't know if it has to be everything filled out but item A 11 about any endangered species or anything, nothing was checked off yes or no, I was curious if that had to be done.

Mrs. Ryan stated that was a comment also.

Board Member McNulty stated I didn't see it on Rich's...

Rich Williams stated (inaudible) the latest one.

Board Member McNulty stated here.

Rich Williams stated oh, they missed a yes or no box, I wasn't really going to get crazy about it because they have New York National Heritage program.

Mrs. Ryan stated oh, yea, okay.

Chairman Rogan stated do you know what the National Heritage Program is.

Board Member McNulty stated no, I don't.

Chairman Rogan stated you know that's...

Mrs. Ryan stated that would be a no.

Chairman Rogan stated you can send a letter to saying that there is a proposed action on a particular parcel, do you know of any threatened or endangered and...

Ted Kozlowski stated you can do that online now.

Chairman Rogan stated you can.

Rich Williams stated yea.

Mrs. Ryan stated it should have...

Board Member McNulty stated I just saw that neither item was checked so I didn't know if it was done or not done.

Mrs. Ryan stated you're right, it should have been a no and we'll fix that before we give Rich the circulation materials, I'll call you tomorrow to find out how much, how many we need.

Board Member McNulty stated a question on B16 about the solid waste, it says a local refuse company, I was curious if it fell, I talked a little bit before, in a sanitation district of the Town and I believe it is.

Rich Williams stated it is in a sanitation district.

Board Member McNulty stated right, because its not listed that way it just says local refuse company, private or municipal. My thought is if we are going to be planning we should be kicking something to the sanitation districts to let them know there are new houses coming, does it affect their tonnage rate, does it affect their manpower, I mean this is one particular, this is not that many but if we look at many subdivisions, I think we should, if we address the Highway Department, we should address the Sanitation Department. I think it said undetermined location and then another item I had was on, we already took care of that, about the commercial zone.

Mrs. Ryan stated oh okay.

Board Member McNulty stated that's all I had about refuse and making a recommendation or referral to the local garbage...

Rich Williams stated you might want to wait until you have some sort of at least preliminary approval, if not final approval so that you know this is going forward. We've seen in the past so many projects, you know stop at some point for one reason or another...

Mrs. Ryan stated as this one did with the previous owner.

Rich Williams stated yes.

Chairman Rogan stated that's true.

Board Member Montesano stated its not even 2012 yet.

Chairman Rogan stated I didn't mean to cut you off, I didn't know you had.

Board Member McNulty stated no, that's all right, I just figured, I was waiting to jump in.

Chairman Rogan stated and don't be bashful, I try to be good about asking if anybody else has anything but I tend to forget a lot.

Board Member McNulty stated no, you're doing fine...

Mrs. Ryan stated those were good comment.

Board Member McNulty stated I just wanted to let you know I actually read it.

Chairman Rogan stated I thought that was great, I remember those days when Charlie used to read everything.

Board Member McNulty stated I figure I have to get a couple months in.

Board Member Montesano stated we get the new guy.

Mrs. Ryan stated oh I do have some money here.

Board Member Montesano stated oh there you go.

Rich Williams stated all right that's enough.

Board Member McNulty stated Michelle, collect that copy money.

Board Member Montesano stated what did you do switch jackets or pocket books.

Mrs. Ryan stated I can pay for the copies right.

Rich Williams stated we will be sure to get on the...

Chairman Rogan stated yes, that one end up haunting you tomorrow.

Board Member Montesano stated emphasize that in the minutes.

Chairman Rogan stated no.

Board Member Montesano stated Theresa is loaded with money.

Chairman Rogan stated is it getting hot in here.

Board Member McNulty stated yes.

6) HUDSON VALLEY TRUST – Initial Application

Mrs. Theresa Ryan of Insite Engineering, Survey and Landscape Architecture was present.

Chairman Rogan stated what do you have for us now Theresa, brand new project, new ideas.

Mrs. Ryan stated yea, something, another site walk.

Chairman Rogan stated unique, that is the most fun we get to have, is on site walks.

Mrs. Ryan stated I think you are all familiar with this site...

Rich Williams stated Ted, seriously.

Chairman Rogan stated funny, you were moving your lips but the voice went away.

Mrs. Ryan stated Michelle didn't even notice, I walked away without this. We were before this Board not that long ago for a bridge on the same property.

Board Member Cook stated could you point that out please.

Mrs. Ryan stated this is the old Lawlor Building, the old Patterson Town Hall right here, thanks Rich and the last application we had before the Board for this applicant was to propose a trail and a bridge crossing this brook here, the trail went all the way up to the northern part of the property, the barn that we are looking at right now is in the upper most part of the property, right at the end of Cann Lane. There is an existing access road that comes of [Route] 311, it's kind of overgrown now but it was there at one time, there is an opening in a fence, in a stonewall and the trail used to follow the brook and there is crossing on the brook which is actually, a piece of that goes on somebody else's property and that is how they used to access the back part of the barn. What we are proposing, I don't want that anymore, I don't have anymore to say on that, this is Cann Lane and here is the barn again and here is what we are proposing. We want to make improvements to that existing access, we are going to widen it to 12 feet and resurface it with gravel, because the old driveway which is right here is on the adjoining property, right now we don't have rights to make improvements to that existing crossing. I think the applicants are also trying to have discussions with Cann who owns these three parcels right here, actually its one tax lot, to make improvements there so they can gain better access to the back of barn. In lieu of that we would have to proposed a new crossing and connect the existing culvert to a new culvert here and put a new headwall in, so right now we don't know how that is going to go, we are going to modify our wetland permit application based on whatever we end up doing on this, we also want to put some gravel parking spaces. This barn right now is a three-story barn, when you drive off of the, up to it from Cann Lane, you are looking at the first floor elevation and then

there is one floor above that, there is a big drop in elevation, this is a retaining wall, a tall retaining wall, there is a big drop in elevation from Cann Lane to this lower elevation, oh thanks, thank you.

Andrew Fetherston stated what a Chairman.

Mrs. Ryan stated he's great. So we can't connect these two accesses but we need access to the first floor of this, we are providing a handicap parking space here and a stable surface to get into this portion of the existing building there is going to be a three story addition that is going to look like a silo type of structure and part of that because of this grade change, to get to that same elevation from Cann Lane we are going to need some kind of a wooden bridge. The lower level will be accessed from a patio with steps from the proposed parking lot in the back, right now there is also an existing single-story structure in the back that is falling apart, it is right here, they are proposing to demolish that and build a new one story addition which will come out to a patio here. Handicap access will be from the lower level of the three-story barn structure to get to this patio and then there will be a ramp inside the building to access this which is also another level down. So there are actually three levels, this one kind of falls somewhere in between the lowest level and the first floor, this is going to be a very low usage facility just the Lawlor Building is now, there are non profit organizations in the building that sometimes use the office space, sometimes have meetings, seminars, that type of thing, they use the parking lot at the existing Lawlor Building right now which has sufficient parking for their needs, if there are any events taking place here, they are still going to use the Lawlor Building parking lot. We wanted to keep this, it's an agricultural looking area, it's, there are a lot fields and fences, the barn is an old barn and we want to keep everything looking the same, we don't want to add a lot of impervious, a lot of parking here, we only want to provide a minimal amount of parking and keep it gravel surface, just to keep that same flavor that agricultural/rural flavor to that part of this structure. I know we are going to need a special permit, the Lawlor Building needed a special permit a club use and since this is an extension of the Lawlor Building use, we are going to need a special permit for that also. A question came up about the set backs and we weren't sure about how to interpret those and we are going to need some input from Rich on that, we know that we have to gain access off of a State, County or Town highway...

Rich Williams stated correct.

Mrs. Ryan stated and there is currently this access off of [Route] 311 to give us direct access to the back of the building, this Cann Lane was created and was originally intended to be offered for dedication to the Town. It's not a Town road, its more like a driveway so right now it's treated like a private road and the Hudson Valley Trust, actually owns underneath this and the adjoining property owners have the rights to access this right of way. So we have, what we are proposing to do is have a simple one way gravel turn around here which will help everybody that lives on this road and then just two parking spaces here for the upper part of the building, again, only for handicap access because we are going to have to provide that by Code.

Board Member Cook stated Theresa who owns the turn around.

Mrs. Ryan stated right now it's owned by Hudson Valley Trust but there is a right of way there for the other property owners that access off of that.

Board Member Cook stated and down at the bottom there where you mention, I think a culvert, is that...

Mrs. Ryan stated there is an existing culvert right here.

Board Member Cook stated okay and what are you going to be doing there.

Mrs. Ryan stated well that's, part of that is on the adjoining property...

Board Member Cook stated right.

Mrs. Ryan stated and without Cann's permission we can't make any improvements to that so we are proposing a new access on our property.

Chairman Rogan stated okay.

Andrew Fetherston stated if I could just, one of the things that I suggested was to show the existing access to the rear on this drawing because what you don't see there is you don't see the existing and the proposed, if you saw both you would say oh they are just shifting a little, it's not clear on the one map, so, I suggest that you do that...

Mrs. Ryan stated right, on...

Andrew Fetherston stated on this map that is...

Mrs. Ryan stated on the overall you can see, the portions of the existing driveway that we are going to...

Andrew Fetherston stated some encroachments.

Board Member Montesano stated Theresa, that gravel, you are going to put the handicap parking, wouldn't it better, as much as I hate the idea of it to have some kind of blacktop, you are going to have all, they are going to have to get out of their car onto gravel....

Mrs. Ryan stated the parking spaces themselves will be paved and the access to the building will be stable access only the drive, the turn around road will be gravel but these two spaces are proposed to be paved.

Chairman Rogan stated which is what ADA would require.

Mrs. Ryan stated yes or some kind of stable surface.

Board Member Montesano stated but I am still looking to provide access getting there, you can step on the gravel or if its sliding or if you're going to plow it for any reason, its going to awkward, it's going to be awkward I think. Having the handicap part gravel...

Board Member Cook stated you need to delineate the wetlands.

Mrs. Ryan stated Ted has to wait for the snow to go away which is going away this weekend I think.

Ted Kozlowski stated hopefully.

Board Member McNulty stated is there a reason why you don't want to pave the cul-de-sac because the driveway is paved now, isn't it.

Mrs. Ryan stated there is a paved driveway yes. Again, it's just to keep the flavor of the agricultural/rural farm use look.

Board Member McNulty stated my thought I think I would like to see it paved just because you're going to have access to the other houses off that as well...

Chairman Rogan stated maintenance issue.

Board Member McNulty stated and maintenance would be much easier.

Rich Williams stated there are some other issues here that go hand in hand with that, there is an irrevocable offer of dedication on that, it was always intended to be a Town road, have the Town take it over. The adjacent property owners have certain rights, Carl jump in when I go astray, certain rights to and certain expectations that eventually the road would be offered and take by the Town and suitable improved and at this point they are going to responsible for improving it. What is being proposed here would preclude the Town from ever taking that as a Town road.

Board Member McNulty stated it would have to be paved with the proper improvements to be a Town road.

Rich Williams stated and generally we don't take lollipops, cul-de-sacs with...

Mrs. Ryan stated right.

Board Member McNulty stated is that against Town Code that layout of the circle or is just not preferred.

Rich Williams stated its more of a policy than it is a specific but it does not necessarily meet our Code requirements for a 50 foot wide radius.

Mrs. Ryan stated right the 40 foot pavement radius.

Rich Williams sated right.

Mrs. Ryan stated and that is usually a solid pavement, there is no, we are showing an...

Board Member McNulty stated no island...

Mrs. Ryan stated island, right, a grassed island with some kind of stormwater practice in it. Plus Cann Lane right now is not a Town standard road, so that would have to be brought up to Town standards before the Town would even consider...

Board Member McNulty stated so would the adjacent homeowners be responsible to upgrade the cul-de-sac then as well.

Mrs. Ryan stated actually Hudson Valley Trust would have to do that, if that is what the Town is going to do because they own the property.

Rich Williams stated not necessarily because each of the adjacent property owners has certain rights and obligations for maintenance and cleaning it up.

Mrs. Ryan stated and Hudson Valley Trust would probably start there to ask the adjoining property owners if they would agree to chip in to approve that but ultimately if they refuse then it would Hudson Valley Trust's responsibly to do that, if they couldn't get everybody else to sign on. There are other title issues and easements and declarations that were implemented as part of, because this is all part of a bigger subdivision that was approved and then abandoned and then title company, our applicants title company and attorney are working straightening all that out because there is another road right of way that falls right in there, you can see it on the map, this overall map. Right now that, thanks, you can see it here too on the location map, that is a separate piece of property that was also offered for dedication and so all of that stuff has to be worked out and eventually that, we are hoping that this piece, this piece and there is also another parcel here that were separate tax lots that have already been merged and we are hoping that this piece and this piece if its not taken by the Town will also be merged and this would all become one parcel but that all has to be worked out.

Board Member McNulty stated I'm a little confused when you say, aren't those all private homes there or just that road would be incorporated, I lost you there.

Mrs. Ryan stated this road.

Ted Kozlowski stated these are private homes.

Mrs. Ryan stated yea this would revert back to Hudson Valley Trust if the Town didn't take it.

Board Member McNulty stated the entire road or just the...

Mrs. Ryan stated the right of way, yea the entire right of way, that would not, that doesn't mean that those people don't still have rights to it, they have a right of way to it...

Board Member McNulty stated they have easements.

Rich Williams stated my opinion is they could not merge that, they could not take that land and just leave it with an easement without the Town signing off on it and all the adjacent property owners agreeing to it.

Mrs. Ryan stated raise my hand again, thank you.

Board Member Montesano stated it's going to get blocked out.

Ted Kozlowski stated can I just ask a quick question.

Board Member Montesano stated go ahead too tall Ted.

Ted Kozlowski stated I understand why you want to have parking here now, that was a question at the work session and you cleared that up but you've got existing homes here, if there is an event at this building are people going to know to use this road to come around here or park in the Lawlor lot, do you anticipate this being a situation with the homeowners, people coming and then realizing oh dear I can't park here, turning around, is this going to be a traffic...

Chairman Rogan stated or parking along the side of the road.

Board Member McNulty stated or a drop-off point.

Ted Kozlowski stated is there going to be a situation that is going to annoy the property owners there, you know the comings and goings, so how would you deal with that, that's all I'm asking.

Mrs. Ryan stated okay.

Chairman Rogan stated you may have people trying to park along the shoulder of the road there.

Board Member Montesano stated oh you will.

Ted Kozlowski stated they may park on these neighbor's properties, that may not be a good neighbor situation, signage would be key.

Board Member Montesano stated depending on whose using the building I'm sure, its going to be easier to walk through that door, if I'm on the first floor, not the third floor of the basement floor or the lower level.

Ted Kozlowski stated it's people's natural instinct to go to the building, drive down Cann Road to go to the building...

Chairman Rogan stated sure.

Ted Kozlowski stated and then they are going to realize they can't park there.

Board Member Montesano stated (inaudible).

Ted Kozlowski stated one of many.

Mrs. Ryan stated that's a good comment.

Chairman Rogan stated Theresa what about putting an elevator in the building and just...

Mrs. Ryan stated there is one.

Chairman Rogan stated and just doing your handicap access down below and not having any access from...

Mrs. Ryan stated we have all those steps, there is a significant grade change here, we have quite a few steps to get up to this little.

Chairman Rogan stated I'm sure it will be obvious when we go out there, okay.

Mrs. Ryan stated so I guess my original question was if this is the frontage technically because this is where the access if from, would this be the front yard or do they have two front yards but there is a front yard...

Rich Williams stated the way our Code reads is the frontage is along [Route] 311 and that you've got to meet the front yard set backs but you also have to meet certain set back requirements along any road right of way and I talked about this in the memo I did about set backs you also need for Cann Lane.

Mrs. Ryan stated okay, so we need some variances, so at some point we will need a referral on that. I think that was, and just one question on Andrew's memo, it was about, it was the first comment, general note number one, it says a preliminary and final plat will need to be prepared. I was wondering what that was for.

Andrew Fetherston stated yea, I understand (inaudible).

Mrs. Ryan stated he's not looking me in the eye, what does that mean.

Andrew Fetherston stated I think Richie helped clear up some of my questions, when I was 318 feet of frontage, I did not know where that was coming from, so I hoping that that would be cleared up and I think that is where I was really going with the plat. That, some of the property lines were to be extinguished, that is where I was going with the plat.

Mrs. Ryan stated do we need a plat to extinguish, no.

Andrew Fetherston stated the remaining property lines, no.

Rich Williams stated no, it's a support letter in the Assessor's Department, its that simple.

Andrew Fetherston stated okay.

Mrs. Ryan stated Charles.

Board Member Cook stated there is no house on that far right parcel.

Mrs. Ryan stated right here.

Board Member Cook stated yes.

Mrs. Ryan stated no, these are shown as three separate parcels but they are all owned by Cann, this all one ownership and one tax lot I think.

Board Member Cook stated so it's just the one house.

Mrs. Ryan stated yea, he has a house here and these are accessory structures.

Board Member Cook stated thank you.

Board Member McNulty stated so it's a buildable lot at all then.

Mrs. Ryan stated these.

Board Member McNulty stated the last one on, the bottom one.

Mrs. Ryan stated don't know, it's not our property.

Chairman Rogan stated I think the discussion was, they are shown as individual lots, you're saying they are owned by the same person, that doesn't mean they are not different lots, are they, have they been combined, are they shown as one tax parcel.

Rich Williams stated I'd have to look, I'd have to see if they are single and separate ownership, they are the same identical owner.

Chairman Rogan stated right, because if they met the zoning they wouldn't be, even if the same person owned them they wouldn't be combined if they met over the say four acre zone or whatever it was.

Rich Williams stated they don't.

Mrs. Ryan stated oh they don't, definitely don't.

Chairman Rogan stated so it is possible they've been combined.

Mrs. Ryan stated they are substandard.

Rich Williams stated no, well I don't know, it is possible.

Chairman Rogan stated it is possible, okay.

Rich Williams stated I would have to look at that but the issue of whether they are buildable or not, they are fairly small lots, you know meeting septic requirements and everything else, challenging.

Mrs. Ryan stated as it is Guerra, which is up here on the northern side of Cann Lane, his septic is in here, on our property...

Chairman Rogan stated oh wow.

Mrs. Ryan stated so he has easements coming through Cann to access the septic on that.

Board Member McNulty stated how did that work out.

Chairman Rogan stated yea, that's not a great thing.

Board Member McNulty stated you don't have to answer that.

Mrs. Ryan stated that was done with the previous owner, not with Hudson Valley Trust.

Rich Williams stated this has a very long history...

Board Member McNulty stated that was something you didn't have to answer.

Chairman Rogan stated not under Theresa's watch.

Board Member Montesano stated you don't want to know.

Board Member McNulty stated no, I don't.

Chairman Rogan stated although we had septic systems like that on Thomas subdivisions, if you recall, were you the engineer on Thomas...

Mrs. Ryan stated Thomas...

Chairman Rogan stated or Insite, wasn't Thomas the one with the long, that wasn't Insite.

Rich Williams stated yea but they didn't have septic systems like this.

Chairman Rogan stated no, remember the one that went all way across the hill diagonally slowly, there was one that was like 70 feet long.

Rich Williams stated oh yea, I know which one.

Mrs. Ryan stated but it was on the same lot.

Chairman Rogan stated it got changed, it was on the same lot but it was, I remember that one, that was a long time ago.

Mrs. Ryan stated yes we did.

Chairman Rogan stated all right so I guess we are going to go out there and certainly want to take a look and Ted you're going to go with us on this one right.

Ted Kozlowski stated sure.

Mrs. Ryan stated would you...

Board Member Montesano stated he'll do anything for a quarter.

Mrs. Ryan stated we haven't commenced SEQRA on this either.

Chairman Rogan stated we haven't done anything on it yet.

Mrs. Ryan stated will you declare your intent on this also.

Chairman Rogan stated lead agent, what is the, there are a lot of question but process on this, is our review for site plan as it exists today with the Code and a referral to ZBA for special permit...

Rich Williams stated I would be most comfortable with the process if the Board does a site walk, they immediately make an application to the Zoning Board of Appeals for what they need so that the Zoning Board has something, they understand what they are getting, then you do intent for Lead Agency so the ZBA knows. You know, we can send it over at the same time, you know and do that for April 1st, unless there is a compelling reason to do something different, jump on that so, moving right along.

Mrs. Ryan stated well if you declare your intent now, in 30 days you can make a SEQRA Determination, so if we are that far along with the Zoning Board of Appeals they can make their decision.

Board Member Montesano stated (inaudible).

Rich Williams stated but they wouldn't be able to go on with a notice of intent.

The Secretary stated because they wouldn't have seen the application.

Chairman Rogan stated that is why you guys work so well together.

Board Member Montesano stated we try and try,

Mrs. Ryan stated do you need anything staked out for the site walk.

Chairman Rogan stated Rich, staking for the site walk, I thought you had made mention in your memo of something...

Board Member McNulty stated center of the roadway I think he mentioned.

Chairman Rogan stated center of roadway, proposed entrance.

Board Member Montesano stated entrance way.

Mrs. Ryan stated the proposed roadway.

Board Member McNulty stated so...

Rich Williams stated the proposed road.

Mrs. Ryan stated this one.

Rich Williams stated no, not that.

Mrs. Ryan stated this one is basically on except right here, do you want this and this.

Rich Williams stated there you go.

Chairman Rogan stated that's it.

Mrs. Ryan stated okay.

Chairman Rogan stated your comfortable with the expansion on the building that is going to be pretty self evident.

Rich Williams stated I think so too.

Board Member Montesano stated we know where we are going to cross over.

Mrs. Ryan stated have you been there yet, to this site.

Chairman Rogan stated no, not since, the last time I was there was the bridge.

Mrs. Ryan stated it's neat, really neat.

Chairman Rogan stated it's cool.

Board Member Montesano stated bridge over troubled water.

Mrs. Ryan stated there is a neat root cellar there so.

Chairman Rogan stated wow.

Mrs. Ryan stated thank you very much.

Chairman Rogan stated thanks very much.

Mr. Taylor stated Shawn, can I go on this site walk.

Chairman Rogan stated yea, I think that would be appropriate actually, absolutely. Ron, I'm going to put this out there, you can come along on any site walk that you have interest in that ties to you making a recommendation appropriately, so anything we'll work on, please if I don't ask, please speak up because we absolutely want you there.

Board Member Montesano stated we also have to get permission for him to be there.

Chairman Rogan stated Rich did we ever, thank you for saying that Mike.

Rich Williams stated yes you did.

Chairman Rogan stated we need just an approval from each applicant as we do this for Ron.

Rich Williams stated I thought it was okay being as he's working on behalf of the Board, similar to myself or Ted...

Chairman Rogan stated great, I thought we had cleared it but I just didn't remember the, I knew it was clear for the last one but all right thank you.

Board Member Montesano stated yea.

Rich Williams stated I was just thinking one other thing, we'll (inaudible – not using microphone).

Board Member Montesano stated (inaudible – not using microphone).

Chairman Rogan stated they were just talking about, okay...

7) TOM'S BARBERSHOP – Amended Site Plan Application

Chairman Rogan stated Tom's Barbershop, everyone recalls at the work session we discussed a request for a waiver of fees in essence and what we did was make a recommendation to the Town Board that they

consider waiving the fee for the application and that our recommendation included our opinion was that Mr. Salinas should pay for Rich's review time which should be very minimal. It sounds like the Town Board already acted on that...

Rich Williams stated they did.

Chairman Rogan stated so that is already done. I think we are probably at a point with this application that we can set a public hearing for the changes to the site plan for next month.

Board Member Montesano stated okay, in the matter of Tom's Barbershop, I would like to set a public hearing for April 1st.

Board Member Cook seconded the motion.

Chairman Rogan asks for all in favor:

Board Member McNulty	-	aye
Board Member DiSalvo	-	absent
Board Member Montesano	-	aye
Board Member Cook	-	aye
Chairman Rogan	-	aye

Motion carries by a vote of 4 to 0.

Chairman Rogan stated Michelle, I asked Mr. Salinas to come and speak to you and/or Rich about any notifications that have to be made.

The Secretary stated okay.

8) MEADOWBROOK FARMS – Discussion

Chairman Rogan stated okay Meadowbrook Farms discussion, sometimes I forget from one week to the next what we've done.

The Secretary stated you did that.

Rich Williams stated this had to do with the decision on the lawsuit and Tim coming in and discussing with the Board where we had left it was I need to...

Board Member Montesano stated I have to recuse myself on this one.

Rich Williams stated okay.

Board Member Montesano stated I am officially recusing myself.

Rich Williams stated I need to take a look and come up with a list of what the outstanding issues and you know get Andrew up to speed a little bit about this which I'm going to get plans copied tomorrow...

Chairman Rogan stated but you did do a memo on this that does give an overview for the Board...

Rich Williams stated I did.

Chairman Rogan stated kind of bring us back up to speed and I appreciate that, that helps us to again Tom wasn't part of this...

Rich Williams stated yes.

Chairman Rogan stated but at least he has an understanding of what we are going through and learn from the process, okay. So, we are going to continue reviewing the project and work towards resolving the issues that we had.

Board Member Cook stated you have to give Tim Curtiss an update and then he gives that to the applicant and then the applicant comes back in here.

Rich Williams stated I have to see what it is, we are going to give it to Tim and they are going to stipulate that they are not going to pursue an Article 78 as long as the applicant addresses these issues.

9) OTHER BUSINESS

a. Field and Forest Apartments

Chairman Rogan stated Field and Forest Apartments, there was an issue of the... Oh, let the record show that Mr. Montesano has rejoined the Board officially. Field and Forest Apartments, Mr. Reilly and Mr. Hogan were in to the work session to speak about the issuance of a C of O, there were two main issues that needed to be resolved for the C of O and both of those, it was deemed were weather related issues that couldn't be done at this time of year and ultimately we made a recommendation that he receive his C of O but the Town retains the bond that was in place that was like 260,000 dollars to facilitate Mr. Reilly making those improvements by a date which was sometime around June...

The Secretary stated June 24th.

Chairman Rogan stated okay and an as built that was going to be submitted that would cover showing those.

b. Green Chimneys Bond – Health Care Center

Chairman Rogan stated Green Chimneys Bond for the Health Care Center, I don't recall what we did with that.

Rich Williams stated you need to make a motion to release the bond being held for the Green Chimneys Health Center based on the review by the Town Planner.

Board Member Montesano stated so moved.

Chairman Rogan stated did we not have that at the Work Session.

Board Member Montesano stated I don't recall doing it.

Rich Williams stated it's late.

Chairman Rogan stated okay well Mike made that motion, any second.

Board Member McNulty stated I'll second it.

Chairman Rogan asks for all in favor:

Board Member McNulty	-	aye
Board Member DiSalvo	-	absent
Board Member Montesano	-	aye
Board Member Cook	-	aye
Chairman Rogan	-	aye

Motion carries by a vote of 4 to 0.

d. Clubs

Chairman Rogan stated okay Charles.

Board Member Cook stated yes sir.

Chairman Rogan stated clubs.

Board Member Cook stated clubs.

Chairman Rogan stated Michael and...

Board Member Cook stated yes.

Chairman Rogan stated get us up to speed.

Board Member Cook stated at the request of the Town Board and the Chairman of the Planning Board, the Planning Board was asked to look at the section of the Code as it relates to clubs and the amendments that are being proposed and how they are in sync, if they are in sync with the Master Plan. Mike and myself were asked by the Chairman to review the Master Plan and review the amendments to the Code and the actual section of the Code. Mike and I met, we came to the conclusion that what is being proposed as amendments to the section 154-95 relative to clubs, is in fact in sync with the goals outlined in the Master Plan as well as several other section in the Master Plan. So, our next step is to meet with the Mr. Tim Curtiss and review our findings and either get his concurrence or non-concurrence and then come back to this Board and assuming that Mr. Curtiss is in concurrence with what we found, we would ask the entire Planning Board to review the proposed amendments as to, if you will, the nuances that are there so that if anyone has any comments to make relative to a particular section of the amendments that we discuss that. An example being that the amendments that maybe that doesn't mention setbacks and it should mention setbacks or it mentions, gives a distance for the setback and we think it should be more or less or that the size of the building with impervious surface and that type of thing. So, that is the type of thing that I would

ask that we do at the next work session and that is pretty much it, so Mike and I did meet, we concur that you know...

Chairman Rogan stated Charlie...

Board Member Cook stated that the current section needs improvement and...

Chairman Rogan stated okay.

Board Member Cook stated what has been given to us will fall in line with the Master Plan.

Chairman Rogan stated just so I am clear on this, you and Mike reviewed the existing Code relevant to clubs and you felt that that had needed improvement...

Board Member Cook stated correct.

Chairman Rogan stated to meet within the line of the comprehensive plan.

Board Member Cook stated correct.

Chairman Rogan stated you also reviewed the proposed changes that were being contemplated by the Town Board and found that they were more consistent with the comprehensive plan but that we still needed to look at the various, that the language within that...

Board Member Cook stated exactly.

Chairman Rogan stated that we concurred.

Board Member Cook stated yes.

Chairman Rogan stated so the intent was that, to, you felt that those changes ultimately would fall in line with the general intent of the comprehensive plan, the Master Plan was.

Board Member Cook stated yes.

Chairman Rogan stated okay, great and I appreciate both of you guys spending your time.

Board Member Cook stated this is just a marked up...

Chairman Rogan stated okay.

Board Member Cook stated sections of the Master Plan...

Chairman Rogan stated okay.

Board Member Cook stated that we felt were the pertinent sections that tie the two together.

Chairman Rogan stated okay.

Board Member Montesano stated and we went back, we even used the 1996 preliminary to the Master Plan, which was created in 2000...

Chairman Rogan stated okay.

Board Member Montesano stated so I had that book, I reviewed that, everything is consistent with what was being...

Board Member McNulty stated so those only amendments proposed you feel are in line with the Master Plan...

Board Member Montesano stated with the Master Plan as it is at this time.

Board Member Cook stated I would ask...

Board Member McNulty stated refine it a little bit to...

Board Member Montesano stated and this is our opinion, not that of a legal firm.

Board Member Cook stated that is why we want to meet with Mr. Curtiss...

Chairman Rogan stated okay.

Board Member Cook stated and just sort of have that confirmed and would ask the Board between now and next work session to review the proposed amendments and the one document that the Town Planner provided us about the sections of the Code from other municipalities is also good information to read.

Chairman Rogan stated if I could just, since the meeting you and Mike had so far was in essence the two of you, we had spoken directly with Mr. Curtiss about an idea that he had and Rich your memory is always better than mine in this case, what was said, Tim said when he met with Mike and Charlie and yourself to discuss this issue that he would outline various ways that you could look how you propose changes to Code, tying those changes to impacts, you know given them thresholds and I think that conversation still is very important, I think Tim's input into that process is going to be. You know, what I think came out of the first meeting that's beneficial is we looked at the existing Code, we found that there are some flaws, we looked at the proposed Code and we saw the merits that would bring the Code in line with the comprehensive plan and now I'm really curious to see what Tim's input will be driving that conversation and that process because he had some really, it will be in the minutes but he had some really great way of explaining different ways to approach it.

Rich Williams stated the short of it is and he has given me these definitions, there are some legal definitions for public nuisance and private nuisance and to fit them into our Code, probably the best way is through an addition on to the overall special use permit requirements and conditions, so, as to make them another threshold that has to be evaluated by the ZBA.

(Side 1, Tape 2 Ended – 9:59 p.m.)

Board Member McNulty stated I have a question, is there a limit to how many conditions you can put on a special use permit.

Rich Williams stated no there isn't.

Board Member McNulty stated okay.

Rich Williams stated and nor is there a limit on how many conditions you can put within your Code that need to be evaluated and that is more of what we are talking about.

Board Member McNulty stated within the 154-95...

Rich Williams stated well no, 154-95 lays out the provisions of just a club but there is another section of the Code which precedes that which talks about the general requirements and conditions you need to look at to evaluate whether its appropriate to issue a special use permit...

Board Member McNulty stated special use.

Rich Williams stated and that would cove clubs, daycare centers, nursing homes, dog kennels, everything.

Board Member McNulty stated okay.

Chairman Rogan stated okay, guys thank you again for your preliminary work on this, I know, I appreciate it.

Rich Williams stated there is one more issue on this that came up last night at the Town Board meeting if I might...

Chairman Rogan stated sure.

Rich Williams stated and that is they are considering whether or not to put a moratorium on, they now asked the Planning Board as to whether they think its appropriate to have a moratorium in Town on this specific issue to give everybody time to evaluate...

Board Member McNulty stated specifically to as clubs...

Rich Williams stated yes.

Chairman Rogan stated well at least to point out, if you remember when this initially came up a month ago, people had asked if they would have a chance to have public input and we said absolutely, at some point through the process here after we've kind of gathered our information or if we have a plan, we are going to want to get that public input, I would say after you've had a chance to meet with Tim and we have a little more of an idea which way we want to proceed. I think that might be the time, I don't whether we have to actually until we have to have a proposal for Town Board or whether that is that is the time to get some public input about process or you know...

Rich Williams stated I'm not following.

Chairman Rogan stated well I guess, we had said, we had promised the public that they would have a chance to address our Board to provide some input relevant to the Zoning Code for clubs...

Rich Williams stated right.

Chairman Rogan stated not relevant to specific application but relevant to the changes that they might want to see to the clubs Zoning Code.

Rich Williams stated right.

Chairman Rogan stated do we wait until we've spun our wheels until we think we have something is very solid before having that public input or do we sit with Tim, discuss process that we are going to take because again I have to go back to the minutes, we don't have them yet of course but after Michelle gets the minutes out, I didn't mean that the way it sounded but...

The Secretary stated that section is completed.

Chairman Rogan stated oh is it, oh cool because I really wanted to go back again to the way that Tim worded his...

Rich Williams stated sure, my suggestion and my understanding where we stand now, the Town Board is looking for two recommendations from the Board, one is whether the Town should impose a moratorium...

Chairman Rogan stated right.

Rich Williams stated to give everybody time to evaluate whether there is a change needed to the definition of the clubs, set to whether there in fact is a change needed to the definition of clubs.

Chairman Rogan stated I understand that, where I was going to go even though I got long winded like a typically do, was that given that we were going to collect this public information, given that we are going to meet with Tim, there is a time frame associated with that. Town Board obviously has to hold a public hearing at some point, does it make sense then to consider a moratorium or do we allow the two projects that we have under review to proceed and consider that the determination that is made by the Town is going to have to take into account whether or not it impacts on any project that is not currently approved. Now, what is the moratorium, does the moratorium say they we can't do a site walk on Hudson Valley Trust...

Rich Williams stated no...

Chairman Rogan stated okay.

Rich Williams stated no, you, what you couldn't do is you couldn't make, typically with a moratorium is you simply can not make a decision.

Chairman Rogan stated okay.

Rich Williams stated you can't really...

Board Member McNulty stated for special use permits or on a club applicant.

Rich Williams stated it depends on what the moratorium is affecting. It could affect just clubs, it could affect all special use permits, it could affect everything under the Zoning Code, it could affect applications that have not received final approval but have received preliminary approval, it could affect...

Chairman Rogan stated well let's, rather than getting into all the extrapolations, we are only talking about two applications...

Board Member McNulty stated so...

Chairman Rogan stated so, the reality of it is, the moratorium would be specific to the Code that we are talking about, we wouldn't say a moratorium on all applications nor would we say on all special permits...

Rich Williams stated and that could be your recommendation...

Chairman Rogan stated right.

Rich Williams stated as to whether it should affect these two applications or not.

Chairman Rogan stated right.

Board Member Cook stated I mean if we, we have the two applications before us, if the Town Board wants to put a moratorium on clubs continuing in the process, I don't understand, what is it they want, what kind of moratorium do they want...

Rich Williams stated a moratorium is one that would stop the process and give the Town time to evaluate a change in the Code, that is what a moratorium is, then you have to decide what that is going to affect.

Board Member Montesano stated all right so...

Board Member Cook stated I think that, from our standpoint, in looking at just what we have before us relative to what we were original asked in reviewing the sections of the Code on clubs and the amendments to it, I mean we could do that next week, if we wanted to have a special meeting and just go through it as a Board and we can all have out input and then you can say well we don't need a moratorium.

Chairman Rogan stated that hasn't taken into account getting public input...

Board Member Cook stated it doesn't stop it either.

Rich Williams stated and that is where I got confused is...

Chairman Rogan stated yea.

Rich Williams stated if you are going to get the public input, the public input is really on if you are going to be considering a Code change, crafting that Code change, what needs to be in and that is where you have public input...

Board Member Cook stated yea.

Chairman Rogan stated yea.

Rich Williams stated that is the third question.

Chairman Rogan stated yea.

Board Member Montesano stated all right, well the question I have right is and this is just playing along, if we agree that there should be a moratorium, are these two projects which are going along, are told yea you can continue but you're not going to get an approval, where does that put us with these two projects in the sense that are we going to hinder them on the expenditures of monies that they have already done and if we proceed to let them go and then they spend more money and then suddenly we tell them well now that the moratorium is done, you can't continue, next. Where does that leave us?

Chairman Rogan stated I understand what you're saying.

Board Member McNulty stated yea and especially with the one applicant we've told him we'll continue with the process, so, the moratorium is fine until get this change but it would be on any new applicants, I would think.

Board Member Montesano stated I would think anybody coming in should be under...

Chairman Rogan stated I agree with that because you don't want (inaudible) one mixed...

Board Member Montesano stated we've got these two that are going into it.

Rich Williams stated and I hear this and I am going to editorialize a little bit and Carl jump in when I get off track here. This really goes back to a whole body law called Vested Rights and the fact of the matter is that Town has absolutely the legal right to change the rules on somebody until they've got a building permit and they start actual construction. You are changing the rules simple because you are doing it in the best interest of the residents of this Town, if you don't think that changing the rules is in the best interest, that's fine but maybe we shouldn't even be considering a Zoning Change but if it is in the best interest and you want to take a look at that, you have the absolute legal right to do that regardless of what they've spent. Now, if you do a moratorium and you want them to you know and they want to still go forward with the process, they are doing so at their own risk.

Board Member McNulty stated can we qualify a moratorium if current applicants in front of the Board, may be subject, are not subject to the moratorium, they can proceed but could be subject to the changes that are...

Chairman Rogan stated you absolutely can do that...

Rich Williams stated no, I don't think you can go that far...

Chairman Rogan stated really...

Rich Williams stated you can exempt them from being affected by the moratorium or not but if you impose a moratorium and the code changes may affect them in the end, then they are going forward at their own risk. You can't accept a building moratorium and not have them affected by the Code changes.

Chairman Rogan stated oh no, I might have misunderstood, I agree with that.

Board Member Montesano stated basically if they want to spend any money it may be for naught.

Rich Williams stated right and typically if you do a moratorium they recognize that you are doing it in anticipation of doing a code change, they are not going to spend a lot of money going forward.

Chairman Rogan stated right and Carl, based on what Rich said about vested right...

Carl Lodes stated (inaudible).

Chairman Rogan stated so if they proceeded, it would be at their own caution.

Carl Lodes stated that's right.

Chairman Rogan stated knowing that, I do agree with a moratorium on new applicants...

Board Member McNulty stated new applicants.

Chairman Rogan stated and then proceeding at their own caution, knowing that the recommendation is that the existing Code has some issues that need to be addressed, that the new Code seems to fill, the proposed Code seems to fill some of those holes if you will but that it needs work or that it needs to be looked at, it needs to be analyzed, there is work that needs to be done with that. Under that existing Code, let me just back up, under the existing Code, it defines a club but outside of that it still needs a special permit, correct.

Rich Williams stated correct.

Chairman Rogan stated and the special permit process as it exists still gives the power to the Board issuing the special permit to say there are impacts to community that are not consistent with the Master Plan and therefore we don't agree with issuance of a special permit, whether or not it meets the definition of a club or not.

Rich Williams stated yes but you need to be careful because...

Chairman Rogan stated but its needs to be strengthened...

Rich Williams stated the burden of proof that is pushed back on the Town because the presumption is...

Chairman Rogan stated okay.

Rich Williams stated that the Town Board has created this use within this district whether it is by special use permit where you have to evaluate conditions or not...

Chairman Rogan stated okay.

Rich Williams stated right...

Chairman Rogan stated yea.

Rich Williams stated and the presumption is that you should pick and that pushes the burden back on the Town to prove that it doesn't fit.

Chairman Rogan stated so, the proposed changes to clubs, it seems like the proposed changes try to grab common sense examples of what would clearly not be in the Town's best interest or in the communities best interest in certain instances where I guess my mind is almost thinking of it in reverse of trying to grab examples of what would so clearly be a club that would be acceptable and say these are the types of clubs that are obviously going to be a club and not be an impact and anything beyond this needs to go through the hard review to say what are the impacts...

Rich Williams stated I tried to do that also, in there.

Chairman Rogan stated because...

Rich Williams stated I thought I did.

Chairman Rogan stated I think, I just have somewhat of a problem with the whole, maybe we, the way I look at is, maybe we get so caught up on whether or not we call it a club or not and I'd rather just be looking at the impacts on every single one of them and we don't get these everyday, you want to do something, give us the power within our Code to evaluate the impacts and give us the teeth to be able to say well these impacts are not consistent with given the area, given the proposal, given whatever, given the lack of mitigation, they are not consistent with our Master Plan and therefore they are not acceptable for the site.

Board Member Cook stated ask this question, why is it the Planning Board is asked these two questions, if you will, first to review the proposed amendment et cetera and the question on the moratorium, why is the Planning Board asked that versus like the ZBA.

Rich Williams stated because within the structure of Town Law, how the three Boards were set up, that is the way it is supposed to work and within the structure of our Code, that is the way its supposed to work, the Planning Board first and foremost is an advisory body that has been given original jurisdiction to make certain approvals specific to subdivisions and site plans. Whereas the ZBA is a quasi-judicial Board which is really an arbiter of issues on individual, on how Zoning affects individual properties and the Town Board is the legislative body, who sets the rules and sets the guidelines that everybody has to follow and that is the way the three Boards are structured...

Board Member Montesano stated right now what I would like to...

Chairman Rogan stated Carl thinks you just missed the whole boat...

Carl Lodes stated no, no, no, no, no.

Chairman Rogan stated I can tell, I'm just teasing.

Board Member McNulty stated he's was glad he didn't have to say anything.

Board Member Montesano stated now with us, if a special use permit is needed and in this case, one of the applicants has to have or both have to have special use permits...

Rich Williams stated both will, yes.

Board Member Montesano stated okay now we don't issue special use permit...

Rich Williams stated no you do not.

Board Member Montesano stated so is the ZBA who does issue these permits, going to have any input on what's going on with this...

Rich Williams stated they may and I certainly would suggest that, I mean, they have a wealth of knowledge about applying these and I certainly would suggest that they be included in whatever process occurs but legally by our Code, our Code specifically says Zoning Changes and recommendations need to be referred to the Planning Board for a recommendation back to the Town Board, it doesn't say that about any other division, committee or Board.

Board Member Cook stated so basically what it is, is that the Town Board is charged with codifying the changes that will affect how the ZBA operates, okay...

Board Montesano stated okay.

Board Member Cook stated and part of that process is our recommendations that go to the Town Board...

Board Member Montesano stated our recommendations...

Board Member Cook stated now during the process I would say that the ZBA could weigh in on what is being considered by the Town Board individually or collectively, they have that right...

Carl Lodes stated yea, they could.

Board Member Cook stated okay, I guess...

Board Member McNulty stated I think a moratorium make sense because its up in the air we definitely tonight, concluded that it does have to have a change...

Chairman Rogan stated yea...

Board Member McNulty stated to come in line with the comprehensive plan...

Board Member Montesano stated yea, what I am worried about is are we setting a precedent, every time we have an application that by some people's, the public mainly, has a questionable thing...

Chairman Rogan stated that is why your and Charlie's review is so important because your review was based on looking at the comprehensive plan and the existing Code and seeing if they related. It may have been triggered by an application but every application doesn't trigger problems you know with the Code. So, yea, Mike...

Board Member Montesano stated what I'm worried about is you know, it comes up every...

Board Member McNulty stated how long is a moratorium for, is it un-ended or is it...

Rich Williams stated no, it has to be set for a limited duration, you want to be careful as not to set a moratorium for so long as to unnecessarily economically effect or delay an applicant.

Board Member McNulty stated did the Town Board have any recommendations on length of time.

Rich Williams stated I don't know, I am thinking maybe 90 days was kicked around at one point...

Chairman Rogan stated oh that's pretty reasonable...

Board Member McNulty stated yea.

Board Member Montesano stated you can extend a moratorium...

Chairman Rogan stated you extend it and if you come to a resolution to your Code change...

Board Member McNulty stated you can end it earlier.

Chairman Rogan stated the moratorium is ended just by that virtue, right...

Rich Williams stated usually when you write the local law which creates the moratorium, you do that, you put that language in there, if an action is taken then it's automatically decided.

Board Member Cook stated you have to be careful I would say that if it's the Town Board, that when they impose a moratorium that you know, it's a balancing because you don't want to make it too long and you don't want to make it too short, because you really don't want to get into extending it, I would liked to see that the time, you give it enough time for it to be review. So basically the moratorium is to...

Chairman Rogan stated it sounds like...

Board Member Cook stated give us a chance to compose recommendations then to hear the public relative to whatever changes they want to make. I think going back to referring to discussion with Tim Curtiss and whatnot and of course the minutes were bear this out and when you address the group, maybe last meeting, the audience that you were saying that they would have time to address this subject, basically at a Town Board Meeting is where...

Chairman Rogan stated in addition, yea but I also said that they would have input that could help our Board to come to a recommendation on our, correct me if I'm wrong...

Board Member McNulty stated I think Shawn was just looking for some public input to help guide us.

Chairman Rogan stated we are charged right now with making, we were charged with making a recommendation and I think it would incumbent upon us in making out recommendation because we are supposed to be representing the community as much as the Town Board...

Board Member Cook stated Town Board.

Chairman Rogan stated getting that information to help us make our decision.

Board Member Cook stated basically we would have to bring together our recommendations; this is the mechanics of it, if you will, and have copies of it for whoever shows up so we could have a discussion...

Chairman Rogan stated if we have a proposal sure.

Board Member Cook stated I mean, they'll come in and say what are you proposing.

Chairman Rogan stated right, so I mean it sounds like everybody is on the same page of a recommendation for the Town Board to consider a moratorium, a 90 day moratorium on new applications under the club, is that what you're, what were you saying...

Rich Williams stated I said it's been a long day.

Chairman Rogan stated it's been terribly long.

Board Member Cook stated I'm not sure if 90 days is sufficient time because that can go by fast...

Chairman Rogan stated yea.

Board Member Cook stated I mean, we may want to, its up to the Town Board but I would say 180 days or 6 months because...

Chairman Rogan stated you could eat that up pretty quick, I mean...

Board Member Cook stated yea...

Board Member Montesano stated well public hearing...

Board Member Cook stated two months goes by fast when you consider that you know, you're not doing this every day.

Chairman Rogan stated why don't we craft it to a time sufficient to accomplish what we think will be the goal here which we think will be 3 to 6 months, you know.

Board Member Montesano stated well I don't know, are they asking us for a recommendation for their moratorium...

Chairman Rogan stated they were asking for it.

Board Member Montesano stated or just on the fact that of what we are, do we agree that what we are reading covers these changes that they would like to do.

Chairman Rogan stated yes to both.

Board Member Cook stated also Mike, is that we don't want them saying 30, 60, 90 days, it's just like you know...

Board Member Montesano stated I'm just playing Devil's advocate over here because right now I am trying to think of all the questions they can hit us with. I have no problem with a 6 month because that should give you because first off you have to have public hearings, you know people are going to request a second public hearing, if the first one isn't to their satisfaction...

Chairman Rogan stated okay...

Board Member McNulty stated why don't we just add it to expedite this process the best we can...

Board Member Montesano stated but unfortunately...

Chairman Rogan stated I am open to any input...

Board Member Montesano stated I'll let you know after Tuesday.

Chairman Rogan stated I am open to any input.

Carl Lodes stated I don't think the moratorium is also going to pending applications, those applications are just starting, I think the whole purpose for the moratorium is to address the code with respect to the issues that were raised by the applications that are just filed. The application that has been filed is just (inaudible), I would think that they would want moratorium to apply to those applications.

Chairman Rogan stated well I think what we were talking about and correct me if I'm wrong is that we would say that the moratorium applied to new applications and current applications could proceed at their own risk but that code changes would impact on them.

Carl Lodes stated yes.

Chairman Rogan stated so in other words you know...

Carl Lodes stated it would be easier to just say that the moratorium applies to pending new applications and applications presently before the Board.

Chairman Rogan stated so all that means though is that we can still continue our review if they choose too but we can't make any determinations.

Carl Lodes stated right.

Rich Williams stated that is just typically.

Chairman Rogan stated in essence the same thing that we are...

Rich Williams stated I think Carl's concern was the way you were phrasing it, really confuses the issue.

Chairman Rogan stated right and it just the lack of not knowing the language behind this kind of issue.

Board Member Montesano stated we didn't get a Rodger's book when we were...

Carl Lodes stated I'm sorry.

Board Member Montesano stated I didn't get a Rodger's book to use the proper terminology.

Chairman Rogan stated I was thinking...

Board Member McNulty stated we are all in agreement that a moratorium sounds like it makes sense...

Chairman Rogan stated right.

Board Member McNulty stated I think the Board's, is that all the Town Board's, well...

Rich Williams stated kind of in agreement...

Chairman Rogan stated I think everybody is tired, in fairness, everybody gets a little punchy...

Board Member McNulty stated is that what the Town Board is looking from us just to...

Rich Williams stated yes, they are looking again I go back to how I understand it right now...

Chairman Rogan stated yea.

Rich Williams stated for two things, maybe three, a moratorium being one of them.

Board Member Montesano stated a moratorium would be (inaudible)...

Chairman Rogan stated and the second thing was we already determined...

Board Member McNulty stated we need to meet further on...

Chairman Rogan stated was that the existing Town Code seems to not be consistent with the comprehensive plan, as simple as that and that modifications need to be considered, agreed.

Board Member Cook stated and we've been asked too look at those when we have before us and we should look at those as they apply to the comprehensive plan.

Chairman Rogan stated okay, so we need as I understand it Rich, we just need two motions tonight, right, as one is for, to send a recommendation to Town Board...

Rich Williams stated it can be one motion.

Chairman Rogan stated to consider a 180 day moratorium on new and pending applications for the club zoning, do I have to say that...

Board Member Montesano stated do you want to do this tonight and then we can...or should we wait until after we finish meeting with Tim.

Chairman Rogan stated well, Rich and that is kind of where I was concerned, Mike's question is do we want to make this kind of motion right now or do we want to wait until after they meet with Tim, Tim is more procedural...

Rich Williams stated Tim is guiding you through the code changes and how they relate to the Master Plan...

Chairman Rogan stated okay.

Rich Williams stated I mean if you want his input in addition to Carl's and mine...

Chairman Rogan stated no, no it just...

Board Member Cook stated I think it would separate.

Chairman Rogan stated I think it is fair to say that everybody on the Board is just a little bit confused as to probably everybody else is on how the process is going to work and how this is all going to, you know, we understand that we have something that we want to take a look at and see if we can make it more consistent with our Code and more consistent with our Master Plan, I think everybody understand that. We've not dealt through any kind of a moratorium on this Board, except for Mike I'm sure but we've not dealt through one of those so this is new ground for us so everybody is a little bit confused on process and how things are going to work.

Board Member Cook stated Carl, if the moratorium is enacted, that says if its enacted tonight by the Town Board...

Carl Lodes stated right.

Board Member Cook stated and tomorrow an applicant comes in applying for something as a club, you say we don't take that application.

Chairman Rogan stated correct.

Carl Lodes stated you don't.

Chairman Rogan stated and further it says to Theresa who was just here for Hudson Valley Trust that your application now is under a moratorium and that you're, if you want to proceed with us going out on a site walk and review, you are doing so at your own risk recognizing that the changes could impact you greatly...

Board Member Cook stated your application.

Chairman Rogan stated they have to then look at our records and see what changes we are considering to whether or not it would impact on them, one maybe more so than another, who knows.

Carl Lodes stated there was a moratorium is for 154-95, is Hudson Valley Trust under that.

Rich Williams stated yes.

Chairman Rogan stated yea.

Carl Lodes stated wow.

Rich Williams stated they want to come in as a club.

Chairman Rogan stated they are the second application that we have.

Board Member McNulty stated is there a difference between not for profit and non for profit.

Rich Williams stated no.

Carl Lodes stated no.

Board Member Cook stated it's a club.

Board Member McNulty stated okay.

Board Member Cook stated they are coming in as an applicant as a club.

Board Member McNulty stated I understand that, I didn't know if there was technical difference between the terms not for profit or non for profit.

Chairman Rogan stated okay, then I go back to, let me rephrase this, a motion that upon recommendation from our Board's review, our Board's committee review of the existing Zoning Code for the Town of Patterson for clubs and a look at our comprehensive plan and based on their recommendation there are areas of the Code in that section that do not support the goals in the, the goals specifically of the comprehensive plan. I make a motion that we recommend to the Town Board that they consider a 180 day moratorium on new and pending applications under that code, so that the Planning Board can further consider changes that would bring the Zoning Code to be more compliant with supporting the goals of the comprehensive plan, did I leave anything out, is that pretty good...

Carl Lodes stated I think so.

Chairman Rogan stated okay, so moved.

Rich Williams stated (inaudible).

Board Member McNulty seconded the motion.

Chairman Rogan asks for all in favor:

Board Member McNulty	-	aye
Board Member DiSalvo	-	absent
Board Member Montesano	-	aye
Board Member Cook	-	aye
Chairman Rogan	-	aye

The motion carries by a vote of 4 to 0.

Chairman Rogan stated fair enough.

Board Member Cook stated you said that like a lawyer.

Chairman Rogan stated I'm trying to build the record.

Board Member McNulty stated that was well done.

Chairman Rogan stated okay...

Board Member Montesano stated when do you settle (inaudible) for.

c. Performance Bonds

Chairman Rogan stated we did skip over performance bonds Rich that was the item before that you had the draft memo.

Rich Williams stated that was the draft...

Chairman Rogan stated yea.

Rich Williams stated that was the draft and I gave it to the Board again this is a Code change that we are looking for input on, we'll put it on for the next agenda for further consideration.

e. LaDau Correspondence

Chairman Rogan stated Landau Correspondence, we had talked about a response back...

Rich Williams stated it went out.

Chairman Rogan stated it went out, thank you so much.

f. Guiding Eyes for the Blind – Landscaping

Chairman Rogan stated Guiding Eyes for the Blind Landscaping we covered with some additional plantings to make up for some that we were going to lose.

g. Fox Run Phase II

Chairman Rogan stated Fox Run Phase II.

Rich Williams stated Fox Run Phase II is a Code change, again which I expected the Town Board was going to refer over, they didn't do it, so don't worry about it.

Chairman Rogan stated okay and Chiappa Wetlands...

Board Member Montesano stated we took care of.

Chairman Rogan stated additional we just wanted to quickly make for the record and Tom has asked about this and really I think this is one nice thing about having a new Board Member, you ask questions that make a heck of a lot sense because of not knowing how procedures are, what Tom had asked was, we get a number of letters to the Board, in this case specifically addressed to us...

Board Member McNulty stated individually and I reached out to Shawn to ask, what is the protocol to acknowledge that we received these letters for public input...

Chairman Rogan stated right,

Board Member McNulty stated and we discussed it a little bit, we'll acknowledge it at a Town, at a Board meeting rather than...

Rich Williams stated when we get correspondence, this is how some of the other municipalities handle it, as we get correspondence on, we can create a list for you of correspondence received during a month, you know just a, this is who did it, this is the issue and give you a numbered list, if that is something you would like to do.

Chairman Rogan stated well I think that's great, the intent is more Tom, was asking from the standpoint of hey we've heard this from Town Board as well, from the public that I send in letters and I never get a response, people get a little bit put off by that and in some cases, I think maybe ZBA they read, if they get a letter about a neighbors project they read it into the record, I don't necessarily propose that because some of these letters are more than five pages long and some of them are duplicate letter they are just sent by multiple people but what I think would be helpful is if we at least mention that at the meeting subsequent to when receive the letters that, you know we are acknowledging that we received the letters from the people that we received them from, referencing a particular application and that they have concerns that they wanted to let the Board know about. We don't have to read the contents of the letter in but they should become part of our file which I'm sure they do, great...

Rich Williams stated they do but what I was suggesting was giving you a summary, a list of the letters that you got in so you can do that...

Chairman Rogan stated okay.

Rich Williams stated rather than sit here with a handful of letters.

Chairman Rogan stated and have the (inaudible).

Board Member McNulty stated what about the situation with...

Board Member Cook stated how would they know that...

Chairman Rogan stated that's the second part.

Rich Williams stated well that is the second part.

Chairman Rogan stated right.

Rich Williams stated I was hearing two things...

Chairman Rogan stated well the second part of it was, the obvious would be, can we create a form letter very simple that is just a blanket letter that gets, as we get a letter in we send one right back to them saying, in this case, The Planning Board acknowledges receipt of your letter, received on, fill it, write it in, not even print it out and this letter will become part of the record for which it references or something to that effect.

Board Member McNulty stated of their, your input was noted...

Chairman Rogan stated your input will be noted, you know, we can come up with something very simple...

Rich Williams stated and do that for just the letters we are getting on specific applications where they are commenting and other things where they are addressing different issues, may need a different letter, we'll talk about that another time.

Chairman Rogan stated right and we don't get as many of those but this is real simple, not to create...

Board Member McNulty stated how about letters that are specifically addressed to us individually...

Chairman Rogan stated I think that...

Board Member McNulty stated can that be sent as a form as a Board, I can note at a meeting fellas I received this letter maybe you didn't or you did and we send it out as a...

Chairman Rogan stated that rarely happens but if it does happen Tom, it would probably make sense to say I got a letter referencing this project, copy the Board on it and then that becomes then a Board letter. That typically doesn't happen.

Board Member McNulty stated this week you didn't, I got a bunch of envelopes that were sealed...

Board Member Montesano stated the same thing with these letters.

Rich Williams stated we open one of the others.

Board Member Montesano stated on the Town website, do they publish the public hearings for a project...

Chairman Rogan stated you would be surprised.

Rich Williams stated the public notice.

Board Member Montesano stated yea.

Rich Williams stated we are trying to get better at doing that.

Board Member Montesano stated no, no, what I'm saying is we are getting comment letters that really should be referenced to a public hearing that particular person that we sent the letter. When we send back a, or acknowledgment back to these people, can we refer to them to website for the public hearing for that...

Board Member McNulty stated I guess if the public hearing is established we can do it.

Board Member Montesano stated what I'm saying is refer them to the website for the date for the public hearing.

Rich Williams stated for further information...

Board Member McNulty stated sure.

Rich Williams stated well you know, we can do that, to the agenda and public hearings.

Board Member Montesano stated the object is that if these people were that interested in sending it...

Rich Williams stated we have to get a lot better about getting them up there.

Board Member McNulty stated one other note I want to make is that some of the letters received were not signed, as far as I'm concerned, if it's not signed, I'm not noting it.

Chairman Rogan stated well like a letter that's printed the person's name...

Board Member McNulty stated yea, I mean anybody could do that.

Chairman Rogan stated yea, that's why a lot of the letters, these are form letters that are created by a group and people just...

Board Member Montesano stated please be advised that any letters sent to us must be signed by the and if not they can't be regarded as...

Rich Williams stated who am I sending that too.

Chairman Rogan stated I wouldn't...

Board Member Montesano stated yourself.

Board Member McNulty stated no, it's just a note for the Board.

Chairman Rogan stated that's a good question.

Board Member Montesano stated I'm not going to be in the building when they come here.

Rich Williams stated we'll tackle it this month, we'll see how it works for a month and go back and take a look at it.

Board Member Cook stated that last one here.

Chairman Rogan stated yes, thank you.

Board Member Montesano stated you have to realize Richard that we are not in the building 24/7, and you guys are.

Rich Williams stated just one question to wrap this out.

Chairman Rogan stated sure.

Rich Williams stated are these letters going Planning Board signatures or Shawn's signature.

Chairman Rogan stated either we can create one that is already pre-signed or something, these should be form letters, more honestly Michelle sign, put Shawn Rogan and then put your initials, I just think it's the response the acknowledgement that we received what they have and it's been circulated to us.

Rich Williams stated or do you want them to go out under my signature on behalf of the Planning Board.

Chairman Rogan stated even better.

Board Member McNulty stated (inaudible) too, the biggest thing since I've been here for a month, I've heard several times, we want the public's input, so we are getting it...

Chairman Rogan stated and they don't know that we've gotten it.

Board Member McNulty stated it's just a courtesy back to the public to say...

Board Member Montesano stated sometimes you really don't want to.

Chairman Rogan stated and actually to take a step back on it, acknowledging those kind of letters, that is the kind of thing that people who are elected get hammered for all the time, they are saying we are sending you letters, we never heard back, we never heard anything. That is a simple courtesy, if someone takes the time to send the letter, you're asking for public comment, I think it was a good comment from you and it's something we just complacent with over the years and have kind of gotten away with I guess.

Rich Williams stated great.

Chairman Rogan stated so honestly, we have some minutes.

10) MINUTES

Board Member Cook stated make a motion that we approve the minute of January 28, 2010.

Board Member Montesano seconded the motion.

Chairman Rogan asks for all in favor:

Board Member McNulty	-	aye
Board Member DiSalvo	-	absent
Board Member Montesano	-	aye
Board Member Cook	-	aye
Chairman Rogan	-	aye

Motion carries by a vote of 4 to 0.

Chairman Rogan stated anything else from anyone.

Rich Williams stated I would like you to adjourn.

Chairman Rogan stated motion to adjourn.

Board Member Montesano seconded the motion.

Chairman Rogan asks for all in favor:

Board Member McNulty	-	aye
Board Member DiSalvo	-	absent
Board Member Montesano	-	aye
Board Member Cook	-	aye
Chairman Rogan	-	aye

Motion carries by a vote of 4 to 0.

The meeting adjourned at 10:34p.m.