

TOWN OF PATTERSON
PLANNING BOARD MEETING
March 25, 2010 *Work Session*

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

Michelle Russo
Sarah Wager
Secretary

Richard Williams
Town Planner

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



TOWN OF PATTERSON
PLANNING & ZONING OFFICE

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Planning Board
March 25, 2010 Work Session Meeting Minutes

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

APPROVED

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

The meeting began at 7:33 p.m.

Michelle Russo was the Secretary and transcribed the following minutes.

Chairman Rogan stated okay, good evening everyone, we have a representation from, is this Fox Run Phase II Zoning amendment, unless anyone has an objection, if we could jump right to that so that we can get this gentlemen out of here...

8) OTHER BUSINESS

a. Fox Run Phase II – Zoning Amendment

Rich Williams stated how about some introductions.

Chairman Rogan stated sir what's you're name.

Mr. Marvin stated yes.

Rich Williams stated Robert Marvin

Mr. Marvin stated Bob Marvin, I am a partner of Marvin and Marvin, a law firm in Pawling and Rhinebeck New York...

Chairman Rogan stated why don't you come in a little bit.

Mr. Marvin stated and I'm here to you know, talk about the proposed amendment. I don't know most of your folks but I am glad to have the opportunity to speak with you. I did submit last week a letter with some attachments, I just want to make sure that you got them...

Chairman Rogan stated yes we did.

Board Member Cook stated yes.

Mr. Marvin stated I know that at least in a less formal manner, this property was a subject of your, some discussions with the Board last year but this is a different proposal this time and it's been, this has actually been introduced formally as a proposed zoning amendment, as opposed to what was done before. What the real significant, most significant difference between what you had looked at before and what you've looked at now is that this proposed amendment would be limited, any development that would result from an amendment would be limited to ownership by folks who are 55 years of age and older. Which is a concept that has been around for awhile, has been very popular, in fact municipalities in certain parts of the country have worked hard to try to attract these types of development because of the benefits which come to the local economy, the tax base and so on. I know a lot of times communities are reluctant to increase residential because they figure jeez every house that comes in, there is an average of and don't quote me on the exact numbers, 2.4 kids and the taxes that are generated only pay for 1.6 kids so the rest of the community has to subsidize every new house that comes in, this type of proposal is the exact opposite of that. The way I phrased it when I discussed this with the Town Board one of the times, these are the other properties that pay for the kids to go to school because you are going to have, you know, I'm not saying you'll never have a kid in there but there is not going to be very many. If the owner has to be at least 55, many of them are going to be a lot older than that, you are going to have very, very few kids and the numbers, historical numbers of actual development that have been done along these lines, prove that out and I enclosed in the documentation, or I didn't enclose it but I had distributed to the Town Board that study done by the Home Builders Association, which really is, you know, there is a lot in there. I don't expect you to study it all and memorize it but I think the point is it talks about how these types of developments benefit communities and not only on the tax base but in many other ways too. New job creation, spurring the local economy because the folks that typically own them have money to spend, they stay local more than many younger homeowners would and therefore spend more of their money in a local setting. The benefits sort of continue to sort of ripple through for a long time, if I could just for a few minutes address the letter, the cover letter that I sent in where it really was designed to sort of outline how the proposal that is now before the Town Board to change the zoning is I believe satisfies a lot of the concerns that this Board expressed when you looked at the prior proposal and the memorandum that you had written last June that talked about the various, what you called cons, of that proposal and I think we addressed them with a newer proposal. I think one of the biggest concerns that you seem to express is how would this, it was a development that was done, call it Fox Run II, call it whatever you want, how's that going to mesh with what is already there and there was some concern there about it wouldn't work. Frankly, I think it will work because its been set up that since the 1980's when, Fox Run was first built as apartments subsequently in the mid-80's or so it was converted to condominium ownership. Whenever you have a condominium either you have individual unit owners and then you have common elements which are typically owned by a Homeowner's Association. The people who govern the Homeowner's Association are elected by the people that own the units. This was set up and is still on file still, runs with the land if you will is the legal concept, the property that is currently still owned by my client, if and when that is ever developed, that becomes part of the Homeowner's Association that already exists for the first phase of Fox Run and how its going to governed is already determined by the documents that are on file. Essentially it's a 9 member board of directors, 5 seats would be elected by the phase that has already been built, 4 seats are reserved for future development of the site that my client still owns. So, you know the

concern that you had about how are they going you know work with phase one, its really going to be all one, you know there is going to be 9 board of directors that they set whatever the Homeowner's Associations dues are, set the budget, decide how they are going to spend the money, so on and so forth. So you are not going to have griping about well this road needs repair and how is it going to be paid for, I mean if they are all under the same governess and they are all electing whoever those directors are, 5 reserved, as I say to one part and 4 to the future development which is what my client still owns. So that, they have to work together because that's when people bought into those condos that was the way it is and that is the way it still is and I know you guys had expressed some concern that, well jeez the owner of the property that isn't developed, hasn't been paying any money but they aren't using anything, there aren't any improvements there. I don't think in all rights they should be paying anything right now because they are just vacant land, what they do is, is they pay taxes on that land but as soon as development takes place then they have to pay their share and my understanding, I haven't been there, that some of the infrastructure in Fox Run isn't in as good of shape as it probably should be that is the only blame you can put on that, if that is in fact the case, I don't know that I haven't been there. That's up to the current board, which we have no say whatsoever in and my client is willing to commit and has committed in writing to give additional monies to them in addition to whatever the HOA dues will be when the property is developed to help them repair the infrastructure that exists now that may be in need of repair. I enclosed a copy of that letter with what I sent, so you know all in all I think that it is a situation that if this amendment was approved and hopefully this Board will recommend to the Town Board that they do approve it, I mean obviously that is what you guys are going to decide, you know the community of Patterson can win and my client obviously wants it to happen because he thinks it will work well for him but you know from your perspective, you're looking at it from base of the community and I think it works for you too. You know, its really, the alternative is what it's zoned now, 4 acre single-family, it's an extremely difficult site to develop for that purpose, for one, the only road frontage that this parcel has is a small piece on Bullet Hole Road, at a really tough access point, there is almost no road frontage there, so we'd probably be looking at, if that was really the only way to come in then you know, big cut and fill to get in there and then create some sort of Town road so the interior lots can have frontage which would be, you know I imagine SEQRA concerns, there are going to be serious environmental concerns with trying to do something like that. The engineer that I talked to without pricing it out, seems to think it would be, your costs would be prohibitive to do something like that, you know as far as using it for commercial site, there is no way to get in there for a commercial site, its not zoned for that now anyway and there is no access, there was a suggestion to use Commerce Drive but we don't have any right to use Commerce Drive and it doesn't even front on Commerce Drive, there is no way to get into the site...

Rich Williams stated if there was a way to get in there, would you be interested in it.

Mr. Marvin stated I don't think so.

Rich Williams stated okay because there is a way to get in there...

Mr. Marvin stated no.

Rich Williams stated we've looked at it, I've got a, one of the developers over there, off of Commerce Drive, has provided the means to access it twice, two different areas.

Mr. Marvin stated well I guess, I'll never say never but I have discussed that with my client, I mean if there was a specific proposal you know, he's going to listen to it...

Rich Williams stated sure.

Mr. Marvin stated but that is certainly not what my client has in mind and has never had in mind for this property.

Rich Williams stated just so Tom is aware and you're aware, at one point we were looking at you know working with 3 or 4 different property owners, this property being one of them, to create a, to extend that whole corporate park over there.

Mr. Marvin stated yea, like I said I'm never going to say never because I haven't discussed any specific...

Rich Williams stated yea.

Mr. Marvin stated on that, we have never been aware of any specific project...

Rich Williams stated that kind of fell apart.

Mr. Marvin stated okay but that is certainly not what my client is looking at and when I did just and obviously he has seen the letter that this Board wrote back last summer and the suggestion that there is a possibility for commercial use was not something that he had any interest in. I will do my best to answer to any questions that you have.

Board Member McNulty stated I'm new to the Board so...

Mr. Marvin stated right.

Board Member McNulty stated I take it from what I see here, this is an expansion, originally proposed as an expansion at Fox Run apartments/condos.

Mr. Marvin stated it was originally, if I can give some history, Rich knows the history very well, as early as the 1970's, my client hasn't owned, my client owned it, he bought it and then turned it into condos, he didn't build it, he didn't develop it, he bought it subsequently and turned it into condos but back in the '70's it was the entire what is phase one and the property that remains undeveloped was approved by the Planning Board in those days was a multi-phase apartment development. What happened was, part of it was developed, the other part wasn't developed, in the mean time the zoning was changed and then those approvals were lost. So way back in the '70's, it was intended and approved to be designed for multi-family apartment buildings but those approvals were lost.

Board Member McNulty stated so the second half of the project lost its apartment zoning and is zoned for 4 acre residential now.

Mr. Marvin stated it was up-zoned to 4 acre zoning, yes.

Rich Williams stated correct.

Board Member McNulty stated and you're looking to convert it back to a townhouse situation or condos.

Mr. Marvin stated there is no exact plan as to what it would be, I would say the most likely form of ownership would be townhouse/condos, we don't have a site plan, we don't have any drawing, we you

know, there are no specifics, I mean the plan that was proposed last summer to this Board which was just sort of conceptual thing to try to get some support, was a 48 unit...

Rich Williams stated townhouse.

Mr. Marvin stated yea 12 buildings, each with 4 units. That is still the type of project that my client would be interested in doing most likely owned by condominiums.

Board Member DiSalvo stated yea because he couldn't answer that question last year when we asked him if they were going to be condos or rental units, he still could not answer the question.

Mr. Marvin stated well it could be either.

Rich Williams stated and I think there is a little confusion here, there is a fundamental difference between condominiums and townhouses.

Mr. Marvin stated I'm not aware of what it is then.

Rich Williams stated condominiums are basically dwelling units that have no ownership in the underlying land, where as townhouses have an ownership within the underlying land. When we create townhouses we generally do it by subdivisions, Cornwall Meadows is a great example or Covington Greens, those are both townhouse units, we actually did it by subdivision where there is a portion of the underlying land that goes with each unit. Where as Patterson Village was just condominium types of ownership, all the underlying land is owned in common by everybody and the individual only owns the residential unit...

Board Member McNulty stated within the four walls.

Board Member DiSalvo stated the apartment.

Rich Williams stated I didn't want to say apartment.

Mr. Marvin stated well I guess if it is a multi-story, I think that's the case, if you have a single story or if each unit is straight through then each unit can own the land underneath it.

Board Member McNulty stated I think there are distinct differences in the real property laws too regarding condos and townhouses.

Rich Williams stated there is.

Board Member McNulty stated how does the Homeowner's Association tie into something like that, if you are all going to make it all one Homeowner's Association can you do that...

Mr. Marvin stated you can, I think what Rich is saying, you can say that you own the interior walls or from the exterior walls in but you don't own anything under you or over you or you could own to the top of the universe to the center of the earth...

Board Member McNulty stated my question is though if you are going to have an existing Homeowner's Association and now they are going to be integrated with the second phase, can you do that with the combination of townhouses and condos.

Rich Williams stated the HOA is generally, the HOA, it's the same for the both types of ownership.

Mr. Marvin stated it will be the same HOA, I mean that's the, you know.

Rich Williams stated yea but what I'm saying is...

Board Member McNulty stated that is my question.

Rich Williams stated you don't have to have different types of HOA's for, one for condominiums, one for townhouses.

Mr. Marvin stated right, the HOA, if there wasn't ownership of the ground underneath then it would have to be owned by the HOA and the dues that the homeowner's pay would be geared to maintain whatever those common elements are. I mean, you know obviously if the ground is owned underneath, then the dues would have to reflect the fact that you may have some costs in maintaining that...

Board Member Montesano stated we have to...

Mr. Marvin stated but that would be...

Board Member Montesano stated excuse me, we still have to go through the, the Homeowner's Association still has to go through the State Attorney General's Office...

Board Member DiSalvo stated right.

Board Member Montesano stated to get approval.

Mr. Marvin stated it's already existing, it's already exists.

Board Member Montesano stated that exists but if you are going to add to it, you may have to.

Rich Williams stated it may already have been done.

Mr. Marvin stated yea, that has already been approved by the A.G...

Board Member Montesano stated okay.

Mr. Marvin stated back in the 80's, there may have to be some updates made to that, I'm not going to swear that there wouldn't have to be some amendment filed but the frame work is established. It has been established for 20-some years already and that is document in the records of the Putnam County Clerk.

Board Member Montesano stated yea well I know, I remember watching all of this, what I am wondering is because of the change of title, well that will be your headache, that is why they hired you.

Mr. Marvin stated but those, the restrictions and the rules that govern this property would travel from one owner to the next owner, to the next owner; it's filed against the land...

Board Member Montesano stated right.

Mr. Marvin stated so if my client sold this property tomorrow, which he has no intention of doing, those rules apply to the new owner. It's as if you have an easement across your backyard for somebody, or you share a driveway or somebody else has a right to share a driveway and they have an easement over your driveway and you sell your property, whoever you sold it to still has to put up with the guy sharing the driveway, that is what gets the property subject to the rights of somebody else and it is the same concept that it would apply here.

Board Member Cook stated now you said that you have not seen the property.

Mr. Marvin stated I haven't been there, I have not been there.

Board Member Cook stated okay, I would suggest you go.

Mr. Marvin stated I will, okay, I probably should have gone.

Board Member Cook stated no, no, but at some point in time you should go.

Mr. Marvin stated yea.

Board Member Cook stated because a concern that we had was the infrastructure being less than desirable and from your client's standpoint you have to go through the present infrastructure...

Mr. Marvin stated I have been, yea, I know that's how you get in, yea.

Board Member Cook stated I'll put it, deficiencies and if you're built in phase two, there could be a problem in selling because if somebody comes and looks and they see what they are going to part of...

Mr. Marvin stated that makes perfect sense, I obviously, that would be something that my client would be concerned about and would want to, he's interested in making a dollar, he would you know have to consider making some additional improvements perhaps even voluntarily to upgrade phase one so that he could make a profit on his other interest in phase two. I mean, you know, he is a business man and we understand that but certainly that would be a negative selling point if its in bad shape.

Board Member Cook stated has your client built other senior citizen housing.

Mr. Marvin stated no.

Board Member Cook stated this is his first.

Mr. Marvin stated yes.

Board Member McNulty stated any kind of...

Chairman Rogan stated well is your client the builder or is he going to sell it off.

Mr. Marvin stated no he's not a builder; he's pretty much an investor.

Chairman Rogan stated right.

Mr. Marvin stated I mean but he's done a lot of subdivisions...

Chairman Rogan stated the owner is GDC, Ginsburg Development.

Mr. Marvin stated no, the owner is a partnership comprised of a couple of individuals.

Chairman Rogan stated oh okay.

Board Member McNulty stated RC Enterprises.

Mr. Marvin stated yea, that is a partnership; there are a couple of general partners in the process that are involved.

Chairman Rogan stated so it's safe to say though the intent would be to get the approvals and then have it built...

Mr. Marvin stated um I think that is a possibility, I think it would depend on a lot of conditions, I mean my client has built subdivisions out before, not multi-family like we are talking about here but he's built out subdivisions, other subdivisions he's sought approvals for and then sold the lots and then let the people that buy lots build themselves but always with covenants and restrictions. As you say, he's concerned that if he sells the first lot the first time, he builds a white elephant, he's not going to be able to sell lot 2, 3, 4, 5 to 52, so he is aware of those kinds of concerns.

Chairman Rogan stated Rich, I have a question, you set up a Homeowner's Association, let's say that the existing units new roof, new shingles, are through the Homeowner's Association, the people that just occupy those buildings are assessed or somehow they pay for maintenance on those buildings, correct. I'm trying to think in terms of, there are components of the new...

Mr. Marvin stated I think that would depend on the exact form of ownership.

Chairman Rogan stated let's say the phase two, there is the idea that maybe you're better off having a separate and unique Homeowner's Association for the new area because even thinking in terms of the pool that is somewhat of disrepair, you start talking about designing a senior citizens, I'm sorry 55 and older...

Mr. Marvin stated age qualified...

Chairman Rogan stated age qualified...

Mr. Marvin stated that is what you call it.

Chairman Rogan stated development, I appreciate that, there is a lot of benefit to having a separate recreation area, maybe a separate pool area, specific for that, design almost a community unto itself.

Board Member DiSalvo stated which those communities demand.

Chairman Rogan stated exactly because you have a pool area that is open to the existing Homeowner's Association and now you have an age qualifying, sometimes the intermingling is good and sometimes it's...

Board Member McNulty stated yea but it almost...

Rich Williams stated now we are getting into the complex issue of how this is going to merge together because you're right, there are some issues with the existing versus the new and sharing some of the infrastructure but at the same time, there is a lot of the infrastructure that is going to be used in common, the driveways, the waste water treatment plant, possible the water supply system, so you still have to have it together...

Chairman Rogan stated but in fairness...

Rich Williams stated in fairness what we need to do is we need to take a hard look at the HOA agreement and prospectus and make sure it's all properly addressed in that.

Mr. Marvin stated okay well I can provide that, I mean those have been on file for a long.

Rich Williams stated I think we have it.

Mr. Marvin stated yea but some of those issues really are, we are talking here about a zoning amendment, we are talking and we are kind of getting a little more into a planning phase and your concerns I think are good and valid and justified but they are more relevant are the time when somebody is coming in with a specific plan saying you know we are zoned for this, here is the plan we would like to do and then we try to massage the plan.

Chairman Rogan stated right, no I can appreciate that in order for us to have a positive recommendation for the Town Board, we have to look at what our concerns were previously, for instance amount of traffic in and out of the site...

Board Member DiSalvo stated all over again.

Chairman Rogan stated and we just need to know that you are proposing x, an age qualifying phase that has 40 units, let's say...

Mr. Marvin stated well I'm not proposing any unit count, I mean, you know.

Chairman Rogan stated well but I think it is hard to make that recommendation without, to just say well we had a single family homes or condos and now we are going to have age qualifying and given the current and this is where I was going to go with this study that you gave us. I wanted to know how recent the information in is here because it seems that given this economy and given our trends that we've seen in the last five or ten years, almost every retired person I know, with the exception of Bruce Major, seems to be taking care of their grandkids all day long. They may not live with them full time but they are putting them on the bus, they are taking them off the bus, I know my parents do it and it seems like our current...

Board Member DiSalvo stated many school districts...

Chairman Rogan stated generation that are having children are relying on their parents to help raise their children and so...

Board Member McNulty stated you have multiple generations under one roof again, like it was years ago.

Chairman Rogan stated yea, so I am not apt to just automatically agree that an age qualifying application is going to have less traffic, while I think it may be reduced and you're memo did say reduced...

Mr. Marvin stated yea there is still traffic, I mean...

Chairman Rogan stated but reduced, if you have a 100 and you reduce it to 98, you've reduced it but it doesn't mean its significant.

Mr. Marvin stated the study bears out in the time that the traffic tends to come and go, is not the rush hour time where you are getting from the other phase...

Chairman Rogan stated sure.

Mr. Marvin stated you know because most of these folks don't have to be to work at 8:30 in the morning or whatever.

Chairman Rogan stated well its not only congestion on the intersections but it's the wear and tear on the roadway that currently, you'll see when you drive there.

Mr. Marvin stated okay, that's...

Chairman Rogan stated you know, so those are all issues that I think we have to at least have some good information to be able to evaluate.

Board Member McNulty stated currently we can quantify this, there are 40-something there, you can have ten or eleven homes, possibly if you can fit them on that rock and now we don't know if you are going to add 50 homes, so it is a factor that we need to consider.

Mr. Marvin stated I mean if there was a number that you were comfortable with as a ceiling, I think my client would be willing to put something in here that would limit that number.

Chairman Rogan stated I think in fairness; your client needs to tell us what he wants to do also.

Mr. Marvin stated I think the most likely plan that he has in mind, is still something very similar to what you saw last year.

Chairman Rogan stated right.

Mr. Marvin stated okay and I can't speak for him without specifically asking him questions.

Board Member McNulty stated well the numbers have to make sense, you can't put ten units there.

Mr. Marvin stated but I, it has to make economic sense...

Board Member DiSalvo stated right, all the other then have to make sense, recreation is separate...

Mr. Marvin stated I think if because he was willing to do that last year...

Chairman Rogan stated I understand.

Mr. Marvin stated if we could get approval. I believe that if this Board was comfortable with whatever you want in documentation to say that the development would be limited to that as a maximum, I believe, I am not committing to it without speaking to him, I believe he would commit to that because his, he has done some homework and figured at that number he can make enough of a profit to make it worthwhile, if you get too much below that then it starts to lose its profit margin.

Chairman Rogan stated understood.

Board Member McNulty stated you also mentioned that he was willing to make some improvements to the existing facilities, maybe we should get something to what extent...

Mr. Marvin stated that's in a letter there.

Board Member DiSalvo stated he mentioned that the last time.

Chairman Rogan stated that was outlined in some of the other, we'll get you some of the past correspondence.

Rich Williams stated Tom, I've got Michelle pulling things up for you.

Mr. Marvin stated you know he has negotiated that with the members of the HOA as it exists now.

Board Member DiSalvo stated I think he was going to what, 5,000 dollars per unit as they were sold...

Mr. Marvin stated no, as he gets a building permit, he's going to put 50,000 into the pool, I forget the...

Chairman Rogan stated top coat the roadway, yea there was...

Mr. Marvin stated re-pave the road, put a parking area in and a couple of other things.

Board Member DiSalvo stated another question I have, say this is approved for 55 and older and you can't sell the units, do you have the right to open it up to...

Mr. Marvin stated no, we do not.

Rich Williams stated the way the zoning is going to be structured...

Board Member McNulty stated and the Attorney General prospectus too...

Board Member DiSalvo stated well then can you switch from condos to rent the units that aren't selling.

Mr. Marvin stated well if they are built and unsold, I'm sure my client could rent them, they have to be occupied by, its age qualified by occupancy.

Board Member DiSalvo stated and then two people can have their daughter living with them with her three kids...

Mr. Marvin stated I don't think they are going to be that big but I mean I guess legally, could that happen, I can't say its impossible but that is certainly not the preferred occupancy, because my client is not going to be able to sell them if that is the case.

Board Member DiSalvo stated I am just going by Heritage Hills, I am very familiar with that development, people live there and they demand...

Mr. Marvin stated he's not going to be able to sell them if that's the case...

Board Member DiSalvo stated they demand recreation there, is this development, people coming in are going to demand their own pool, their own fitness center, all these other, their own parking areas so they can pull right into their houses, instead of a common area to park where they would have to walk, I don't think there is enough lane there that...

Mr. Marvin stated if my client thinks that's what he is going to need to do to sell it, then in the planning process, he's going to do it.

Chairman Rogan stated if that is the marketability of it, right. Ultimately if that makes for a more appealing project for sales obviously it might...

Board Member Montesano stated most of the 55 or over communities really don't look forward to having, going into the pool with a bunch of little kiddies.

Mr. Marvin stated and that is what the study really bears out, I didn't make that study, I got it from the National Association...

Board Member McNulty stated there is a need for this type of housing, there is a need for this type of housing.

Board Member DiSalvo stated I don't know.

Chairman Rogan stated there is a need in there area but there is a lot development going on right now.

Board Member Montesano stated why you got your AARP card, Tom.

Chairman Rogan stated we have an application before us right now for a subdivision off of Ice Pond, that was marketed, initially they said that they were going to market that to 55 and older, that's single family homes.

Mr. Marvin stated but this would restricted to that not, you know.

Chairman Rogan stated I understand, I understand, it seems like we have senior housing, I'm sorry age qualifying housing going up all the place all over this County. Not specific to this site but we talked on previous applications about looking at the Master Plan again and that might require a re-evaluation of what is going on County-wide for this.

Board Member DiSalvo stated I don't think people want to stay here anymore, they are all moving south.

Board Member Cook stated actually if I remember right, you bring up about Ice Pond, there was a development or there is a proposed development in Southeast at that end of Ice Pond, there were a couple of projects to go on, I think that tied in. I think they were saying there were two commercial site and then there was an age residences, at least on the drawing board or somewhere down there, so. They are around and what I think we have to do is take a look at this relative to our concerns last go around as applied to this. If we talk about traffic, age 55 and above, if you have, you know a couple, there are going to be two cars, I mean that's there...

Chairman Rogan stated its tough when you mix the two communities.

Board Member Cook stated and the infrastructure concerns are still going to be there and um what Mike said about maybe the age 55 and above don't want to go to the pool with the kiddies. The kiddies aren't there all the time so they'll, the age 55 and above could demand, there will still be that demand for them to use the pool, they just got at a different time.

Chairman Rogan stated okay, does anybody have anything else for this very moment in time.

Rich Williams stated I do have one more thing, just to let you know, I was just taking another look at this and considering something that maybe we haven't considered before, the way this was written it would leave us some concern about the phase one and whether we are making that pre-existing, non-conforming and what would happen when somebody moves out of the units. So I've got a just a very quick couple of lines in here just to address that, so that whole phase one would not be subject to this requirement of age...

Mr. Marvin stated the amendment as drafted, the grid number, I call it grid number, the lot number is going to be 44 acres which is undeveloped...

Rich Williams stated section 5, bullet 8, any and all multi-family dwellings located in the multi-family overlay zone along Bullet Hole shall be comprised exclusively as active adult residences...

Mr. Marvin stated right but earlier in the proposed amendment, the only lot that we are putting in the multi-family overlay zone is the undeveloped lot.

Rich Williams stated but the developed lot is already in it.

Mr. Marvin stated no.

Rich Williams stated yea.

Mr. Marvin stated no, no because...

Rich Williams stated yea.

Mr. Marvin stated I didn't think there was any part of the overlay zone on Bullet Hole Road, right now.

Rich Williams stated yea, there should be.

Mr. Marvin stated I don't think that is what the current code says, I could be mistaken but I have it here, I don't, you remember what section it is here, let me see.

Rich Williams stated it's not in the section, it's on the map.

Mr. Marvin stated okay, if that in it, then we may need to tweak it.

Rich Williams stated it's just a little tweak; I am going to send it up to you.

Mr. Marvin stated no, that's okay just, I didn't realize that was in the zone, I okay. So what the amendment is limiting and making an absolute requirement is that any if it were approved of course that any development that happens in the multi-family nature on this undeveloped lot has to be age restricted. It has to be 55 plus, it doesn't say you can't do single family on there, you still could but that's not very practical and is very highly likely to ever happen. It's saying that if you are going to do any kind of multi-family on this lot, it must be 55 and over, it has to be.

Chairman Rogan stated sure, Rich, within that zoning amendment, can you put restrictions on density that only apply to that property.

Rich Williams stated there already are restrictions...

Mr. Marvin stated they are part of the amendment.

Chairman Rogan stated because is this a zoning change, it's a zoning change relevant to this property, correct.

Rich Williams stated no, it's a zoning change that would affect, well it has implications...

Mr. Marvin stated in the other overlay zone lots.

Rich Williams stated yes it does, it does.

Mr. Marvin stated but it does have a density calculation there that you couldn't go over but um...

Rich Williams stated I can run the numbers to see what this density calculation would equate to.

Mr. Marvin stated yea I don't know what it comes out to; it comes out a lot bigger than what the 48.

Rich Williams stated right, it does.

Mr. Marvin stated and my client would be willing to stipulate in whatever fashion would satisfy you and the Town Board to some kind of a ceiling that the development can't be over a certain unit count, I mean.

Chairman Rogan stated the most positive thing I can say about your clients application in any regard whether its single family homes, multi-family or age qualifying homes is that when we walked the site, there is a virtual dump in the back of that property that is just filled garbage...

Mr. Marvin stated on the undeveloped.

Chairman Rogan stated oh yeah, right where they are looking to build some of them and cleaning that up alone would be a great benefit because I think when they built the initial phase, they must have just used that as a dumping ground, its just...

Mr. Marvin stated again, I haven't been there, I don't know and my client didn't do the building...

Chairman Rogan stated I realize that, he bought the mess.

Mr. Marvin stated right.

Board Member DiSalvo stated where that broken up basket ball court is too up there.

Chairman Rogan stated there was an basket, an old recreation center that was built that was I guess allowed to be abandoned, okay.

Board Member DiSalvo stated a lot of overflow parking, trucks there with commercial plates...

Chairman Rogan stated there is not enough parking for what's there currently...

Board Member DiSalvo stated even if you are proposing a common parking lot here, overflow parking area, combine one and two, you are going to have people from the old phase parking their business equipment there in the new phase...

Mr. Marvin stated all those, that is my client's already committed to the existing HOA, you know in the planning process, should there be some amendment approved in the planning process, those are the kinds, you guys know how to do that, you know, there is some (inaudible) that does on and...

Chairman Rogan stated sure.

Mr. Marvin stated my client understands that, he's been around the block a few times.

Chairman Rogan stated I think we need to just do the evaluation, figure out what the impacts of the proposed change would be, look back to what we identified previously and see whether this now balances out what didn't balance out before and make a...

Board Member Cook stated Rich, in section 4, it identifies Fair Street, Farm to Market Road, as well as Bullet Hole Road, are there specific properties that tie in with those streets or...

Rich Williams stated yea, Bullet Hole Road is preliminary Fox Run phase one, Farm to Market Road is Field and Forest [Apartments], and then along Fair Street is pretty much the area running from Pond View all the way to the Carmel Town border.

Board Member Cook stated so, is this saying that those properties that you just said, could be classified as 55, age plus.

Rich Williams stated well no, when you go down to section 5, number 8, it says multi-family, within the multi-family overlay zone and Bullet Hole Road, along Bullet Hole Road. So that just means those properties along Bullet Hole Road that are in the multi-family housing, zoning district, could be, would be required to be 55 and older.

Board Member Cook stated but 55 and older does not apply to Fair Street or Farm to Market.

Rich Williams stated no, we could.

Mr. Marvin stated I don't care whether you do or not, I mean I have no...

Board Member Cook stated I understand, I'm just trying to understand this amendment that we are being asked to look at.

Mr. Marvin stated it's not changing, its not intended to change the districts that already exist in those locations and I don't think it does but I guess you can look to Rich to give you a firm opinion on that. It wasn't intended to change the rules and regulations that apply to Fair Street or whatever the other street was.

Rich Williams stated Farm to Market.

Mr. Marvin stated I'm just saying any, this new piece that would be added on Bullet Hole Road, has this additional restriction of can only be over 55.

Board Member Cook stated we just got this tonight, so.

Mr. Marvin stated oh okay.

Board Member Cook stated like you, we haven't had a chance to look at the terrain.

Mr. Marvin stated well if anybody has, you know, if you have questions later, I mean you have my letter there, it has all my contact information, I would be happy to talk to you.

Chairman Rogan stated I'm sure we are going to have questions, I think at this point...

Mr. Marvin stated I can come back here or you can call me, whatever you want.

Chairman Rogan stated at this point I think everyone needs to read through, digest what you gave us, read through what we have, we are going to pull some of the prior documentation especially for Tom so have the, what was drawn up from the last recommendation to the Town Board and we will start the process on this, start the review so that we can make an informed decision. We appreciate your time tonight.

Mr. Marvin stated okay, thanks, I appreciate you listening and again you know, any question or whatever, if you want me to come back, whatever you want, let me know.

Chairman Rogan stated okay, thank you.

Mr. Marvin stated okay, thanks a lot.

Board Member McNulty stated you're welcome.

Chairman Rogan stated its actually a request to the Town Board for us to review. The application is to the Town Board, right Rich, the application for this, at this point is to the Town Board, the Town Board refers it to us for the recommendation.

Rich Williams stated correct.

Chairman Rogan stated okay.

Board Member DiSalvo stated did they ever do like a regular application.

Chairman Rogan stated you mean is there a form for this application.

Rich Williams stated there is no form, he submitted a request, the Town Board has deliberated on it at a number of different meetings, we've, I worked with Bob, we've drafted this.

Mr. Marvin stated together, Rich and I drafted that proposal.

Rich Williams stated and the Town Board felt that it was appropriately drafted and wanted to start the process and referred it over to the Planning Board.

Chairman Rogan stated thank you, have a great evening.

Mr. Marvin stated take care everybody.

Board Member McNulty stated okay.

4) JOEY MCKNEELY – Wetlands/Watercourse Permit Application

Mr. Joey McKneely, the applicant, was present.

Chairman Rogan stated okay, we have with us also Mr. McKneely who is on the agenda, item 4, sitting right behind you Maria and if you could slide over into the hot seat.

Board Member DiSalvo stated come over here.

Mr. McKneely stated yea, that's the hot seat.

Chairman Rogan stated how are you Mr. McKneely.

Mr. McKneely stated I'm good thank you.

Chairman Rogan stated I guess we are planning on going out Saturday morning.

Mr. McKneely stated yea, bright and early 8 am.

Chairman Rogan stated 5 o'clock, 5:30 I think somebody said...

Mr. McKneely stated if you want o do that...

Chairman Rogan stated no I think we'll be there, we should be there about 8 o'clock, if that is okay with you.

Mr. McKneely stated that is what I'm planning on.

Chairman Rogan stated great and we know the Zoning Board has already been out to your property.

Mr. McKneely stated yes I had the variances have been granted, I got them in the mail this week, I didn't bring a copy of them, I didn't think I needed that, yes.

Chairman Rogan stated no you don't and you want to tell our Board a little bit about what you are proposing.

Mr. McKneely stated yes, I have, I own two adjoining single-family homes on Putnam Lake on South Lake Drive, 74 and 70, each sit on a 3 lot parcel of land, what my proposal to do and they sit about 12 feet apart from each other.

Chairman Rogan stated wow.

Mr. McKneely stated they are each, as you can see, a one bedroom home...

Chairman Rogan stated I thought they were listed as two bedroom homes, each one.

Rich Williams stated I...

Board Member McNulty stated one story three...

Rich Williams stated they are probably 1 bedrooms homes but the minimum we are going to consider is 2.

Chairman Rogan stated oh.

Mr. McKneely stated at the present time, each one is a 1 bedroom home.

Chairman Rogan stated I thought the documentation said that they were each 2 bedroom homes and you were ultimately going to end up with a 2 bedroom and remember I said wow I'm surprised he's losing two bedrooms on that, it's probably just a typo.

Mr. McKneely stated and so my proposal is to join the two as one home and just make a, create an addition that stretches from one house into the other, you know raise the roof and just fix the roofline.

Chairman Rogan stated so you're not actually leveling each house, you're...

Mr. McKneely stated no, no, no each structure will remain intact expect for the one on the left because of the way they built really badly on the back so I have to remove those walls and ceilings parts so it can be property built up. I have a deck which has a foundation on the back side of the lake which was part of the request for the variances because I have no set backs...

Chairman Rogan stated sure.

Mr. McKneely stated and I've also got my approval, a variance from the PLCC which owns that property for the deck overhang which basically is a 4 by 15 triangle, so it's like maybe 62 square feet...

Board Member McNulty stated this section here.

Mr. McKneely stated yea just that little part that overhangs, they are giving me their permission, variance you know to just rebuild that structure because it's falling apart and then with the zoning. So that is basically the only land that is going to be disturbed is the land in between the two homes, you know which is just this piece right here because my proposal is to have the house on the left join in straight into the house on the right and then the existing area up to the property line would just be deck so that this deck can then be accessed by this part of the house. So that is the proposal that I have, I originally went through the New York City Department of Health, since I am a hundred feet away from the water and the section over...

Rich Williams stated if I could just correct that...

Mr. McKneely stated yes.

Rich Williams stated New York City Department of Environmental Protection.

Mr. McKneely stated thank you, thank you.

Chairman Rogan stated horse of a different color.

Mr. McKneely stated I'm sure it is.

Rich Williams stated big color.

Board Member McNulty stated yea.

Mr. McKneely stated about the impervious land, just people were concerned about that, they said as long as it's a single-family dwelling, you know and I have that letter part of the packet that they see no problem with losing this because its insignificant. In terms of elevation, the basement level of this home is about I want to say roughly 15 feet above the actual water line, so I sit higher up over the land, this sits up and then it goes down and then down again to the water line.

Chairman Rogan stated and between your houses and the water, is that grass.

Mr. McKneely stated its mud right now.

Chairman Rogan stated its mud.

Mr. McKneely stated and weeds, around June it becomes weeds, right now it's just, the propane tanks sit there, I also have it as an old concrete walkway that's there, you know and there are some big boulders there too which I am probably going to leave there.

Board Member DiSalvo stated are you living in one of the house.

Mr. McKneely stated I live in this one here, this one has been gutter interiorly, they share the driveway area here.

Chairman Rogan stated it seems like a great opportunity to be able to make use of two smaller homes, you know being that they are so close, if they 40 feet apart it wouldn't be an option but it sounds like a great opportunity.

Mr. McKneely stated its just that they are such little homes, they are not a home, they are like these little cottages and it would be nice to just have a proper home and a proper front door and rooms that guests can sleep not on a sofa bed actually in a room, who wouldn't want that.

Chairman Rogan stated I understand that you have already been to the Health Department about the septics.

Mr. McKneely stated yea I got the approval from the Health Department, I got that stamped.

Chairman Rogan stated what are they requiring you to do.

Mr. McKneely stated nothing as long as nothing is changing, the septic tank on the right, the County replaced because there was a program...

Chairman Rogan stated the septic repair program.

Mr. McKneely stated that septic failed so they put that in, so that is a brand new septic 1,000 gallon...

Chairman Rogan stated 1,000 gallon tank.

Mr. McKneely stated the one on the left had failed before I knew about the program unfortunately so I replaced that one and that is a 750 I believe gallon and the fields were replaced on that one too. So their point of potential was as long as the bedroom count is not changing, two bedrooms...

Chairman Rogan stated so where does each water go.

Board Member McNulty stated are you going to use both fields.

Mr. McKneely stated I am going to use both fields just so that one system isn't overly, since the larger tank is 1,000 gallons, I am going to put all the bathrooms into that tank and use the other tank as like my grey water, like the kitchen water, you know because the kitchen probably uses more water than the bathroom, I'm not sure but the kitchen is going to be here...

Chairman Rogan stated okay cool, and your laundry is going to put it there as well.

Mr. McKneely stated yea because the laundry is already there, it's better on this side and there is also an old grey well here but I would like to get rid of the two grey wells because I see now the upgrades and make sure everything goes into the septic tank.

Board Member McNulty stated you mean dry wells.

Mr. McKneely stated dry wells, thank you. So I was figuring to disperse the system water on each side.

Chairman Rogan stated to kind of level it out.

Mr. McKneely stated yea, I also have two wells, I am going to keep this well here on this side, this well doesn't need to be used because I only need one well for the system so I will have the contractor remove that pump out of there so it doesn't like sit there forever.

Board Member McNulty stated is the driveway going to change.

Mr. McKneely stated yes I would like to remove this front part of this driveway here, you know so that the, so I actually have a full front yard over and just have the driveway curve into this part here so the area of ground that will be considered driveway will not actually change. It will just be shifted from this part to right here, the side part and I am also looking to, I am trying to be environmentally conscience, I am trying to look to get away from the blacktop, I know there are these new stones...

Board Member McNulty stated there are pavers you can use.

Chairman Rogan stated grass pavers or something.

Mr. McKneely stated and they are not expensive or whatever, I just want to make sure I can shovel the snow without bricks...

Board Member Montesano stated no problem.

Mr. McKneely stated yea.

Rich Williams stated is it blacktop now.

Mr. McNeely stated its blacktop now.

Rich Williams stated if you are going to change the surface material from blacktop because our Code requires blacktop, if you are going to change that surface material to a grass paver, anything else you need a waiver from the Planning Board to do that...

Chairman Rogan sated it's good we are having this conversation.

Mr. McKneely stated if not, if I just leave it blacktop...

Chairman Rogan stated and we've approved it, he's not saying it's a big deal he's just making sure procedurally...

Mr. McKneely stated this is the first I've heard of this.

Rich Williams stated I'm saying its something that you're here, you're now, they are going to go out on the site they are going to look, it's a good time to look at it, they can do the waiver now if you want to do it.

Mr. McKneely stated so I can have a choice either way, okay great.

Board Member McNulty stated when you get a final plan, you are going to have more detailed than this.

Board Member Montesano stated tell people to get stone to put up...

Mr. McKneely stated well the driveway was like the last thing on my mind, I was a bit more concerned about the home and that kind of stuff.

Chairman Rogan stated right.

Board Member McNulty stated what is the situation on this side over the property line is this...

Mr. McKneely stated basically the stonewall sits roughly at that same place, you know.

Board Member McNulty stated but this is a wood deck here.

Mr. McKneely stated that is on the other property.

Board Member McNulty stated that's your neighbor's.

Mr. McKneely stated that is my neighbor's, all of this has nothing, I own, this is the property line.

Board Member DiSalvo stated do you have parking for one or two cars now.

Mr. McKneely stated parking for like 6.

Board Member DiSalvo stated so you'll keep that same space.

Chairman Rogan stated that's good for Put Lake.

Board Member Montesano stated yea.

Mr. McNeely stated yea, keeping the same space because right here you can have two cars side by side so you can line 3. I would just, with this way, I wouldn't double it here, this would single so the one two would go here and then you could have the double here but you know but with only having a single-family home, I can't imagine I would need that much except for like party days.

Chairman Rogan stated sounds good.

Board Member McNulty stated one of the things we spoke about was we didn't know how the actually new structure lies with the site plan.

Mr. McKneely stated what I would do is just keep this...

Board Member McNulty stated no, I understand but an actual plan that showed us, we want to see that, an actually overlay how this house is going to sit on this site plan.

Mr. McKneely stated because of the computer structure of the program is square off, here it wouldn't be.

Board Member McNulty stated so your actual home is not going to look like this.

Mr. McKneely stated it will look like this but not be perfectly squared because of the difference of the property meaning that this middle area would be v'd, skewed because this area is skewed.

Chairman Rogan stated it's a wedge shaped piece.

Mr. McKneely stated it makes it a little challenging for my contractor but this house line will go straight into this house line, this is house line will go straight there.

Chairman Rogan stated because the distance between here, this might be say 12 feet, this might be 14, it's a wedge shaped piece.

Mr. McKneely stated exactly.

Chairman Rogan stated so you're filling in the void.

Mr. McKneely stated so in terms of aesthetic, you would only see the difference from the side, from the front because this is a little jut out and this is a little jut out, this would be flat and this roof wouldn't go completely into there it would stop here and then it would be a saddle, I guess you would call that, from this roof into the next one, so that the angle...

Board Member McNulty stated the gable end.

Chairman Rogan stated right.

Mr. McKneely stated the only angle that needs to be adjusted is with that gable.

Ted Kozlowski stated this is staying a one story house.

Mr. McKneely stated yes, I am lifting this part of the roof up to get attic storage space but its not a bedroom, its just to become an attic storage space. We are lifting the roof, the two homes are at different levels.

Chairman Rogan stated see it...

Rich Williams stated just draw the lines across right.

Mr. McKneely stated yea.

Board Member McNulty stated well I'm looking at this house straight and even, this isn't an actually...

Chairman Rogan stated no, this is just a conceptual blueprint.

Board Member McNulty sated it's a conceptual blueprint, this doesn't really, you couldn't take this and set this on this site plan and make it work.

Chairman Rogan stated right.

Mr. McKneely stated if give me scissors.

Ted Kozlowski stated is he even going to have to submit a...

Rich Williams sated Tommy I just looked at it, it looks pretty close.

Chairman Rogan stated well not based on the fact that this space here and here is equal distance the whole and on the plan it will from here to here will be wider.

Rich Williams stated right.

Chairman Rogan stated correct.

Rich Williams stated but basically what you're going to do is you're just going to draw a line right across...

Chairman Rogan stated right.

Rich Williams stated right across the middle.

Board Member McNulty stated like this.

Chairman Rogan stated no.

Rich Williams stated no.

Chairman Rogan stated just from this point to here, no straight into the house.

Ted Kozlowski stated isn't the Building Inspector going to need architectural plans.

Mr. McKneely stated it will look like this.

Board Member McNulty stated so if I look at it like this...

Mr. McKneely stated this will be like the actual plans.

Board Member McNulty stated I am just trying to picture this on the actual site plan.

Chairman Rogan stated okay, then take the same line follow this line across from this point, taking this same angle and tie into where that overhang is.

Ted Kozlowski stated actually Mr. McKneely...

Mr. McKneely stated yes.

Ted Kozlowski stated I think what Tommy is asking, is this footprint going to pretty much stay the same.

Mr. McKneely stated it stays exactly the same, the footprint doesn't change.

Ted Kozlowski stated the footprint doesn't change...

Board Member McNulty stated other than where you connect the...

Mr. McKneely stated exactly.

Board Member McNulty stated I'm looking at it like this, I guess if I squared it off, it makes sense like that.

Ted Kozlowski stated now roof drains, where are they going to go.

Mr. McKneely stated I will have to figure that with the contractor, right now I have roof drains here, here, there is an old one that's ripped down here, here, they are all, I would guess I would figure out that natural places to put those roof drains.

Ted Kozlowski stated right, I mean you're just I don't know if they are going into...

Mr. McKneely stated they all go into the property.

Ted Kozlowski stated into a drywell, if they are just going to flow into the ground.

Mr. McKneely stated I would figure they are just going to flow into the ground like just the way the house is normal as they do now.

Chairman Rogan stated sheet flow over the mountain.

Board Member McNulty stated both homes have a foundation now, a basement.

Mr. McKneely stated yes, they both have walk-in basements.

Board Member McNulty stated I hoping, depending on when they start digging down.

Chairman Rogan stated Ted are you going on Saturday.

Ted Kozlowski stated yea, yea.

Chairman Rogan stated okay.

Rich Williams stated we figure it out.

Ted Kozlowski stated it's a nice location I mean...

Chairman Rogan stated I mean I think seeing the site will help us all a lot.

Board Member McNulty stated it makes sense to pull it together.

Mr. McKneely stated seeing the site kind of helped them before when saw it, you know.

Chairman Rogan stated yea.

Mr. McKneely stated if there is an issue with the drainage we'll just figure out what is the best way, ideally just away from the foundation.

Rich Williams stated do you have any big trees on the site.

Mr. McKneely stated they are around but more so the front part of the property.

Rich Williams stated it was an inside joke, as long as you don't have trees, we are okay.

Chairman Rogan stated I guess we'll see you Saturday morning, bright and early.

Mr. McKneely stated okay, thank you for your attention.

Chairman Rogan stated thank you for your patience, I know the last case went on a little bit.

Mr. McKneely stated oh no worries.

Rich Williams stated sorry Ted, the softball was thrown...

Ted Kozlowski stated no, I deserved it.

Board Member McNulty stated I saw his eyes open up.

Board Member Montesano stated Shawn would you do me favor, just tell him I'm going to stop by, I was going to try and go out tomorrow.

Board Member DiSalvo stated you have all next week.

Rich Williams stated McKneely.

Board Member Montesano stated well I want him to know that...

Board Member DiSalvo stated in case he sees your car snooping around.

Chairman Rogan stated did you mention that tomorrow evening might work as well or might.

Mr. McKneely stated yes I'll be there tomorrow evening.

Board Member Montesano stated all right.

Chairman Rogan stated at a certain time maybe he can swing by.

Board Member Montesano stated you tell me what time you're going to be available, any time during the day, night or whatever.

Chairman Rogan stated it would nice if it was little light still.

Mr. McKneely stated do you want to say 5 or 6 o'clock.

Board Member Montesano stated yea I'll be out.

Mr. McKneely stated yea, I'll probably, I have to be in the city, first thing in the morning...

Board Member Montesano stated well I'll tell you what, why don't we hold off I'll come out next week and make it easier...

Mr. McKneely stated no, no, I'm back by mid-afternoon, I can guarantee I'm there by 3, anytime after 3, you are welcome to stop by.

Board Member Montesano stated okay, I'll try to get there, I'll be over.

Chairman Rogan stated in fairness though, do you want to, Mr. McKneely would want Mike to call you to confirm because there is nothing worse than thinking somebody is stopping by and they are not, you're waiting on somebody.

Board Member Montesano stated he's going to be at the house.

Mr. McKneely stated I am trying patiently to grow grass.

Board Member Montesano stated oh.

Mr. McKneely stated my intentions are...

Board Member Montesano stated well tomorrow if going to be wet so.

Board Member DiSalvo stated it's supposed to get nicer in the morning...

Board Member Montesano stated put the seeds down...

Mr. McKneely stated (gave Board Member Montesano his phone number) that is the phone at the house and the cell number is (phone number left out for privacy of applicant) and anytime you are in the area, if you are in area earlier, I may be there by noon, so I will try to make it work for you.

Board Member Montesano stated well I will give you a call and see what time your coming up, I'll call your cell phone.

Mr. McKneely stated great, great.

Board Member Montesano stated this way we can go from there.

Mr. McKneely stated why don't you call me by noon, I should be there by then.

Board Member Montesano stated fine, thank you very much.

Chairman Rogan stated thank you.

Board Member McNulty stated thank you.

Mr. McKneely stated thank you.

Chairman Rogan stated that was good for you to remember that.

Board Member Montesano stated the object would be also if you guys are going to go over to Vinny's property, the property there, be careful using that driveway, the one that they want to put in...

Chairman Rogan stated well we are going to, I'm sure we'll probably park at the old Lawlor Building.

Board Member Montesano stated well I wanted to see just how bad its going to be and I picked the right time, some dump truck come flying around the curve...

Chairman Rogan stated okay so a...

Board Member McNulty stated with a...

1) TOM'S BARBERSHOP – Public Hearing

Chairman Rogan stated we have Tom's Barbershop, we are going to have a public hearing on that with the change to that site plan.

2) UNCLE LOUIE G'S – Sign Application

Chairman Rogan stated we have a new sign application Uncle Louie G's, Italian ice...

Rich Williams stated that is a very good question.

Board Member McNulty stated ice cream and candy store it looks like.

Rich Williams stated no, it's going to ice creams...

Board Member DiSalvo stated this is the name, Uncle Louie's...

Chairman Rogan stated oh, Nancy Minelli, yup.

Rich Williams stated Italian ices and soup.

Ted Kozlowski stated wow.

Board Member DiSalvo stated and soup.

The Secretary stated soup, she didn't tell me soup.

Chairman Rogan stated I can tell you before, I can tell you that...

Board Member Montesano stated it's going to get cold in the winter, you have to have soup.

Board Member DiSalvo stated cappuccino, you have to have cappuccino.

Board Member McNulty stated smart, good plan, stay open all winter.

The Secretary stated that's the Anna's Limo site.

Rich Williams stated I went through the application and I was somewhat confused by what she is actually proposing other than she is putting up an awning in front of the building, the awning is going to our sign and by our Code it is...

Board Member McNulty stated she is Uncle Louie's.

Rich Williams stated she is Uncle Louie.

The Secretary stated no.

Ted Kozlowski stated is there an Uncle Louie.

Rich Williams stated hold on.

The Secretary stated it's a franchise.

Chairman Rogan stated yea.

(Side 1 ended – 8:27 p.m.)

The Secretary stated go ahead.

Chairman Rogan stated now Ms. Minelli, Nancy Minelli, is proposing this Italian ice, ice cream and then she wanted the ability to be able to have, you know how you buy those cyro-vacced commercially prepared soups, so you just heat them up, you can just serve those. So it's not any real cooking on site or anything like that, she is not proposing the equipment from what I know to be able to do anything like that.

Ted Kozlowski stated was she in the Health Department.

Chairman Rogan stated oh yea, she's working with on of our inspectors.

Board Member DiSalvo stated what was there, what was there, I had no idea it was empty.

Chairman Rogan stated nail salon.

Board Member McNulty stated is that next to Anna's where this is.

Chairman Rogan stated yes, Anna's I think is to the right.

Ted Kozlowski stated I bet you that does well.

Board Member DiSalvo stated big store.

Chairman Rogan stated it might, you have the pizza place there, you know.

Rich Williams stated the only challenge is the parking.

Chairman Rogan stated parking is very difficult there.

Rich Williams stated in and out of there is...

Board Member McNulty stated running cars through the buildings.

Board Member DiSalvo stated and there is no real side walk.

Ted Kozlowski stated is that where the old hardware store was...

Rich Williams stated try to back-out as the cars were coming through.

Chairman Rogan stated no it was...

Board Member DiSalvo stated no, it was a nail salon.

The Secretary stated the hardware store used to be where Anna's was, is.

Ted Kozlowski stated oh.

Chairman Rogan stated well anyway, it's only before us for a sign application, I had recommended that she speak with Rich just making sure that everything that she was proposing was going to be with the current zoning and speak to Cheryl as well.

Board Member DiSalvo stated thought it would be the lemon ice stand.

Board Member Cook stated no.

Rich Williams stated it does and I am confident the sign does, but it got a little confusing about she's doing the awning and she's got another double sign which may be going in the window...

Board Member McNulty stated it looks like a menu, is it being posted inside the building.

Rich Williams stated yea.

Board Member McNulty stated well it does say menu, I think the sign company just put everything on one sheet here.

Rich Williams stated yea but she's got two applications there.

The Secretary stated she is proposing two signs.

Board Member DiSalvo stated one and two.

Board Member McNulty stated in the window.

The Secretary stated in the window.

Rich Williams stated and the problem, what is really confusing is there are three signs, there is the awning sign, the menu sign and there is a third sign that says side of building...

Board Member McNulty stated that is the entry over the door.

Rich Williams stated which I don't know what the covers, so I am going to, I'm trying to reach out to her, I'm trying to get a hold of her.

Board Member McNulty stated do we have any color code restrictions in Putnam Lake, just in the Hamlet.

Chairman Rogan stated no.

Board Member DiSalvo stated it looks like a carnival color type of set up.

Board Member McNulty stated well it's a festive look.

Chairman Rogan stated yea

Board Member McNulty stated Rich one thing I would ask her, one that thing happens with awnings after a couple of years between birds and grim and dirt, is she going to maintain it.

Chairman Rogan stated good question.

Board Member Montesano stated well it depends on what kind of awning.

Board Member McNulty stated people don't think of that, any kind of awning is going to get...

Board Member Montesano stated well if its one of those hard ones then you can just wash it down and scrub it down.

Board Member McNulty stated even the canvas ones you can power wash down.

Board Member Montesano stated yea but when you are flapping them up and down, people sort of...

Board Member DiSalvo stated how many feet away from the building is it going to protrude or is it the type that is going to get rolled up.

Chairman Rogan stated 24 inches it says.

Rich Williams stated it's on there.

Chairman Rogan stated here, 24 inches away from the building, 40 inches tall.

Board Member McNulty stated I don't think it's retractable.

Board Member DiSalvo stated it's constructed of pipe and stuff.

Board Member McNulty stated it says here its welded, brackets, directly to the building.

Board Member Montesano stated I mean 180 inches, well. Now, question, this awning is a sign, do we have any restrictions on awnings and is an awning sign appropriate, I mean it looks fine to me but the object is, do we have coverage in our Code for an awning per se sign.

Rich Williams stated yea.

Chairman Rogan stated well you would, you're using the face area of the awning.

Rich Williams stated right.

Chairman Rogan stated so there is no difference if it was a flat sign.

Board Member McNulty stated is the entire awning considered a sign or just the signage within the awning.

Rich Williams stated I would measure where there is actual text involved, not all the blue striping.

Board Member McNulty stated yea, I agree, the signage would be the logos...

Board Member Montesano stated you got approximately there 36 inch sign here that they have that would be considered three 36 inch signs as well.

Board Member McNulty stated no, that's one, that's the side building.

Rich Williams stated you know conservatively if you take the whole front of the sign and you take the other sign, she is still within Code, so I am not worried about her fitting Code, I am just trying to nail down exactly what she's doing.

Chairman Rogan stated where they are going, what's their doing.

Board Member Montesano stated okay.

Chairman Rogan stated okay, Rich is going to nail that down, we'll...

Board Member Montesano stated go get some nails.

3) FRONT STREET GALLERY – Sign Application

Chairman Rogan stated okay we have Front Street Gallery sign application, we have a memo from Rich on this one. Front Street Gallery, 21 Front Street.

Board Member Montesano stated oh okay.

Chairman Rogan stated now this would be subject to the sign ordinance colors, Hamlet colors.

Rich Williams stated you have a color picture...

Chairman Rogan stated I have a color, it looks like black and red or something.

Board Member Montesano stated black background with a red ball.

Rich Williams stated there are a couple of things on this, first the red color, the red, I mean, that's just

Photoshop, the red actually, she said is going to match the door. It really does meet kind of the burgundy for the Hamlet colors. Where I have a little bit of concern, I'm not sure how the Board is going to feel about this is, I did give you the sign Code in there with the colors that are specified but black background really isn't part of the whole Hamlet scheme...

Chairman Rogan stated nope.

Board Member DiSalvo stated I told them to go look at Kasey's sign next door, you know from Magnolia's, kind of get a like the dark green in the background you know...

Chairman Rogan stated can't remember what it looks like...

Board Member DiSalvo stated (inaudible).

Rich Williams stated she can do the burgundy but she's got to do like a white with a gold trim and that is very similar to the sign she has up in Pawling. The other thing is when she came with a sign application, what she really wanted was a sign that hung perpendicular to the building and was under the impression that our Code didn't allow it, well our Code does allow it but the problem I have, I did print out some pictures of the building if you would like to see them, full scale pictures...

Chairman Rogan stated where do you put it.

Rich Williams stated trying to hang it.

Chairman Rogan stated you would have to come off your...

Board Member McNulty stated there is not room between the bottom of the window and that Cornish trim...

Chairman Rogan stated no.

Board Member McNulty stated because I was looking at the building, so I don't know how big the sign would be.

Chairman Rogan stated do you just need enough room to mount some kind of a pole that sticks out or...

Board Member Montesano stated well when the barbershop was there, why can't we have the same thing, where it sticks on one of these, you got these two.

Board Member McNulty stated its going to be in the walkway.

Chairman Rogan stated well its got to be where you don't walk into it or anything.

Board Member Montesano stated you stick it up here or you have sticking out with the name because most of your people are going to be walking this way and the sign is going to be here.

Chairman Rogan stated or driving that way, you're right.

Board Member McNulty stated I agree with her premise of what she wants to do, so you can find the shop, it's just a matter of location.

Board Member Montesano stated when Tom's Barbershop was there, he put the barber pole out...

Board Member DiSalvo stated barber pole, that was over here.

Chairman Rogan stated those only come away from the building about this far.

Board Member Montesano stated the object would be if you stick one out this way, the way that thing is, then all you have to do is put the name on it.

Board Member McNulty stated then you have the walkway there.

Board Member DiSalvo stated especially if you want to put flower pots there.

Board Member Montesano stated now if I remember right, when we did Tom's when he was there, his sign was the barber pole, so you could see while you're standing by the Post Office.

Board Member McNulty stated but the bottom of it was above 6 or 7 feet.

Board Member Montesano stated yea, it was up here but the object is if you took this type of sign and had it hanging with the bracket here, on the wall, high enough to be seen from standing at the Post Office looking out, you'll know its there because I thought we allowed that then because of that crazy angle that you're at.

Chairman Rogan stated I think any sign that jets off the building, the bottom of the sign has to be at least 6 and a half feet off the walking area.

Rich Williams stated absolutely.

Chairman Rogan stated right, 7 feet realistically.

Board Member McNulty stated 7 foot.

Chairman Rogan stated you know, there are some pretty tall people in Patterson.

Board Member Montesano stated they can't say that in...

Chairman Rogan stated but it looks like, coming, Tom what do you call these design elements that...

Board Member McNulty stated crowns, it's a Cornish molding coming across.

Chairman Rogan stated all right so coming off the crown, realistically...

Board Member McNulty stated you have to figure these doors are 8 foot or 7 foot 6 high...

Chairman Rogan stated so you probably only have 2 feet or so, 2 ½ feet of room between the crown molding...

Board Member McNulty stated yes.

Chairman Rogan stated or the architectural element and that safe walking height, so they could, she certainly could do something in that area on each of these maybe two of them.

Board Member McNulty stated either that or hang it here.

Board Member Montesano stated let's put it, how about we...

Board Member McNulty stated is that where she wanted to hang it Rich.

Board Member DiSalvo stated like an awning.

Board Member Montesano stated instead of having the sign indented in the doorway, maybe we can suggest putting it here where if you put an L-shaped bracket where you'd have it this way to look up and down...

Board Member DiSalvo stated where did Tom have his sign, wasn't it above the door, this was taken before anything...

Rich Williams stated his sign was in the transom, in the window and then the pole...

Board Member McNulty stated the barber pole.

Board Member DiSalvo stated the pole was here.

Rich Williams stated the pole was over here.

Board Member McNulty stated but the barber pole is only this big.

Board Member Montesano stated but you could see it, even at night it was lit.

Board Member DiSalvo stated up here.

Rich Williams stated yea, it was in the transom, yea.

Board Member Montesano stated that was the whole thing, was for that sign.

Board Member DiSalvo stated Magnolia's is up here, her sign, right.

Rich Williams stated her sign is in the transom as well.

Board Member Cook stated yea.

Board Member McNulty stated it just hangs right above the door...

Chairman Rogan stated nice looking building...

Board Member McNulty stated just like she proposes here.

Chairman Rogan stated it's a big building.

Board Member McNulty stated it's a great building.

Rich Williams stated I just didn't see any way that you were going to hang that sign higher.

Board Member DiSalvo stated (inaudible).

Board Member Montesano stated I remember when it was...

Board Member McNulty stated Brunow's...

Chairman Rogan stated I'm sorry.

Rich Williams stated I didn't see how you were going to hang that sign high enough.

Chairman Rogan stated you're not going to.

Rich Williams stated when you didn't hang it up in here.

Board Member McNulty stated I've done it.

Chairman Rogan stated and I agree and you can't do that, that will...

Rich Williams stated that will look terrible.

Chairman Rogan stated yea, the problem is the building doesn't have the right architectural element.

Board Member McNulty stated where is that.

Rich Williams stated under the transom. The only way I can see getting that sign in and getting enough height with the sign, yea is above that crown and (inaudible).

Board Member McNulty stated maybe if they put some kind of solid blocking in there to...

Chairman Rogan stated it would look like crap anyway.

Rich Williams stated hanging it off the siding is going to look like crap.

Board Member McNulty stated plus you're off set there...

Chairman Rogan stated makes it look like a going out of business sale or something, you know, closeout.

Rich Williams stated didn't think that but okay.

Chairman Rogan stated you know when they those banners up...

Board Member DiSalvo stated I think it kind of look nice like this.

Chairman Rogan stated where they those banners up on like Walmart or a place that is going out of business, they just slap them up on the brick and they you know, a banner that says you know...

Board Member McNulty stated yea but I know (inaudible).

Board Member DiSalvo stated (inaudible).

Rich Williams stated oh okay.

Board Member Montesano stated are you trying to imply that this is going to be like 42nd Street.

Board Member McNulty stated didn't she want to have something project off the building, it's going to restricted to the height, so maybe she can have a sign like this that is a full sign and then a smaller sign on one of the crowns here, the crowns, that stays above the transom height, it's only going to give her two or three feet.

Rich Williams stated projecting out.

Chairman Rogan stated yea.

Board Member McNulty stated yea, away from the building, isn't that what she wants to do...

Rich Williams stated she could...

Board Member McNulty stated could she have that in addition to this sign.

Rich Williams stated yes she could.

Board Member DiSalvo stated (inaudible – speaking over Board Member McNulty and not loud enough to be heard on the record).

Chairman Rogan stated yea, the Post Office.

Rich Williams stated like you said it's going to be a much smaller sign and getting it so it hangs on that building, so it doesn't look awful but she can do both.

Board Member McNulty stated just something small like that, to stay above the transom.

Rich Williams stated right.

Chairman Rogan stated yea.

Board Member DiSalvo stated even it just says gallery.

Chairman Rogan stated yea, I don't know if you just said this but if you keep the transom sign that way it's proposed and have those small signs, is that what you were just saying...

Board Member McNulty stated yea.

Chairman Rogan stated and just so it gives you that key, you know maybe smaller, all right, let's talk to her and see what we can come up with. Nice to see people looking to go into Front Street.

Board Member DiSalvo stated the A&P has that, when you walk right through the A&P, there is something that hangs, as you're walking to identify the store.

Board Member McNulty stated they hang on the ceiling, right.

Board Member DiSalvo stated when you are walking under it.

Chairman Rogan stated they are selling art work and stuff...

The Secretary stated yea.

Rich Williams stated yea.

Chairman Rogan stated it does okay up in Pawling.

Board Member DiSalvo stated they put them in last year, I noticed.

Rich Williams stated I am surprised that she was coming down here...

Board Member McNulty stated I went by there today, they have a bunch of stuff in there and they were working on it, it is nice.

Chairman Rogan stated nice, good, okay.

Rich Williams stated we've got enough store fronts on Front Street.

Board Member McNulty stated let's build some.

Rich Williams stated you have to talk to the bank.

Board Member McNulty stated they ain't listening.

5) RIMALDI SITE PLAN – Continued Review

Chairman Rogan stated well, Rich do you want to take us, have you had a chance to look at Rimaldi.

Rich Williams stated I've had a chance to breeze through Rimaldi, they are back, the latest concept...

Board Member DiSalvo stated (inaudible).

Chairman Rogan stated Panino Deli, isn't that Rimaldi.

Rich Williams stated Panino Deli, correct.

Chairman Rogan stated the expansion.

Rich Williams stated the south end of [Route] 22.

Chairman Rogan stated yea.

Rich Williams stated there is still a number of design issues that they haven't hit but the latest plan that they've submitted now shows the entrance coming out on to Route 22 that the Board had been interested in seeing you know design, other than that pretty much most of the other design elements that remain, probably the biggest issue we have right now to get this thing back on track and moving in a positive direction is how are going to approach the stormwater. Certainly under the current regulations the, everything that they are proposing to do out on the site is considered new development and subject to the new stormwater regulations, we have to take a look and see exactly what that means, I've talked with Andrew on a couple of different occasions and I think we are both in agreement that he hasn't met the requirements the way he needs to meet the requirements, so we need to sit down with him and work those details out.

Board Member McNulty stated they've been in front of the Board before with this project.

Chairman Rogan stated yea, maybe two years.

Rich Williams stated they actually went away for a little while they were wrestling with some other issues.

Board Member DiSalvo stated and it's basically the same type of building that's there now only in a larger scale.

Board Member McNulty stated what's going to be, just retail space.

Chairman Rogan stated yes.

Board Member DiSalvo stated remember we talked about going around the building for like deliveries, is that still on the table...

Board Member McNulty stated I had that impression when first looked at this plan the other day, there was no access around the back of the building to the rear of the building...

Rich Williams stated there is really, really poor access to the rear of the building.

Board Member McNulty stated does it slope off there.

Rich Williams stated yes, it does slope off, they would have to extend the rear driveway much, much farther, right now they end the rear driveway in a retaining wall, so it would take a lot more fill, a lot more disturbance out there.

Chairman Rogan stated that was one of the reasons that we pushed for the secondary access because you have all these vehicles, delivery vehicles pulling in and then with, they weren't proposing that they would have to back, back out past the first Panino Deli so we said look, if you can't provide access around back, as I recall, we really want you to push for some secondary access.

Board Member DiSalvo stated the other day a tractor trailer was backing straight in and it sat there, blocking the entrance and I was saying to myself, uh-oh, what if the other (inaudible) was there.

Chairman Rogan stated we have come to realize that these delivery guys will find a way to deliver, regardless of where they leave their truck, you know, as I'm sure you've seen.

Board Member McNulty stated they drive it anywhere they want.

Chairman Rogan stated right.

Rich Williams stated well we had no idea, I had no idea anyway that they had big delivery trucks delivering to Guiding Eyes for the Blind on [Route] 164 stopping in the middle of the road and backing up their driveway.

Board Member McNulty stated there is no where to turn around when they get in there, they have to back out or back in, so.

Chairman Rogan stated and I remember that pulling into the existing facility, that heading north and pulling in, making a left it was very poor sight distance so we thought all the more opportunity to provide secondary egress to this site because this site, not that the proposed access is going to be used for the buildings but this entrance that they are showing, the main entrance is used by the other commercial the gymnastics...

Board Member DiSalvo stated and the Dilmaghani rug place too, it's all connected to this one entrance and exit.

Chairman Rogan stated there is all kinds of stuff, so it can get a little bit...

Board Member McNulty stated I saw that where the property line split the driveway there.

Chairman Rogan stated so it's not the best situation.

Rich Williams stated one of things that they haven't changed that the Board was fairly adamant about, was the dumpster location all the way down at the end of the parking lot, that is still there also.

Chairman Rogan stated and we brought that up as a concern of when you see the, even from the Panino Deli, when they are schlepping the garbage all the way from the deli, to have to walk now 200 feet all the way over to the dumpster location, we didn't know if that was appropriate, so they are still proposing it over there.

Board Member McNulty stated how many stores are they looking to put in that retail space.

Rich Williams stated they have no identified it. Typically that kind of space you are going to see 4 to 5 small stores, I would think.

Board Member McNulty stated it's not that big 4 to 500 square feet, is it any kind of retail, is it professional offices, what...

Rich Williams stated right now they are setting up for retail and customary personal services, they wanted to do something like offices, professional offices, they would have to come back in here.

Board Member McNulty stated so you're looking at a hair salon...

Board Member DiSalvo stated it helps with that second driveway for additional uses.

Chairman Rogan stated they are showing it as and I think it was approved by DOT as only a southbound exit but still at least you have the option of getting out of there because that is where, well no actually when you are exiting the facility now, if you want to go north from the current, you have a difficult site distance there, that really doesn't help you except to give you another option to go south and turn around somewhere, it's not perfect. When you get a chance when you're driving around, pull into the deli and just pull around the parking lot and just think about what we are looking at here.

Board Member McNulty stated no, I've been to the deli, I know the parking lot.

Chairman Rogan stated yea.

Board Member McNulty stated I've never had any trouble in or out though, other than normally getting in or out on [Route] 22 anyway...

Chairman Rogan stated right, well the problem with [Route] 22 is if you have limited sight distance and everybody is doing 50 or 60 miles an hour, they are on top of you there in a heart beat, you pull out and all of a sudden you look and somebody's right on your butt, you know.

Board Member Cook stated with that second driveway helps you too...

Chairman Rogan stated gives you...

Board Member Cook stated you can go out south and three guys in front of you want to go north and you want to go south, now you can just loop out...

Board Member McNulty stated definitely helps.

Chairman Rogan stated and it gives you all that extra sight distance, now you pull out south, you don't have somebody coming up and over the hill on you so quick, so yea I think it helps.

Board Member Montesano stated maybe Westchester Modular will get some business in and out.

Chairman Rogan stated okay.

Board Member Montesano stated there is still another site there too, isn't there.

Board Member DiSalvo stated there is still something in the back there.

Board Member Montesano stated doesn't Westchester still have a piece of property right there that is still in Patterson.

Rich Williams stated yes.

Board Member Cook stated did you get a drainage plan from them.

Rich Williams stated yes, that is what I was talking about a few minute ago where Andrew and I had taken a look at that, it seems to not be complying with the current regulations.

Board Member McNulty stated have you sent comments on this Rich.

Rich Williams stated not yet.

Board Member McNulty stated oh okay, I didn't see anything.

Chairman Rogan stated okay.

Rich Williams stated but Andrew did, damn it, damn it, damn it. Andrew did, I forgot to print them out, it's been a rough day.

Chairman Rogan stated Rich, you don't have to print, I mean you can print them out later, it's up to you.

Board Member Montesano stated that's why we have over 55 housing now, all these guys are going to get AARP cards.

Chairman Rogan stated Rich is going to be printing that out, our next item is Meadowbrook Farms...

6) MEADOWBROOK FARMS

Chairman Rogan stated we have a...

Board Member Montesano stated I am recusing myself, so I'm not listening.

Chairman Rogan stated okay.

Board Member DiSalvo stated what is it, they are appealing.

Chairman Rogan stated I'm sorry.

Board Member McNulty stated why are you recused from this Mike.

Board Member DiSalvo stated are they appealing the decision.

Chairman Rogan stated well no, that's already been done.

Board Member Montesano stated they sent me a letter that I am within their 500 foot boundary, so rather then go through the nonsense...

Board Member McNulty stated smart.

Board Member Montesano stated on advice of attorney it was to recuse yourself on this.

Chairman Rogan stated was it, I didn't think we actually even talked about this one...

Board Member Montesano stated no when I got the letter I talked to Timmy that night and Timmy said it would be safer.

Chairman Rogan stated oh okay...

Board Member Montesano stated as long as it wouldn't interfere.

Chairman Rogan stated all right, so, that is louder than then the train.

Rich Williams stated what.

Chairman Rogan stated exactly.

Board Member Montesano stated where is the whistle.

Rich Williams stated I love technology though.

Chairman Rogan stated you know the problem with that, we have a few of the people in our office are hooked to the copier where that is the only mechanism they have to print, they don't have their own printers, that is the way they are starting to try to go, you can be doing a print job and somebody sends something, it comes out in the middle of your paperwork.

The Secretary stated no, ours doesn't do that.

Rich Williams stated ours doesn't do that.

Chairman Rogan stated it's horrible.

The Secretary stated no, we don't interrupt each other, it will wait until he's done and then the next one will print.

Board Member Montesano stated it should, that means somebody either got an extremely cheap machine or wasn't adjusted properly.

Chairman Rogan stated I don't know but that is what I keep hearing as a complaint.

Rich Williams stated the latest thing that is really starting to bother me with technology is keyless cars, you have something in your pocket, you walk over to your car it automatically unlocks and starts...

Board Member McNulty stated it's already stapled, I like that.

The Secretary stated us too.

Chairman Rogan stated pretty good, huh.

The Secretary stated it'll hole punch too.

Board Member McNulty stated I just have a little desk top printer.

Rich Williams stated Meadowbrook Farms, Ken Stenger who represents the HOA went into Court...

Chairman Rogan stated I was busting your chops, I thought it was for Meadowbrook, I was teasing you but...

Board Member Montesano stated oh that's alright, I don't mind giving you, this was (inaudible).

Board Member McNulty stated is there more than one copy here Rich.

Chairman Rogan stated I'm sorry, go ahead.

Rich Williams stated yes, the rest of them just pass down to Michelle.

Board Member McNulty stated okay.

Chairman Rogan stated file copies.

Rich Williams stated no there's not but the rest...

Chairman Rogan stated for you dear, sorry Rich.

The Secretary stated for the circular file.

Rich Williams stated Judge Nicolai heard their arguments, agreed that there may be some merit to put a temporary halt to what was going on but in doing so he halted them from putting a shovel in the ground or getting a building permit not from going through the Planning process. I think you have a judge now...

Chairman Rogan stated Judge Nicolai has heard...

Rich Williams stated Ken Stenger went in...

Chairman Rogan stated okay, okay whose representing the HOA.

Rich Williams stated HOA...

Chairman Rogan stated okay, I understand...

Rich Williams stated and said you know the decision isn't any good because I wasn't party to the lawsuit and it's our land that you're talking and Judge Nicolai from what I read in the decision, essentially agreed with him and so issued a temporary halt, a temporary restraining order to stop everything to give them time to make their arguments but in doing so what he halted was them putting a shovel in the ground and getting a building permit, not stopping them from continuing through the Planning Board's review process and actually my read of it is, the shovel in the ground had to do with building a house, not so much doing the infrastructure. So clearly we have some issues with a new judge.

Chairman Rogan stated so the previous court decision was for, that it's back in our court so that currently is valid...

Rich Williams stated and that hasn't changed.

Chairman Rogan stated right so you're, I'm sorry, so you're memo to Tim and to the Board is outlining what we found as the issues that needed to be resolved before an approval.

Rich Williams stated correct.

Chairman Rogan stated okay.

Rich Williams stated one of the primary issues is that the last set of plans that was reviewed was back in 2008, the applicants engineer has never tried to address those issues.

Chairman Rogan stated okay and those issues would be the dedication is a big issue, right concerning the loop roads...

Rich Williams stated dedication but there are also a lot of plan issues, a lot of issues.

Chairman Rogan stated okay.

Board Member McNulty stated Rich this is about Meadowbrook right.

Chairman Rogan stated yea.

Board Member McNulty stated Sonnet Lane is part of that, isn't that a separate...

Rich Williams stated Sonnet Lane was a whole separate subdivision but Sonnet Lane, it was originally designed so that Meadowbrook which comes in off of [Route] 292 connects with Sonnet Lane which comes in off [Route] 311 and there is ultimately a connection made so you have a through road.

Board Member McNulty stated okay, which would come in this second phase, I guess when they originally planned it...

Rich Williams stated well it ultimately should happen but twice the Town has gone to say to the developer, make the connection and twice the HOA and people on Sonnet Lane have said over our dead bodies you're going to make any connection there because they like living on a cul-de-sac and twice now the Town Board and the Highway Superintendent have said all right we'll worry about it later.

Board Member McNulty stated so they didn't make any fire resolution, just backed off the whole thing.

Rich Williams stated yea.

Board Member McNulty stated so is that in our ballpark now to determine what is going to happen or is that Town Board.

Rich Williams stated ultimately that is going to be a decision of the Town Board because they are going to have to wrestle with the dedication issue and really they can't do the dedication until it becomes a through road.

Board Member Montesano stated because that is part of both site plans, that road connecting...

Rich Williams stated well it's part of the Meadowbrook site plan.

Board Member DiSalvo stated (inaudible).

The Secretary stated Mike, you're recused.

Board Member Montesano stated we're just talking in general because we have more than one road, I'm not talking about somebody else.

Rich Williams stated Charlie, my god is your voice getting deeper.

Board Member Montesano stated let me pull that string again.

Chairman Rogan stated do we expect anyone from Meadowbrook to be at the meeting next week.

Rich Williams stated I don't know, I honest to god don't know.

Chairman Rogan stated they god a copy of this memo, or no.

Rich Williams stated I sent that to you and Tim only.

Chairman Rogan stated okay.

Rich Williams stated Tim was going to share it with the applicant and go into a stipulation, I got a letter back, and you have copies of all of this, I believe, a couple days ago we got a letter back that he had sent to the developer saying you know there are some outstanding issues, we agreed that we were going to enter into this stipulation agreement, I'm not sure what happened because today we got a copy of a Notice of Appeal that Tim had filed.

Chairman Rogan stated I'm not either because the last I heard I thought we weren't...

Rich Williams stated (inaudible).

Chairman Rogan stated probably but.

Board Member McNulty stated three things here from Curtiss and Leibell, yea Notice of Appeal.

Board Member Cook stated the Notice of Appeal relative to what you described earlier...

Board Member DiSalvo stated the judge's decision.

Board Member Cook stated it can go through the process but they can't put a shovel in the ground.

Rich Williams stated not, that was, what happened is Ken Stenger went into Judge Nicolai, Supreme Court Judge in Putnam County and said um we weren't made party to the original lawsuit, it's our land we are talking about, you can't make a decision without us being party and hearing our side of the argument and that is what I was referring to, Judge Nicolai agreed, put a temporary restraining order on going farther, I mean in the interim, this came in today which is a Notice of Appeal and request for Appellate Division Intervention that Tim Curtiss filed. So he appealed the decision.

Board Member DiSalvo stated who would he appeal it.

Board Member Cook stated what is he appealing.

Board Member DiSalvo stated the decision of the Judge to stop it temporarily.

Chairman Rogan stated no, prior.

Rich Williams stated we were sued but JGZ and JGZ won and Tim came in at the last meeting and said well you're going to make a favorable determination, you're probably going to issue the permit, let's just go into a stipulation, I can only assume that they refused to do the stipulation agreement.

Board Member McNulty stated and that forced Tim to appeal the decision to halt things.

Rich Williams stated correct but I don't know why, I was surprised that this came in, I thought we were still going down that road.

Chairman Rogan stated you don't know, we don't know.

Board Member McNulty stated and Mr. Stenger, you said he represents the Homeowner's [Association].

Chairman Rogan stated yea.

Rich Williams stated yes.

Board Member McNulty stated and he went back because they wanted to be officially represented at the other court hearing.

Rich Williams stated yes, so I'm sure Carl or Tim will be here on Thursday and can explain it a whole lot better, in the interim there is nothing really to do.

Chairman Rogan stated okay.

7) WATCHTOWER EDUCATION CENTER – DEIS

Chairman Rogan stated how are we doing on Watchtower, Mike re-join the Board, come back to us.

Board Member Montesano stated thank you.

Rich Williams stated Watchtower has resubmitted their comments, Andrew has them and I have them and we are starting to go through them, responses to our comments on the revised DEIS, so hopefully soon.

8) OTHER BUSINESS

b. Hudson Valley Trust – Site Walk Comments

Chairman Rogan stated okay, we did Fox Run, Hudson Valley Trust, we are site walking on Saturday.

Board Member McNulty stated I have one question on Watchtower...

Chairman Rogan stated sorry about that, thank you for slowing me down.

Board Member McNulty stated appendix G, it says something about cell towers on page 15, does that mean they can erect cell towers up there on...

Rich Williams stated I have no gotten through this, if you want to give me a little bit more information about what it says...

Board Member McNulty stated page 1, 2, first line of report, the condensed report, appendix G, condensed report format as stated however this format is only acceptable for small acreage projects, e.g. cell towers and well pads, the consultant should have to use a standard format. I don't know what all that means but I see cell towers.

Rich Williams stated they are not proposing a cell tower.

Board Member McNulty stated but are they leaving themselves open to be able to put one up.

Rich Williams stated no, what somebody is referencing a design standard that is appropriate for looking at smaller objects and more than that I'm not sure what the context is.

Board Member McNulty stated okay.

Rich Williams stated (inaudible).

Board Member McNulty stated I was just going through it and I saw that so.

Chairman Rogan stated okay.

Rich Williams stated what page was that.

Board Member McNulty stated page 15.

Rich Williams stated 15, in what.

Board Member McNulty stated Appendix G.

Rich Williams stated thank you.

Board Member McNulty stated it's number 60, at the bottom of the page. We did Fox Run already.

Chairman Rogan stated Fox Run we did, Hudson Valley Trust we are walking on Saturday and Clubs...

c. Clubs

Chairman Rogan stated Rich, you want to let us know what the Town Board did.

Rich Williams stated well let's go back to Monday night, Monday night the Zoning Board of Appeals determined that Winding Glades was in fact not a club and essentially the Town Attorney had issued an opinion that concurred with my assessment. The ZBA had adopted both the Town Attorney and my assessment as this being what they were proposing to do as being a private garage, not necessarily a club so. Wednesday night the Town Board took up the issue about whether there should be a moratorium to give everybody time to review a potential Code change for clubs, they referred it to the Planning and set a public hearing for clubs, in addition to clubs they set a public hearing for a moratorium for research and development facilities also because as you all remember there were concerns raised about that, research and development facilities, a very positive thing for this Town if it's an appropriate research and development facility but research and development facilities can range anywhere from testing of solar panels all way up to testing jet engines, very, very different magnitudes of impacting between the two.

Board Member DiSalvo stated different animals too.

Chairman Rogan stated really.

Rich Williams stated so recognizing that we had a similar situation with research and development facilities as we do with clubs, there is a huge gap there in what they could cover, the Town Board decided to include that in the moratorium as well.

Board Member McNulty stated 180-day moratorium.

Rich Williams stated 180-days, that is what it's scheduled for, the public hearing on that is April 24th.

Chairman Rogan stated and the comments at the public hearing are specific to the issue of whether or not a moratorium is necessary...

Rich Williams stated right.

Chairman Rogan stated not to whether you like or don't like, clubs, research and development et cetera.

Rich Williams stated correct.

Chairman Rogan stated that all comes with the crafting of any proposed changes and then, in other words, we, let's, obviously it's going to get referred to us, we are going to give everybody more homework and part of our public hearings can be to gather information to any changes we craft, it goes back to the Town Board and then they, I assume would hold public hearings as well on the proposed changes.

Rich Williams stated right, per local law.

Chairman Rogan stated okay.

Rich Williams stated I am still going down this road of where I drafted that local law and nobody has to date said that is not the appropriate direction. Tim has taken...

Chairman Rogan stated well we are not even, I'm sorry.

Rich Williams stated Tim has taken a look at it and made some minor modifications to it.

Chairman Rogan stated you mean to the zoning amendment for clubs that the Town Board had been considering at one point that we reviewed.

Rich Williams stated correct.

Board Member McNulty stated the original one you issued to us.

Chairman Rogan stated well actually I thought, from the point that reviewed that, we've taken a step back because part of the subcommittee of Mike and Charlie was going back to that Master Plan, did I say Mike and Charlie, that Master Plan, seeing if the Zoning Code supported seeing how the proposed amendments would in fact support the goals of the Master Plan and seeing if there was any revision that was needed to either the amendment that you crafted or some other amendment and working with Tim to make sure that those changes are substantiated by addressing the goals of the Master Plan, I understood it. It's not that that amendment is perfect and its not that that amendment is being thrown out the window, it's that I think now that is a side bar to what is concurring, the review, the coordination with Tom to process wise, so that we make sure that the changes are relevant to the goals and they are not and nobody can say we are being arbitrary that we just picking certain activities, there has to be some correlation.

Rich Williams stated where do you see the process going from here.

Chairman Rogan stated I see the process as these gentlemen coming back with a recommendation to this Board as to some possible changes to the Zoning Code, they might, just for the sake of argument, they might come back and say hey what Rich drafted is exactly what we think we should go with because we've met with Tim, he's outlined a process that enables us to articulate that these changes will when implemented better meet the needs of the community as addressed in the Master Plan or they may say that there are areas that we need to look at as a Board. So I think we are looking for them to come back with a recommendation on either the draft Code in it's entirety or specific changes, working with that draft that proposal to come up with something that we as a Board should be...

Board Member McNulty stated this new amendment is in line with the Master Plan basically and that was the point of the moratorium was, give us time to address this correct or make a recommendation to the Town Board.

Rich Williams stated but we need to get through that whole process.

Board Member McNulty stated of the moratorium.

Rich Williams stated of the, within that six months of making sure that the Master Plan, the Zoning are all in compliance and whatever change we are proposing to do, you know evaluate the environmental ramifications whether we are going to do a neg. dec or god help me an environmental impact statement on it because that it going to take two to three months in and of itself...

Board Member McNulty stated that's different than SEQRA.

Chairman Rogan stated it is SEQRA.

Rich Williams stated that is SEQRA.

Board Member McNulty stated I thought it was I just...

Chairman Rogan stated the difference is who is preparing the document...

Rich Williams stated right.

Chairman Rogan stated most time it's being done by someone else because they are an applicant but when the Town's doing it, you assume the burden.

Rich Williams stated having the public hearing and getting through the whole process that we need to get through, so.

Board Member McNulty stated we need to jump start it.

Rich Williams stated there is a timeliness in all this and 6 months might seem like a lot right now and it's really 7 months but its really not...

Board Member McNulty stated is the Master Plan online to look at or do I have to come in here.

Rich Williams stated yes, no, it's online.

Chairman Rogan stated it is now.

Board Member Cook stated take the recommended changes that you're looking for you can go about it one of two ways, obviously Mike and I can sit with Tim, with Rich you know review what is already given to us and come back to the full Board to do it, to look at it or you know the full Board just sits around and does it, either way if you prefer us working with Rich and Tim that is fine too.

Chairman Rogan stated I think both are going to happen realistically, I think that...

Board Member Cook stated if we were to do the first part and then give it to the Board, then we are going to sit and that's fine.

Chairman Rogan stated and I'm not saying it has to be a special meeting where it's the only thing we are discussing but it depends on the way the agendas go but you know....

Board Member Cook stated I would think that if we do it by time it gets presented to the full Planning Board you can do it at a work session. So you'll know that we have reviewed between Mike, myself, Tim, legislative history and why the current Code doesn't match up with the Master Plan.

Chairman Rogan stated okay.

Board Member Cook stated we just have to go through the recommended changes like I said with Rich and Tim and get them back to you, we are getting there. Then what has to happen and this will rest with Rich and Tim will be to then come up with a proposed local law, we'll come up with recommended items but they will have to fashion it as the local law.

Board Member McNulty stated Charlie is there anything that stood out to you and Mike so far when you originally looked at it.

Board Member Cook stated the existing section of the Code is totally out of sync with the Master Plan...

Board Member McNulty stated and what in the Master Plan made you, just the over all Master Plan in general gave an outline that that lay didn't apply to the law.

Board Member Cook stated it didn't take into account, first off the current section of the Code was written in the 70's, the Master Plan was done in 2000, okay, this where you get into all the environmental issues that are not covered in that section of the Code. Impacts on surrounding properties, the Great Swamp, Wetlands issues, drainage issues...

Board Member Montesano stated certain things were allowed back then and now that the open property that may have been there where there was no consideration at the time is no longer open, it's got housing in it, people are now living in that area, it gets funny because some of the things, we did it, it was done what in '65 originally...

Rich Williams stated what, the Master Plan.

Board Member Montesano a Master Plan and then we changed in '75...

Rich Williams stated definitely '75, I don't remember anymore than that...

Board Member Montesano stated it got worked on in '96, I think it was '64 to be perfectly honest with you, that there was some kind of a Town plan for growth because then between '67 to '72, that is when this thing blew wide open because there were more houses stuck up here between Alpine Village went up, the houses by me went up...

Board Member DiSalvo stated Fox Run.

Board Member Montesano stated Fox Run, everything started to go like crazy and then it just kept going and no one ever anticipated until he started his in '96 and tried to come up with some sense of order.

Board Member DiSalvo stated so you're kind of saying that the original Master Plan was really geared at more promoting residential growth than anything else.

Board Member Montesano stated it wasn't geared actually for anything, the Town had a group of people that were on the Planning and Zoning and most of them were local people that had either a farm or a business and they to be perfectly honest with you, it sounded like a social club because the guys would sit there, laws were done on [Route] 22 because of certain people that were on the Board actually, where this part of the property would be considered commercial and then the part back here would not be considered commercial but it only pertained to certain areas of [Route] 22...

Board Member McNulty stated it depends on where their cousins live.

Board Member Montesano stated that's about it and most of them were on the Board at the time and it got to be fun.

Chairman Rogan stated I go back to what Tim said and it's in our Planning Board minutes of February 23rd when we started the idea of having a sub-committed reviewing this Tim said that we have to justify any changes by the goals, basically referring to the goals in the Master Plan, we have to start at the beginning looking at the Master Plan, looking at the goals that were set forth in the Master Plan and then you have to tie this to the goals in your Master Plan because as you get more aggressing in the way you want to regulate, you have to have objective criteria and you have to have a rational basis to the whole thing which is why it's been underpinned by your Master Plan, so he says, his suggestion is that we look at this, the Master Plan, summarize what the goals were in the Master Plan and he talks a little bit about some of the ways that you can look at the special, the conditions on the special permit, now would that be addressed in your Zoning Change or is that addressed in the way that you look at all the special permits because he is saying...

Rich Williams stated yes.

Chairman Rogan stated yes to both...

Rich Williams stated yes.

Chairman Rogan stated because he says three different standards of conditions you can put on special permit, one is the existing one which is a measure of all the negative impacts at the property line which is noise pollution and dust, another a little bit stepped up where you say if the special permit use lowers adjacent property values or lowers values in the surrounding areas it is a factor to be considered and the third more aggressive is to say that if it creates a public or private nuisance or the factors that would be considered a public or private nuisance, you can use that as a factor in the determination. That is, you know, gives a little insight into what I thought was said pretty well when he said it...

Board Member McNulty stated I remember when he said that too.

Chairman Rogan stated yea.

Board Member Cook stated he was doing almost was quoting from the Master Plan which is not in the current Code section on clubs, or that clubs should mitigate these issues.

Chairman Rogan stated you know, you might have, it's hard because it's hard to come up with a Code that takes into account all the variables, in one case you might have a piece of property that is zoned commercial such as this that doesn't have any abutting residential property but it maybe still have residential property a half mile away that might be impacted by something, so you have to look at those concerns. If it...

Board Member DiSalvo stated that could be true of anything...

Chairman Rogan stated absolutely.

Board Member DiSalvo stated you know the airplane club next to me.

Board Member McNulty stated then if you make a club something too broad somebody is not going to have the impact (inaudible).

Chairman Rogan stated right.

Board Member McNulty stated where you have special use permits and they have to take over...

Chairman Rogan stated and I think Rich going back to your proposed document that we looked at, I've been fairly vocal about having a hard time nailing down a specific use and saying these 12 items, we consider this, it's not going to be considered a club because it inherently going to have a lot impacts and you can get so into that that you try to create a list that's exhaustive, that tries to identify everything and time and time again I feel like I would rather go back to scenario where we just have the ability within our Code, within the special permit to look at the impacts associated with whatever the use being proposed because ultimately every one of these is going to a review anyway, so rather than say, we routinely consider this to be a club and this not to be a club, you just say that anything that wants to come in under a club has to go through special permit and the criteria or some of the determining issues are impacts on neighboring properties, values and et cetera and maybe...

Rich Williams stated when I drafted the section of Code I did as everybody said, it's very difficult to come up with a, to pin down the uses because they are so variable, the difference between solar panels that are really passive and jet engines, it's the same with clubs which is why I tried to come up with an objective set of criteria by which to evaluate this broad category but also specifically gave some examples about things which are appropriate as well as things which clearly would not be appropriate and tried to you know by giving examples, you know give examples that define what the Board is really looking at so when they applied this set of objectives they would have a better idea of what the Code was intended to do. Again it's a difficult thing to do especially with something that is so broad a category.

Chairman Rogan stated it is.

Board Member McNulty stated I think in terms of what Shawn is saying, in your original draft that I remember seeing, you had noted certain types of clubs, I think ATV's or other things, maybe we have to make it more general in relation to noise, sight and whatever other disturbance, environmental impact disturbances and that kind of verb-age and get it into the special use permit process.

Rich Williams stated take some of...

Board Member DiSalvo stated every club will have those impacts...

Rich Williams stated I think some of that is in there..

Board Member DiSalvo stated they will have noise and...

Board Member McNulty stated I'm not saying it wasn't just...

Rich Williams stated and some of that is already in our special use permit category.

Chairman Rogan stated we have to balance it...

Rich Williams stated I was singling out ones that I thought were definitely going to produce that level of impact.

Board Member DiSalvo stated now getting back to like the property value, how do we as a Planning Board, you can't, and you have all these realtors screaming about property values, you know what they are concerned; they are concerned about selling property and making their commissions. What some people may consider lowering their property, I consider living next to a 30 lot subdivision going in lowering my property value, what if somebody wants to buy my house and look at more open space, rather than another cluster looking like Levittown, someone values may not be someone else's.

Chairman Rogan stated subjective.

Board Member Montesano stated well classic example, right across the street from you, Robin Hill was approved, there were no houses up there, there were one or two houses and then suddenly it got developed and what was the first screaming match we had, you have a corporate park here...

Rich Williams stated wait, wait.

(Tape 1, Side 2 Ended – 9:19 p.m.)

Board Member Montesano stated you have, there is a corporate park, let me put it this way, I had people coming down to my office, I'm in the middle of working, they come screaming in that there is a corporate park, wait a minute, you bought the house what did you think those buildings were.

Board Member DiSalvo stated and vice versa, somebody who owns a commercial piece of property could consider a subdivision next to them a disturbance to them oh these people are going to complain, the kids are going to be hanging out in the backyard, they will be parking in my parking lot at night, sometimes you have gangs of kids at A & P, it work both ways.

Board Member Montesano stated well when that building was put in where the machine shop is now, whatever the heck it is, when it was the show factory...

Rich Williams stated Fryers...

Board Member Montesano stated Fryers, which is now, before that you had the shoe factory, these people were coming in and screaming they have a light in the back well they have deliveries, shouldn't they have light, you think they are going to come out with a flashlight.

Board Member DiSalvo stated you have a light in the back.

Board Member Montesano stated it was amazing that people suddenly realized...

Chairman Rogan people don't like change in any form, you know, they just don't like it.

Board Member Montesano stated but the park was approved.

Chairman Rogan stated yea, hey Teddy, you're sitting back there awful quiet tonight, you've been listening to all this and know what we are going through, you're part of this Board as much as anyone, you have any thoughts or insite on how to attack...

Ted Kozlowski stated I've got plenty Shawn.

Board Member DiSalvo stated he doesn't want to say it on the tape.

Chairman Rogan stated yea, you're of no help.

Board Member Montesano stated (inaudible).

Rich Williams stated we're not done with you yet.

Board Member DiSalvo stated let's shut this off.

Chairman Rogan stated yea, all right.

Rich Williams stated let me say, I agree with Maria, I think what...

Board Member DiSalvo stated Dave's not on the Board anymore, you know (inaudible).

Rich Williams stated what Ted, what Tim came up with as far as suggestions on how to adjust the Code, I think they are right on, I think they are great suggestions but writing Code is a very difficult, tricky thing and coming up with a objective criteria that makes sense, that can be properly evaluated by a Board, you know, having subjective criteria that you can evaluate is a very difficult, very trick thing, while I would love to somehow pull Tim's concepts in there about evaluating property you know for the potential nuisance, private nuisance, public nuisance, to give that back to a Zoning Board or a Planning Board and say now you tell me that means, it's not easy to put that in writing and give them enough direction for them to do it, that combined with all the rules of construction and every little word means something when you are looking at this...

Chairman Rogan stated right.

Rich Williams stated very difficult to write Code, so I'm not sure where I'm going with this but I lost my train of thought.

Board Member DiSalvo stated you're just getting your thoughts out like we're doing.

Board Member McNulty stated it's difficult to write Code is the point.

Rich Williams stated but I do want to say this, there is one more choice in all this that you need to be aware of at this point, that is the Town Board has been looking for a land use attorney or there has been talk about it around about a land use attorney to come in and help everybody do this and I was talking to a very good land use attorney who is a friend of mine and he gave me a great suggestion and I reached out to them and they are going to be giving us a proposal to assist the Town in doing this and that's Pace's Municipal Law Center, I don't know if he is going to do it as a private attorney, if he is going to do it through Pace, I'm trying to get him to do it through Pace, which will save us you know a little bit of money...

Board Member Cook stated name.

Rich Williams stated the person that I reached out to was Lester...

Board Member Cook stated Steinman.

Rich Williams stated Steinman, you know Lester.

Board Member Cook stated very well.

Rich Williams stated yea, his reputation is impeccable.

Board Member Cook stated he is premier, premier.

Rich Williams stated yea, so...

Board Member Cook stated every municipality in Westchester and probably some up here even, belonged to that law center and does Patterson...

Rich Williams stated I don't believe we do.

Board Member Cook stated we should, it's worthwhile whatever the dollar amount is, which is not astronomical...

Rich Williams stated no, it's like seven hundred a year.

Board Member Cook stated and he is incredible.

Rich Williams stated (inaudible) resource.

Board Member Cook stated he is incredible, I know him very well.

Chairman Rogan stated well I know the gentleman from Pace that we've gone to training with Shawn Nolan, John Nolan...

Rich Williams stated John Nolan.

Chairman Rogan stated for the land use, they are fantastic, what a great bunch they are, so you know, any help, let's face it I would rather the Town use some good resources and not spin all of our wheels and get some really, I mean I'm not, I think we are very competent and capable but there are also some things that, you know we want to do a good thing and do right by the Town and maybe don't have all the right tools.

Board Member DiSalvo stated we can't be involved in all these lawsuits all the time.

Chairman Rogan stated and so if it means it takes the full 6 months or even if it takes 9 months, the end results should be something that everybody can live with and be proud of and be fair to property owners because we go back to that also, you know you can't always keep telling people that you are zoning something for a particular use and then pull the rug out from underneath them, you know.

Rich Williams stated we never did that though with Winding Glades because Winding...

Chairman Rogan stated no I don't mean that, I'm thinking more in terms of like if you have a property that could, by our current Code, have another Thunder Ridge, well by applying the same criteria you might say that's got too much impact to neighboring properties and you're right...

Board Member DiSalvo stated that would exist, if that wasn't there today you'd never have it, you'd never have the airplane club, you'd never have half of the gun clubs, you wouldn't have Watson Pharmacy, do they do research...

Chairman Rogan stated you know, because that place is as much of an impact as anything...

Board Member DiSalvo stated and development...

Chairman Rogan stated I don't know.

Rich Williams stated yes they do research and development but why wouldn't you, I mean we tried to get them to expand...

Board Member DiSalvo stated what about Guiding Eyes for the Blind; they are doing research and development on breeding...

Board Member Montesano stated we had a water park that was interested in coming into Patterson...

Board Member DiSalvo stated don't give me that fluffy stuff with them, I'm just saying.

Rich Williams stated that is not a research and development facility.

Board Member DiSalvo stated how do you know what they do there, they are doing research and development on breeding...

Rich Williams stated well I think we just went through the approval process, we...we just went through the approval process, I think we all got a great tour of what they do there.

Chairman Rogan stated well regardless of what they do there, we were able to identify, we were able to go through a review of the impacts and identify that they were negligible or they were able to mitigate it so that is an example of something...

Board Member DiSalvo stated would that be able to be built today, that is what I'm saying...

Chairman Rogan stated it was built today...

Board Member DiSalvo stated no, I'm saying...

Chairman Rogan stated no because its residential property we are talking about projects that are even on commercial property for clubs, I mean this has a lot of different areas to it but no, if it was all residential property, could they come in and look to do that...

Rich Williams stated yea, why not.

Chairman Rogan stated see I would then, I wouldn't be in favor of it, if it was brand new, I would say go find a commercial piece...

Board Member DiSalvo stated that's right.

Rich Williams stated well let me say this...

Board Member DiSalvo stated go buy a horse farm somewhere with a lot of land...

Rich Williams stated I spoke to soon, they've actually changed the Code, so no they couldn't do it.

Board Member Montesano stated you have to realize that that property was used as a dog kennel for Great Danes.

Chairman Rogan stated yea but that goes back to the pre-existing condition, we are talking about brand new...

Board Member DiSalvo stated not to this capacity...

Chairman Rogan stated property that's, whatever...

Board Member Montesano stated well new, that is why we are hoping all those changes that were incorporated sooner or later cover that.

Chairman Rogan stated I mean, you can put in all kinds of bulk dimensional requirements for these things, like if you are going to have a certain, you know, use you have to have x number of acres but we've found that even that still have impacts, neighbors, there are always neighbors, there is nobody here that has a 2,000 acres parcel, that just doesn't exist in this town. And if it did, the people that bordered that would still not want it...

Board Member DiSalvo stated they would still complain.

Chairman Rogan stated you know, so...

Rich Williams stated all right, speaking of equestrian centers, have we killed this horse yet.

Chairman Rogan stated yes.

Rich Williams stated okay, thank you.

d. Performance Bonds

Chairman Rogan stated performance bonds.

Rich Williams stated performance bonds, anybody had a chance to look at that local law.

Chairman Rogan stated it must be in my pile, I probably didn't, I've already forgotten about it, honestly.

Rich Williams stated we can talk about a couple of things not on the agenda.

Chairman Rogan stated well Teddy has been waiting awful patiently over there.

Board Member Montesano stated Teddy said he's not saying anything.

Chairman Rogan stated he meant about clubs.

Board Member McNulty stated there was some paperwork for Taggart and Ice Pond in here, nothing to do with this...

Rich Williams stated just for your information, at the last meeting, I think it was last meeting...

The Secretary stated it was at the regular meeting.

Chairman Rogan stated yes, thank you for doing this.

Rich Williams stated they were looking, they were looking for a, you were looking for a form letter we threw this together...

Chairman Rogan stated that's perfect Rich...

Rich Williams stated okay.

Board Member DiSalvo stated is this when people come in with applications.

Chairman Rogan stated no, it's when we have letters that get sent to us for any particular reason, people should at least know that we received something, whether we like what they say or not.

Board Member DiSalvo stated oh okay, right, right.

Chairman Rogan stated I think this is something that will be a quick form letter...

Board Member McNulty stated (inaudible).

Rich Williams stated it's set up on a form, Michelle can fill out the things.

Board Member Montesano stated thank you Michelle, I'm glad you will have another thrilling thing sending these out.

Chairman Rogan stated it lets people know that we've received it, you know we are always, I think it's great.

Ted Kozlowski stated good idea.

Board Member Montesano stated it will do.

Chairman Rogan stated very nice, thank you.

Rich Williams stated all right well Michelle and I did it together, so.

Chairman Rogan stated good job Michelle.

The Secretary stated thank you.

Board Member McNulty stated good job.

Chairman Rogan stated let the record show that Michelle did a great job. That will be clear in the minutes, it better be, we're going to check. 72 font.

Rich Williams stated all right, you've got a whole bunch of information in your materials tonight about Guiding Eyes who have made some changes, there is some fencing, originally it was supposed to be chain link fence, they've since re-evaluated and found that the dogs, if they go out and see each other in pens, don't do what they are supposed to be doing so they want to put up solid core fencing. They are making some other changes which I asked them to show on the site plan and get it in here ASAP because they are looking to get the plans signed and move this thing forward but apparently there have been minor modifications to layouts and things like that.

Chairman Rogan stated that is a pretty sharp looking fence.

Rich Williams stated yea.

Chairman Rogan stated I like it better than chain link...

Rich Williams stated I didn't think anybody would have a problem with it.

Board Member DiSalvo stated it looks like the fence on [Route] 311.

Board Member Cook stated did this fence change come about as far as their research and development going on at the site that they thought it was adequate...

Board Member Montesano stated only the club part.

Chairman Rogan stated it looks nice.

Board Member DiSalvo stated I have this on my (inaudible).

Rich Williams stated I don't want to know what they are doing with these dogs frankly.

Chairman Rogan stated they are all smiling.

Board Member Cook stated what are we supposed to do with this, say...

Chairman Rogan stated yay or nay, it's a change.

Rich Williams stated it's for your information unless you have an objection.

Chairman Rogan stated I don't.

Board Member Montesano stated what is the rock wall included for or is that...

Rich Williams stated that is going to be part of their site plan where they are doing some things in the front and the back, I know they are putting the cistern in the front areas, like that. Last thing, Ted come on down.

Board Member DiSalvo stated come on down, is that the price is right.

Ted Kozlowski stated I was putting some thought together about we have a number of properties in the Town that have had previous Planning Board approval, site plan approval, which really doesn't reflect the current regulations, they are not conformed to the current regulations and in fact, that particular site came in from of the Planning Board today, it would probably get rejected for a number or reason, my particular interest is a wetland issue or a wetland reason and looking at O'Mara and having the discussion, the go around we had a couple weeks ago about providing space, reasonable space for future potential property owner and so on and so forth, I feel that that creates maybe some undue burden on us. I feel our burden it is a lot, a given lot that was previously approved by the Town and therefore we really can't deny, unless it's some real egregious reason, we can't deny the person developing that project, that person developing that property still has to be constrained by today's standards, whether it's septic standards, whether there are wetlands standards, whether it's zoning and building standards, they change over time so I would like to make the argument to everyone here that in the case of O'Mara, the person is being allowed to use the property, so we are not taking it, we are not preventing the person from putting a home there but the septic is already restricting the house to a 2 bedroom house, but yet he can still put a house there, he or she can still put a house there. In going to this particular site, the wooded area that we are talking about changing or altering making lawn and/or a rain garden or whatever is it natural woodland and I was there today and it is native trees and it's a natural wetland which is a natural buffer to the wetland that is just below, there are many homes in this Town that have woods as a backyard and this wooded area is accessible people can enjoy it for wildlife hiking around but they can't have a lawn, or they can't put a pool there because it's restricted by the constraints of the environmental constraints of the site. So I would like to make the argument, instead of going around and around how we can accommodate this person, we already accommodated this person okay, the house is not lived in right now, it's not owned by anybody, it's not even built yet. So if we allow the person to build the home and do whatever he can within the constraints of the law, the next person that is going to, he is going to understand the ramifications and the constraints because he is going through the process, if he chooses to sell the parcel, which I believe this is a spec house, the buyer is going to know up front that it's a 2 bedroom house, it's constrained by the limits on the septic system and you have a wooded area that is to remain a wooded area, you are not going to be able to put a pool back there, you're not going to be able to put a lawn or a garage or anything else and if you can live with that, then you buy the house. I don't see how that is an infringement, I don't see how that is a problem, you know because this person who bought the property and is subdividing it, already knows the site is challenged, I don't think its fair to the neighbors because all of their backyards are woods and you know I just think that if we now take this house and then we compromise and we set a precedent again going into the wetland buffer and disturbing that all so he can have somewhat of a backyard, well how about the neighbor next door, how about the neighbor next door to him, he is going to say okay, I am going to clear this and now we have a cumulative effect on the wetland, the very thing that we are trying to protect. So I would like to make the argument that the condition of this permit is, you get the house, you get the septic, you get your well, the whole front of the house can be lawn, landscaped whatever you want, the rear of the house, outside of the patio is going to be woods and that's deed restricted, if you like it fine, if you don't, don't buy the house. That is my argument because that is so much easier to control then to now play games and try to make all these little envelopes and do all these other things because you know that is going to challenged, you know down the line the encroachment is going to grow...

Chairman Rogan stated Ted, can we do that and not have to put in all those rain garden or stormwater practices...

Ted Kozlowski stated yea because it is a natural wooded area and I have to talk to Rich about that...

Chairman Rogan stated that would be great.

Ted Kozlowski stated and its not fair to Rich, I really should have discussed this with Rich first...

Rich Williams stated no that's fine, I don't mind discussing it like this.

Ted Kozlowski stated but I think that is the way to go because we have not taken anything away from this person, I just don't think we should be Santa Claus and start giving these challenged properties more than what they have...

Chairman Rogan stated what I am a little bit confused about is that they came in with a plan that showed a limits of disturbance that basically except for the rain garden thing, did exactly what you're talking about. Their proposed plan was that...

Ted Kozlowski stated Harry was talking about fencing and all that, I just think...

Chairman Rogan stated regardless of the fence though...

Ted Kozlowski stated from a regulatory standpoint, all I have to do is drive by, I see the trees untouched, if we see trees gone now we know that we of course have to say, any hazardous trees during construction, remove them, give them that leeway but that's it, it's woods...

Chairman Rogan stated yea.

Ted Kozlowski stated and the woods stay as natural buffer to the wetland, the way everything was supposed to be, that's my argument.

Board Member DiSalvo stated how much lawn are they looking for in the back of the house.

Chairman Rogan stated they weren't looking for anything, the limits of disturbance were...

Board Member McNulty stated 18 feet, I think.

Board Member DiSalvo stated off the house.

Chairman Rogan stated it was like 20 feet off the back of the house.

Board Member McNulty stated I did a drive by, I didn't do an official site walk but the houses adjacent two or three to the north of that, have no backyard...

Chairman Rogan stated right...

Board Member McNulty stated and one of the houses is very old...

Chairman Rogan stated well they are really close to the wetlands...

Board Member McNulty stated very old home and it looks like it's been that way for years and years and years. Now I don't know if they are deed restricted or not but in today's time I would think...

Chairman Rogan stated I would hope not, it can't be.

Board Member McNulty stated you can deed restrict this home to do that, just to bring it up to current standards.

Chairman Rogan stated it's a passé Tommy, we've even talked about ways that somehow, and we've never really resolved this, somehow that we could get that information to the time of a closing so that there is some legal document and the reality of it is, it never follows from one owner to the next but we've racked our brains over the years on so many different applications where we were trying to do a good thing but more importantly make sure that the homeowner was notified, some mechanism because they come in and what do they, they go to Zoning and they go to us and they say well I didn't know, I bought it and the realtor told me I owned all of this and I could put a pool back there and woe is me and now you have the pregnant woman and the two babies on the lap and they sitting in here begging for a and Ted knows, we've gone through this time and time again.

Board Member McNulty stated it's no excuse though...

Ted Kozlowski stated right.

Board Member DiSalvo stated but you think...

Board Member Montesano stated you have to realize something, something that was approve 20 years ago and never got developed, that lot is still there, now 20 years ago there was no regulation that said you could not use this paper but yet apparently if you go to Court, the judge says well you approved it, it's an approved thing. It was approved under certain circumstances, that was the contract that was made up but those circumstances have changed tremendously over the last 20 years.

Board Member DiSalvo stated do you think 20 feet in the back of the house is still too much land to just have a lawn, I didn't walk all the way back...

Ted Kozlowski stated Maria, I went there today...

Board Member Montesano stated no but the object...

Ted Kozlowski stated I went there today and I saw the stakes in the ground, the house is going to be teeny, the house is really going to be teeny...

Chairman Rogan stated it's very small.

Ted Kozlowski stated and you know if that back was disturbed, if it was and Rich and I have gone back on many discussions on buffers this case, this is a natural buffer, this is a natural woodland, it's really not invaded by invasives, it's all, it's woods, I can't even make the argument that all right it's already been disturbed let's make it lawn...

Chairman Rogan stated right.

Ted Kozlowski stated it's not, it's natural woods and you know what, to some people that is what they want, they are going to look out their back window, they are not going to see something ugly, they are going to see a natural woodland and then wetlands and no one is ever going to develop back there so there is an inherent value to that okay and the person who wants a big lawn is going to move on to the next house. I think this is just a simple way of dealing with it...

Chairman Rogan stated the biggest question I have Teddy is...

Ted Kozlowski stated we are not denying this home...

Chairman Rogan stated whether or not we can do away and I'm sure Rich is waiting to weigh in on this, is there any way to do away with that who treatment area.

Rich Williams stated sure, listen the fact of the matter is that this is over and above anything else, we went out there, we took a look there was this natural barrier, I was looking to enhance that barrier and at the same time we have a program that is facing this Town called the MS-4 Program, everybody knows about...

Chairman Rogan stated right, I understand that.

Rich Williams stated it, we have to show that we are reducing phosphorus as much as we possible can, now he is going to generating phosphorus, it's all going to be running down through there, while I'm not going to be able to get a credit for a filter, forest filter strip even though having all those trees there, having all that runoff go through the humus, great things, it's probably going to take out more pollutants but I don't get a credit for it.

Ted Kozlowski stated can you get a credit for though for not allowing the lawn because you know lawn goes in, they are going to put fertilizer down.

Rich Williams stated no, I don't know that they are going to put fertilizer down, we don't know what they are going to do...

Ted Kozlowski stated you know most of them are.

Rich Williams stated and people may move in and they may want to keep some of the trees there.

Board Member McNulty stated but if the lawn is limited...

Chairman Rogan stated it's pretty close as it is.

Board Member McNulty stated you still don't get a credit if you allow that buffer to remain as much as possible, intact.

Rich Williams stated they encourage you to do that's green infrastructure, that's green technology, they encourage you to do that but in the retrofit program you don't get a credit for phosphorus reduction, might be able to, I can get that credit if I had a rain garden back there but the fact of the matter is, regardless whether I get that credit or not, the way I was approaching this is we have a natural buffer back there, what is a reasonable expectation for a person to come in and buy that lot and how are they going to use it and the

reality is that most people want some sort of backyard, they want a place where they can put their trampoline up for the kids or put a pool up and that combined with what are the impacts back removing the wooded area and certainly there are going to be more impacts than if we leave it but is that reasonable to expect considering the future homeowner. Now I want to talk about a different thing, it's a forested area, Ted is a forester, what kind of trees are out there...

Ted Kozlowski stated red maple, ash, elm.

Rich Williams stated I saw a whole lot of locust going back that way...

Ted Kozlowski stated I saw locust but I looked at this afternoon Rich and it is and black cherry...

Chairman Rogan stated black cherry, I remember seeing also.

Rich Williams stated okay.

Ted Kozlowski stated so but Rich...

Rich Williams stated successional, in a successional stage...

Ted Kozlowski stated time out, what you are omitting is that we have a wetland law in the Town which protects the wetlands and the buffers...

Rich Williams stated yes...

Ted Kozlowski stated and you are trying to meet the stormwater regulations and phosphorus reduction so what is more important, wetland protection or phosphorus...

Rich Williams stated that's not what I'm, you're missing the point, that is not what I'm doing what I am doing is you know trying to evaluate and trying to give somebody a reasonable use of their property and you know how do you define that, what is reasonable. To you reasonable is they get 18 feet off the back of the house, end of story, for me, the properties that I see, yea they are wooded behind but there are also open areas where they have certain amenities there...

Ted Kozlowski stated I don't even think they have 18 feet.

Board Member McNulty stated no but I'll tell you, there was only one house I saw that had somewhat extended backyard, I would say the three or four houses to the north of this property all have very limited backyard.

Rich Williams stated the house to the north of this, we can pull it up on GIS was a real estate agent and if I remember the house right, I mean they've got an extensively cleared area that is all lawn, a very expensive pool that's in...

Board Member McNulty stated I didn't see anything...

Board Member Cook stated how big is that house.

Rich Williams stated Barbara Negro...

Board Member Cook stated how big is that house compared to this house.

Rich Williams stated it's big, it was built...

Board Member Cook stated this is a two bedroom house...

Rich Williams stated right.

Board Member Cook and it ties more in to what Ted is saying than anything else, that the expectations, I don't see a family of four or five moving into a 2 bedroom house and then having their expectations to be put a pool in and a trampoline.

Rich Williams stated but I see a starter family moving into this.

Ted Kozlowski stated but Rich, they, this, see if we establish here the restraints, it starts at the beginning and it can't be changed...

Rich Williams stated it can be Ted because there is always a process.

Ted Kozlowski stated oh Rich there always is a process, there always is an exception to every rule but at least here we start from the get go, no one is disappointed at this point because no one owns that house yet and you want to buy that house, you are going to know right away that it's restricted and you may want, there are people that want to buy a house and no lawns...

Chairman Rogan stated yea, there are people...

Ted Kozlowski stated and there are people that want to have to woods in their backyard and that's it, they are going to be very happy and that is who is going to buy this house...

Rich Williams stated sure they are.

Ted Kozlowski stated and that is who I would like to see moved in because I know those wetlands won't be impacted, I don't want to make it easy...

Rich Williams stated how many wetland permits a year do we issue, any idea...

Ted Kozlowski stated probably anywhere from 1 to 8.

Board Member DiSalvo stated a dozen, yea.

Rich Williams stated 1 to 8, okay, 1 to 8 people come in here with property that was constrained that they bought and they knew was constrained and they want to do more than those constraints allow, maybe we should just adjourn the meeting at this point because Ted and I are just having a good time at your expense...

Ted Kozlowski stated Rich, how many people in this Town do you think should have come in for a wetlands permit...

Chairman Rogan stated well that is besides that point.

Board Member Montesano stated trouble maker.

Rich Williams stated but again as a whole bunch of people who have property that is constrained and they want to exceed what those constraints are, so all I'm looking is you know and again I'm not tied into this, I don't care if we do a rain garden out there or not, I don't care if we go 18 feet behind the building or not, I just wish this had all be out before we decided to meet tomorrow at 8 o'clock in the morning...

Ted Kozlowski stated what I am suggesting is...

Rich Williams stated to talk about the rain garden...

Chairman Rogan stated yea right.

Ted Kozlowski stated you get a patio and that's it because 18, there is not 18 feet, the corner of the house is in the woods and its all woods down to the, it's all in the buffer the whole house is in the buffer.

Rich Williams stated everything is in the buffer.

Ted Kozlowski stated so you have the front yard and you have woods in the back and there is nice little secluded spot, somebody is going to buy that house Rich and they don't need a trampoline and they don't need a pool.

Board Member DiSalvo stated but then he's not getting the credits for it.

Rich Williams stated I can live without the credits.

Ted Kozlowski stated but Maria we have wetlands that we have to protect.

Rich Williams stated let's forget about the whole credits.

Board Member DiSalvo stated yea I, this is the situation that we are in, you know it's because of these restrictions with these laws we are being, people are being denied, well not that denied but they're quality of life is being impacted too, so how do you balance this.

Ted Kozlowski stated Maria, we have one wetland permit here, one house, you have Taggart, 15, 16 homes, you can get credits for those...

Board Member DiSalvo stated can you make it with them.

Rich Williams stated forget about the whole credits...

Board Member DiSalvo stated this seems to be a topic now...

Ted Kozlowski stated you can get it from every project your looking at, why do we have to get credit for this project, why can't we just...

Rich Williams stated wait, wait, wait, stop, stop stop, the credit was a whole thing that I was doing...

Board Member McNulty stated as an example.

Rich Williams stated only because we were already there giving this guy a lawn, well if we are going to give him a lawn we are going to have all this, you know let's go for something that I can get some credits for, forget about that. Let's focus on wetlands, wetlands permit, what are the impacts, what is a reasonable use of the property and what isn't...

Chairman Rogan stated again I go back though to the proposal that we were given showed a limits of disturbance which was very restrictive and we questioned that, I mean it was really, I think it was in line with what Teddy is talking about but on top of that they then showed this stormwater practice which what I was hearing earlier tonight was with the limits that they are showing, we don't necessarily need this practice, we can do without it. So my feeling is, I mean I'm kind of actually between the two of you guys because I saw the grade out there and I didn't see a tremendous impact to the wetland going down the stonewall but go off the back, figure somebody is going to put a patio or given the grade, maybe a deck whatever foot, it's going to be 12 foot off the house or 14 foot off the house, go another 10 foot or so past there so you don't have trees that are falling into stuff and then put up a line whether its wetland markers or something, deed restrict it and your done. You can safely maintain the property around back, you have some front yard, you have a side yard for some and call it a day and be done with it, but I don't see the point of drawing that line in the sand but then going in and clearing a big hole in the center of that woods to put in a stormwater practice, if you are going to do that, then you might as well either bring the stormwater practice up so it's closer to the limits of disturbance...

Ted Kozlowski stated and you know, you've got those folks on Cornwall Hill Road, who have no backyard, it's all wetlands and they...

Board Member DiSalvo stated they have statues on the side.

Ted Kozlowski stated I stopped by one day to see them about the snow, remember that snow fence they had up forever, I said you know you guys can take that down...

Chairman Rogan stated it holds up the weeds from falling into their property.

Ted Kozlowski stated they said we just, they love that fact that there is no lawn back there, so some people don't want lawn and they bought that house.

Rich Williams stated and then we have Tyrone Mayfield...

Ted Kozlowski stated then we have Tyrone Mayfield.

Chairman Rogan stated okay.

Ted Kozlowski stated who we have to go visit.

Chairman Rogan stated Saturday, you said on this O'Mara site...

Board Member DiSalvo stated so what are we going to do with this.

Rich Williams stated yea, what are doing with this, no (inaudible).

Chairman Rogan stated wait a minute, there are stakes still up for the corners of the house and everything...

Ted Kozlowski stated for what, O'Mara, yea they are there right now.

Chairman Rogan stated I might Saturday morning, either on the way past one way or the other just swing in there for two minutes and look just from the standpoint of where the markers are, what the distance from there is between there and the rock wall, what the grade is from there, we were more looking at it as what just how the lot lays out to the wetland when we were there.

Board Member DiSalvo stated I mean they are going to do disturbance putting a well in the back of the house in a certain way because the septic is in the front...

Chairman Rogan stated no the well is way up close on the front right corner, tucked right on the property line, closest to the neighbor, right close to the...

Ted Kozlowski stated I think it's constrained because of all of the other septics...

Chairman Rogan stated it was right on that front right corner.

Ted Kozlowski stated that was the only place they can put it.

Rich Williams stated yea.

Chairman Rogan stated they are basically putting a well right on the lot and then backing it right up to the road or, it's right there, it was like, here is the road, here is the lot with the wetland, it's like right here.

Board Member DiSalvo stated yea and the septic is here.

Chairman Rogan stated the septic is here...

Ted Kozlowski stated you know that driveway, does he, (inaudible) how close to the property line...

Chairman Rogan stated distance and...

Board Member DiSalvo stated the house.

Chairman Rogan stated the wetland has you know, so then the house is like here and this is the stonewall and then the lot is like this because this is all wetland, actually the buffer, the wetland is here, the buffer is through the house.

Board Member DiSalvo stated but they are still going to have to go in and build the house and they are still going to be able to take trees down with that in the back of the house...

Chairman Rogan stated that is why you have to allow at least some (inaudible).

Board Member DiSalvo stated with that and call it a day right.

Chairman Rogan stated about tomorrow, you are supposed to meet with Harry to discuss this rain garden...

Rich Williams stated I have Andrew coming over.

Chairman Rogan stated well if, you know maybe first thing call Harry and say hey listen Harry, how does this sound, we stick to some limits of disturbance and we do away with this whole rain garden idea and everybody save a little bit of money on you know. What difference does it make, Harry wants to get the thing approved, he doesn't care whether he has a rain garden or not.

Rich Williams stated Harry doesn't care.

Chairman Rogan stated of course not.

Board Member DiSalvo stated where did they get this rain garden idea.

Chairman Rogan stated and neither does the owner, I'm sure.

Ted Kozlowski stated is Andrew coming for anything else.

Rich Williams stated no, I have Andrew coming over just for this.

Chairman Rogan stated so call him and say...

Ted Kozlowski stated let's have a conference call with him.

Board Member DiSalvo stated we supposed to get snow tomorrow morning, they may get a lot up where he is.

Rich Williams stated so you want to bag the whole rain garden...

Chairman Rogan stated I don't...

Board Member McNulty stated if we are going to leave it natural, I would say why go through it all.

Board Member DiSalvo stated if you have to go back there to build it, you're going to disturb this.

Chairman Rogan stated not to be devil's advocate, when they have this wooded area, sometimes when people have these nice naturalized areas, they actually clean the leaf material so that, even though you don't have to mow that grass, it only grows so high, would that be a violation in your mind of what is intended by your ordinance.

Ted Kozlowski stated no but I, you know, you just want to leave it a natural wooded area, of course clean up debris and stuff like that...

Chairman Rogan stated well I'm thinking, my uncle has a house over on Barrett Hill Road in Mahopac and his whole front yard was always wooded but it was always grass but he never had to mow 99% of it because the grass didn't get enough sunlight and I always was, admired his front yard because it was like having woods yet it was clean and grass and those trees, you know now they are already starting to fall down but...

Ted Kozlowski stated I'm still (inaudible).

Board Member Montesano stated can we adjourn.

Chairman Rogan stated if you'd like, sure.

Board Member McNulty stated I have one thing, in relation to draft letter that we acknowledged, we did get some letters this week, do we do that now or in the meeting.

Chairman Rogan stated Michelle is going to take care of that as a normal course of business.

Board Member McNulty stated great.

Chairman Rogan stated right Michelle, she is going to...

Board Member McNulty stated the letters are acknowledged.

Rich Williams stated (talking on cell phone) Andrew, I was hoping you weren't going to answer, I was just going to leave a message, it's Rich.

Board Member McNulty stated make that motion Mike.

Board Member Montesano stated make a motion we adjourn.

Chairman Rogan stated seconded the motion.

Board Member Montesano asks for all in favor:

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

The motion carried by a vote of 5 to 0.

The meeting adjourned at 9:55 p.m.