



TOWN OF PATTERSON
PLANNING BOARD MEETING
March 31, 2011
Work Session

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

Planning Board
March 31, 2011 Work Session Meeting Minutes

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

APPROVED

Present were: Chairman Rogan, Board Member Cook, Board Member Montesano, Board Member McNulty, Board Member Taylor, Rich Williams, Town Planner, Nick Lambert, Director of Code Enforcement, Joseph Capasso, Town Board Member and Ted Kozlowski, Town of Patterson Environmental Conservation Inspector.

The meeting began at 7:00 p.m.

Michelle Russo was the Secretary and transcribed the following minutes.

Chairman Rogan stated it looks like we have someone coming in. There's Ted.

Board Member McNulty stated hey Ted.

6) OTHER BUSINESS

b. Green Chimneys Site Plan

Mr. Paul Agostini, Associate Executive Director of Green Chimneys and Mrs. Theresa Ryan of Insite Engineer were present.

Chairman Rogan stated okay, we have representatives here from Green Chimneys; you want to explain the situation that's come up very recently.

Mr. Agostini stated my name is Paul Agostini; I'm the Associate Executive Director for Green Chimneys Children's Services. What I'm here tonight to ask for is a Certificate of Occupancy on the Green Chimneys Dormitory Project. I understand that we have a punch list of items for site work relating to the stormwater basin and some, not anything really major but the buildings have been inspected and I think the hazards of having the kids in the old dormitories from a life safety point of view when we are having this \$15 million dollar facility there, it makes sense to me to ask this Board to give us a Certificate of Occupancy so we can move the children into this facility and get them into a much better environment than they are in now. We have every intention on completing the project, we have the funds for the project, it's funded by the State of

New York through the Dormitory Authority, it's a loan to Green Chimneys so they graciously funded us to do this and the reason why we actually got this loan was because of the dormitories that they are in currently, the State has come down, the Office of Children and Family Services has come down and looked at the dormitories, they had no problem with us asking for permission to move into the dorms as they are now, they saw no serious life safety issue and as is the Town has gone through and inspected it multiple times, electrically, mechanically, in fact the site work, we actually got the topping coat down on all the walkways that the kids would be involved in, we just have to finish up but having another month of children in the dorms that they're at would not, I would prefer to have them in a safer environment, so we are asking for the ability to move these children earlier versus waiting for the site work and on top of that, it has not been a good winter to try and get anything accomplished outside, I commend the construction management team for doing what they have done, this has not been a fun winter to be building, so at this point we just wanted to come in and ask and see if we could get it.

Chairman Rogan stated Nick, can we put on the spot, you've done inspections and how do you feel with the progress that's been made at this point.

Nick Lamberti stated sure, all along on the buildings themselves we have...

Chairman Rogan stated you can, just speak up, that's all.

Nick Lamberti stated okay, well all the inspections have been done, I've never had really any problems just as Paul has mentioned from a life safety and from a structural perspective there is nothing that's missing at this point and if not for anything else, I will be prepared to provide a C.O. at this point.

Chairman Rogan stated and Rich how about from you sir, procedurally or (inaudible)...

Rich Williams stated well procedurally that is the dilemma, the dilemma is that our Code says that prior to the issuance of the C.O. the site work has to be completed, it has to be certified by the Town Engineer as complete and acknowledged by the Planning Board, its §154-130, I believe. There in lies the rub, you've got a punch list before you right now of the outstanding items and that was you know, to a great effort on the part of the contractor, was shortened up quite a bit this week in getting a lot of the extra things done, now a good portion of the items on that punch list, we do hold a performance bond to ensure that they are going to be finished up but they are related to the erosion controls and to, oh we've got a real party here...

Mr. Agostini stated if I need technical help, they come, thank you.

Rich Williams stated they are related to the erosion controls of the stormwater ponds, there are a few issues identified in Andrew's memo, I take it you've gone through that which are not relevant to either the site plan or the erosion controls or stormwater on the site but there are also one two items such as top coursing of the two parking lots which are relevant, and Paul in that nowhere land where we don't have adequate security to ensure that they are going to be done in a timely fashion and they haven't been complete. So then it falls back to the Board as more adequate assurances you're going to have to things that things are going to reasonably complete so that you can allow this to go forward if and if you feel its appropriate.

Chairman Rogan stated and so the, it sounds like from the memo the Town is currently holding about thirty thousand dollars in...

Rich Williams stated no.

Mr. Agostini stated no, that's retainage on the site contractor...

Chairman Rogan stated I'm sorry.

Mr. Agostini stated that I have right now; that we have from the site contractor to finish and I think the schedule of values on the top course on the two parking lots is around eighty-five hundred dollars...

Rich Williams stated no, it's not a lot.

Mr. Agostini stated not a lot of money and we bound them that...

Mrs. Ryan stated the erosion control bond is about fifteen thousand.

Chairman Rogan stated and obviously the amount of money that the Town holds on a bond is to protect the Town from people who don't cooperate and that has not been the case and that's where I guess I'm bringing up the idea of past performance and the good relationship that Patterson has had with Green Chimneys in terms of completing projects. So, I think generally people feel much more comfortable with the idea of moving forward on something like this with past practice, you know speaking for itself and the idea that there is a lot of self interest in completing this out for the children of course to the original design. I mean, I see items on here like you said Rich there are things on here like the basketball goal needs to be installed, so something on a plan but not something that is really public protection related. Any comment from anyone on the Board about this.

Board Member Taylor stated procedurally can we do a T.C of O.

Rich Williams stated I don't believe there is any provision in our Code for a temporary Certificate of Occupancy.

Nick Lamberti stated normally I frown on giving temporary C.O.'s you know, if it's officially to the point where we can issue a C.O. I would prefer that we proceed with the final C.O.

Chairman Rogan stated what about the idea I think someone mentioned earlier, I think Charlie you did about time frame, you had even mentioned two months, what if we ask that we actually get you in here or a representative in here on an every month basis until this stuff is complete to report back to the Board to say you know from last time we were here this is what we've done and its kind of time a schedule where we have a punch list with a time slot kind of gives a comfort level that we are all on the same page and I have a feeling that it would be great to you know, at a later date down the road we can look back on this day and say, you want to build another addition to Green Chimneys some place, look at the great relationship we've had in the past and I think that will play forward.

Mr. Agostini stated we would be more than happy to do that.

Chairman Rogan stated that would seem like that would keep everybody in the loop on...

Board Member Cook stated that's fine, that's fine.

Board Member McNulty stated as long as Nick is comfortable that the health and safety is all in order, you know its lit and exit signs and fire safety, and I don't have a problem.

Chairman Rogan stated yeah well and I don't think you'd be able to do a C of O without those life safety issues...

Nick Lamberti stated no.

Mr. Agostini stated actually one of the Certificate of Occupancy's is for the life safety system, new fire pump, new sprinklers, I can't really turn them on until you give me a Certificate of Occupancy and I mean the [Putnam Lake] Fire Department came in after we had all of our Town approvals and asked us to put wall hydrants on every building to the tune of ten thousand dollars, we didn't even blink, we said yeah, no problem. So the building is going to get done, everything is going to be done the way its specified in the plans...

Chairman Rogan stated right.

Mr. Agostini stated we've got a good working relationship with Patterson and its in our children's best interest to move this to the point where we can get the kids in and they are safe and they are in single bedrooms, there are a lot of pluses to these buildings.

Board Member McNulty stated I'm sure they are anxious.

Mr. Agostini stated so is staff.

Chairman Rogan stated this is certainly a unique situation, more so than a commercial building that sits out on its own, that is a for-profit situation and this certainly is a different situation and I am comfortable with this as long as our technical people say that you're doing the work its, you know and everyone on the Board is on the same page, then I am certainly, and I have nothing but respect for what you do out there so...

Mr. Agostini stated thank you very much.

Board Member Cook stated I would just say that you know I don't think you have to come in, I would just say if you put a memo together addressing all these outstanding points from tonight, have it in here where you're at, with the status of where you're at...

Mr. Agostini stated Insite Engineering usually attends the Planning Board's; I'll have them do an update at every Planning Board meeting.

Board Member Cook stated that's fine.

Chairman Rogan stated we always look forward to seeing Theresa.

Mr. Agostini stated I don't expect it to last more than 2 months I'm not ready to work another 2 months on the site.

Chairman Rogan stated there you go.

Mr. Agostini stated I want it done, this is like a baby.

Board Member Cook stated what I want to see, in my mind, in my mind I said this should be done...

Chairman Rogan stated I'd like it all to be done before summer also.

Board Member Cook stated it should be done in 2 months.

Mr. Agostini stated easily, so long as we don't have another blizzard.

Chairman Rogan stated Michelle, strike that from the record please...

Mr. Agostini stated no blizzards.

The Secretary stated I'll try.

Chairman Rogan stated that notation of blizzard and okay, I don't think, anybody have anything else...

Board Member Taylor stated I still have a problem with the procedures, I just, I have no objection to what you're doing...

Chairman Rogan stated right.

Board Member Taylor stated I just, I mean, we're being asked to grant a C of O that is in violation of the Code because they haven't finished and yet you have a problem with issuing a temporary C of O...

Mr. Agostini stated I didn't say that.

Board Member Taylor stated I'm not pointing at you, I'm pointing at the Building Inspector...

Mr. Agostini stated got you.

Board Member Taylor stated I understand your problem but here we've got this problem, it would see to be more reasonable to me in terms of procedures that we give them a T.C of O for 2 months and then they come back in here when they've done their stuff then they get their C of O...

Chairman Rogan stated then it just automatically...

Board Member Taylor stated because then there is some paper control over what's going, instead of us saying okay...

Chairman Rogan stated well how much, in terms of the small amount of the bond that was placed on this project, how much of that, would you have any idea Rich, of what would be outstanding at this point.

Rich Williams stated again it was just an erosion control bond, this is one of the problems that we have with just having an erosion control bond where we don't have means to secure other improvements but for what needs to be done on the site with the stormwater pond and the erosion control, we've got more than sufficient money there, really the only thing we don't have covered is the top coursing of the two parking areas, everything else has been done for the most part, we just need to see grass coming up but you know there is seed every where and as soon as we get a little bit of warm weather we will see grass popping everywhere.

Chairman Rogan stated sure.

Mr. Agostini stated does it make a difference the that funding is pretty much guaranteed through the State of New York Dormitory Authority, this project is funded by DASNY, they are approving everything that goes on at the site at the time, I've had the DASNY inspectors down, so its not like you know Green Chimneys is going to go out of business or we're not going to have the funds to complete the project...

Board Member Cook stated no, its not that, I understand what Ron is saying is that...

Mr. Agostini stated I understand his concerns.

Board Member Cook stated you know, its procedurally for us, how do we deal with this and...

Board Member Taylor stated because you're setting precedent...

Chairman Rogan stated well no we're not actually because we've done it, we've done it with other commercial projects and we've done it where its come back where we and we've dealing this right now on Commerce Drive, correct because of a following through...

Rich Williams stated yes but that's not the best example.

Chairman Rogan stated but that is why I made the reference the difference between this type of operation and a commercial for profit operation but we actually have unfortunately gone down this road and had some issues with it.

Board Member McNulty stated it's at the Board's discretion correct, project to project.

Board Member Montesano stated no...

Board Member McNulty stated no.

Board Member Montesano stated not really because you have guidelines that we're supposed to follow, if we supersede those guidelines under what authority, we don't have a legal opinion, its bad enough they'd have the Dormitory Authority on their case every time you turn around with their inspectors but we are being asked to circumvent one of our own laws.

Chairman Rogan stated well you know what though, it comes back to simple point of whether or not you're putting anybody at risk number one and whether or not there is a particular planting in place, I don't think is a public interest except from...

Board Member Montesano stated we're making an exception, if we're going to do that we have to reason...

Chairman Rogan stated you have to have a reason or though behind it.

Board Member Montesano stated basically because the next guy that comes in is going to ask us the same question, we don't...

Chairman Rogan stated sure.

Board Member McNulty stated this is the second time now, this year because I was looking at another

T.C.O. on another project, I forget which one it was but Ron the dilemma, our Code does not allow for a T.C.O. so maybe we should go back and look at the Code some more, get that revision...

Mr. Agostini stated can I just point out one little thing, one of the things in this letter, its says that it's a punch list and I don't know whether or not that makes a difference but usually you have completion and you have a punch list...

Rich Williams stated you have substantial completion which is really what we're talking about here...

Mr. Agostini stated right but it's a punch list item, its not like its not completed, it says it's a punch list, understanding it from a code point of view, if you're locked into saying that its completed, it doesn't say it has to be completed without a punch list, it may not be that specific but in the real world, there are always punch lists.

Rich Williams stated yeah I know but its apples and oranges really, our Code which is the procedure the Board has to follow and what they are wrestling with really says all the site needs to be completed and the C.O. because right now the C.O. is the only leverage that the Planning Board has or the Town has to ensure that the project is completed and we run into this in other situations where you know they actually issued the C.O. where the project has not been completed with the understanding that the applicant is going to complete it, in one case, most recently, it went three, four month over what it was supposed...

Board Member McNulty stated down in Brewster, no, what's those apartments...

Rich Williams stated I wasn't going to start naming names here and on the other we're two years. Now Shawn early on recognized that there is a big difference between those applicants and Green Chimneys, that we have a much stronger working relationship with, you know and as you said a dedicated source of funding from DASNY which the Town doesn't seem to be able to have but...

Mr. Agostini stated but I, I'm sorry go ahead.

Board Member Cook stated well I think perhaps the swaying factor here to get this thing to 51% is that by allowing Nick to issue the C.O. that the children are able to move and this works, where they are moving in everything is fine, its just these call it outside area punch list so if the safety of the children is taken into account and is okay, then I would say even though its kind of an unusual situation, let's go with this and if a temporary C.O. procedure or however you want to label it is not in our Code, then let's recommend to the Town Board that they put it into the Code, fit it into the Code somewhere because let's face it, under normal circumstances, if it was into the Code, if it was in the Code now we would say Nick issue the temporary C.O., two months come back to us and they roll out.

Nick Lamberti stated it would be easier actually for you to make the change to your Code; we're talking about State Code as compared to Town Code...

Board Member Cook stated that's what I'm talking about.

Nick Lamberti stated it would definitely be easier for the Town Code to be changed rather than applying to the State...

Board Member Cook stated no, I'm talking about the Town Code...

Rich Williams stated yeah, no, no, no, that's what he was talking about.

Nick Lamberti stated oh okay, I misunderstood.

Board Member Cook stated to give you the authority to issue a temporary C.O. that's what I'm speaking about.

Rich Williams stated I don't know how this works sometimes I would need to take a harder look at it but the Town has issued in the past a temporary C.O. and I think what Nick was referring to was even though he has the, maybe the ability to do that because we have done it in the past but he would prefer not to because then at some point if they haven't met the conditions, he has to pull it and evict all the kids.

Board Member Montesano stated the one thing we may have on that is I know the Dormitory [Authority], you get more inspections per month than most people grow hair, that even includes me but if I remember correctly, there are enough inspectors between everybody coming around, so if we were to pull it, they'd have to face these inspectors because you can send a CC to all these other people and tell them we have pulled their C.O. and watch how fast these people would come down.

Board Member Cook stated but you know what Rich, I hear what you're saying if in the Code it would put pressure on the applicant and maybe some of the applicants who do not cooperate with the Town the way they should and pulling their C.O. at some point in time may not be all that bad of a thing. Not with Green Chimneys but I think, you know, I'll be okay with Nick giving them the C.O. but I think that as a Board here we should recommend to the Town Board, get the temporary C.O. procedure into the Code so that as others come along we have the ability to advise Nick to, whatever the right term is, to issue a temporary C.O., otherwise we're going to be walking a gray line from here on in and its going to get wider and wider and that's not fair to anybody.

Chairman Rogan stated we can probably argue this all different ways but going back to what Rich said earlier about the way our bonding used to occur, people saw it as an extreme bond but maybe you separate the bond and the C of O because even a temporary C of O because you would be remiss if you issued a temporary C of O if there were life safety issues, you just couldn't do it and so to pull something and say it was safe but now its not longer to occupy, it was much easier and more comfortable through the bonding process to say hey you haven't completed these items, they maybe don't relate directly to life safety or safety of occupying the building but they're beautification of the Town, they have to do with quality of life issues but we're holding seventy-five thousand dollars of this money, there was that incentive and that is where that worked very well for us.

Rich Williams stated and if I could jump in here, we've already had internal discussions, I need to draft a section of Code related to performance bonds, not just for commercial sites but we run into this problem with greater frequency in the middle of the winter where individual residential property owners want to get a C.O. but they haven't finished all the improvements so we want to set something up so we can get a short performance bond to help out the people so they can get in their houses, as well as some of the commercial sites, my professional opinion, as far as temporary C.O. goes, I've never seen a temporary C.O. ever issued that was ever pulled, you just don't do it, you're not going close your businesses, you're not going to put people out on the street.

Chairman Rogan stated right.

Board Member Cook stated okay so then let's go back to the performance bond and giving us the Town, some teeth with regard to various applications.

Nick Lamberti stated the strongest teeth I might have is (inaudible – too far from the microphone).

Chairman Rogan stated you're right.

Board Member McNulty stated one question, are there any other agencies that would need approval Nick, before you would give a C.O.

Nick Lamberti stated no.

Board Member McNulty stated you're the last guy...

Chairman Rogan stated the buck stops with him.

Board Member Taylor stated I don't have a problem with it.

Chairman Rogan stated you know I think it was a good discussion and its something that we do have to talk about it a little bit more and ways to handle this because as Ron said it has nothing to do with this specific case but in general, it opens us up to, this happens it seems like on every application and at the end of the day everybody just wants to site built to what everybody agreed on and then we can move on and again in this case, I feel very comfortable with the applicants they have proven that they have a track record with the Town and we look forward to the future and possible other projects so, you know I'm in favor, given the conversation everyone had tonight, I'm in favor of moving forward on this so that and I've seen the, your existing dormitories, so I can vouch for, I'm sure the new dorms are going to be a huge improvement.

Board Member Taylor stated so can we call for a vote.

Chairman Rogan stated yeah, we do this procedurally in the form of a motion for recommendation...

Rich Williams stated you want to make a motion that the site plan is substantially complete and authorize the Building Inspector to issue the C.O. and establish whatever conditions you feel are appropriate within that.

Chairman Rogan stated well you said most of it, so I'll jump on what Rich said and add that we get at least monthly updates in writing from the applicant advising the Board of the status of the punch list items...

Rich Williams stated and showing steady progress.

Chairman Rogan stated absolutely, and showing steady progress.

Board Member Montesano seconded the motion.

Board Member Taylor stated their firm promise to complete this project.

Chairman Rogan stated yeah.

Board Member Montesano stated and the phone number for the Dormitory Authority and other state agencies involved.

Chairman Rogan asks for all in favor:

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

The motion carried by a vote of 5 to 0.

Chairman Rogan stated thank you everyone for you time, appreciate it.

Mr. Agostini stated thank you very much, we appreciate it. I guess I'll see you tomorrow morning.

Nick Lamberti stated actually come to my office.

Mr. Agostini stated oh, that's even better.

Board Member Montesano stated rain or shine or snow...

Mr. Agostini stated no snow, please that's a four letter.

Board Member Montesano stated Alaska, it was in the news.

Board Member Taylor stated you're still on the record.

Mr. Agostini stated its not radiation, right, I'll take snow.

Board Member Montesano stated I'll have to get rid of sun lamp.

Chairman Rogan stated bye Theresa.

1) ANNIE MOLLOYS IRISH CASTLE – Sign Application

Chairman Rogan stated okay, I guess we have a new agenda here, 21 Front Street is off the agenda. Annie Molloy's, this is in the Irish castle, we have a sign application and...

Board Member McNulty stated that's good.

Board Member Cook stated maybe this, maybe to start this off I should ask is IO Wellness still over there.

Rich Williams stated IO Wellness is still over there, they do not have a sign sitting on the free standing sign. The only sign currently on the free standing sign is the old Irish Pub, whatever it was, I was there, trust me I have the ticket to prove it.

Chairman Rogan stated ticket...

Board Member McNulty stated a little fast, were you.

Rich Williams stated not at all, this is definitely a not guilty.

Board Member McNulty stated a trooper.

Rich Williams stated no, a sheriff, pulled up to the stop sign, Andrew was right behind me, stopped at the stop sign, took off the sheriff was coming up over the hill, thought I did a rolling stop, pulled me over, got up, I've got my jacket on, he wrote me up anyway and the rest of the story is off the record.

Chairman Rogan stated okay.

Board Member McNulty stated on here, this is what you saw today, still looks like that.

Board Member Cook stated so...

Rich Williams stated yeah, the Shamrock.

Board Member Cook stated so this fits.

Rich Williams stated it fits; it is replacing the existing sign in kind, 20 square feet, that definitely meets our Code.

Chairman Rogan stated lighting from below, I thought at one time we wanted shrubbery or something put in and that was never done, so at least it doesn't appear to be done to shield.

Rich Williams stated you can add that in as a condition.

Board Member Montesano stated you guys have to have some place to sit.

Board Member Taylor stated and are they changing the awning.

Rich Williams stated I don't know if they are changing the awning, all we've got is the sign.

Chairman Rogan stated well its still an Irish place and the awning is right, kind of fits in with...

Board Member Montesano stated you can always get facetious and say its an English place.

Board Member McNulty stated what's this little sandwich board...

Rich Williams stated that was not out there today, that was just an old sign that they had out there.

Chairman Rogan stated now serving lunch it says.

Board Member Taylor stated it looks fine to me.

Chairman Rogan stated okay.

Board Member Montesano stated it a sandwich board.

Board Member McNulty stated it's a nice looking sign.

Chairman Rogan stated yeah, its funny though, the font of the, people pick styles of lettering that when you drive by it at 40 miles per hour, you don't know what that says, that's too, you know you spend your space with a figure instead of the name of the place or something, you know.

The Secretary stated but that's a 30 mile per hour zone.

Chairman Rogan stated yeah I know but people drive 40 through there.

Board Member Cook stated what you're supposed to do is...

Chairman Rogan stated slow down.

Board Member Cook stated stop at the stop sign and look and then you're okay.

Board Member McNulty stated maybe their hoping her beauty you make you slow down.

Board Member Cook stated all right.

2 EUROSTYLE MARBLE AND TILE – Continued Discussion

Chairman Rogan stated okay, Rich, Eurostyle Marble and Tile...

Rich Williams stated Eurostyle Marble and Tile, I've been through the as-built, it meets most of the requirements that we were looking for I still want to go out there and take a look at the site, I haven't had an opportunity to do that with everything and the weather but I will before the next Board meeting.

Chairman Rogan stated okay.

Rich Williams stated and I'll have you a punch list, if there is a punch list to be had.

Chairman Rogan stated okay.

Rich Williams stated we may be in a position where we can take this as-built and just have him sign off on it and then we're good.

Chairman Rogan stated okay, that'd be great.

Board Member McNulty stated its pretty close then, huh?

Rich Williams stated yes.

Chairman Rogan stated that would be great.

Board Member McNulty stated is it dated awhile back, he said he issued it...

Rich Williams stated its date two months before my memo that says we don't have the information.

Board Member McNulty stated that's all we need to have.

Rich Williams stated yes, so it would have solved a lot problems way back (inaudible)...

Board Member McNulty stated that was a big misunderstanding there, so he just didn't.

Rich Williams stated he just didn't, you know I, he came in before the Board, for those of you who don't remember the past history, he came in before the Board, made all sorts of changes and his engineer said before I can finish up the site plan I need an as-built, you know and they got it apparently two months later and they just never brought it back.

Board Member McNulty stated either that or it was drawn it and he couldn't get it out of the engineer's hands.

Rich Williams stated maybe.

Chairman Rogan stated yeah, all right, Charlie, can you lead item three, I'm going to get some water, I'll be back.

3) THUNDER RIDGE SKI AREA – Continued Discussion

Vice Chairman Cook stated take your time, Thunder Ridge. We have since last meeting, two memos, one from Insite covering a number of items in response to Rich Williams' comments. Ron's questions for the engineer and that's it, so and we have the letter from DEC outlining a number of items that must be complete by the applicant moving forward. There are two interesting things in this memo, one they say that this is a response to your notice received by this department August 19th 2010, we only sent it out a month or so ago, so that's...

Rich Williams stated is the other interesting thing the next to the last sentence.

Vice Chairman Cook stated yes, that we have the ability to shift this up to Dover but I don't think Dover will accept it...

Board Member McNulty stated they'll approve it.

Vice Chairman Cook stated just change that Dover to Patterson...

Ted Kozlowski stated boiler plate letter.

Rich Williams stated you think...

Vice Chairman Cook stated classic, so does the applicant have a copy of this letter yet.

Rich Williams stated I don't know.

Vice Chairman Cook stated it doesn't show that they were CC'd on the letter...

Rich Williams stated no, then they don't.

Vice Chairman Cook stated so let's get that off to them, fax or however, e-mail or whatever, tomorrow please and we still have to hear from Army Corps...

Rich Williams stated you're not going to get a letter from Army Corps, Army Corps does not respond, first off, Army Corps is a NEPA agency, not a SEQRA agency, is the Federal Environmental Procedures Act...

Vice Chairman Cook stated okay.

Rich Williams stated so they generally don't respond to SEQRA, Kent went through this Patterson Crossing, Kent Planning Board insisted that they get a response from the Army Corps of Engineers on the Patterson Crossing and that went a year and a half and never happened but you are waiting for a response from New York City.

Vice Chairman Cook stated from who.

Rich Williams stated New York City DEP, their SEQRA review agency.

Vice Chairman Cook stated and how about Putnam County Health Department.

Rich Williams stated we've got a letter back from them, it just says we acknowledge the receipt of the letter...

Vice Chairman Cook stated oh we got that before.

Rich Williams stated yeah, we don't have a problem with Lead Agency and County the same thing.

Board Member McNulty stated when they refer to project sponsor, do they mean the DEP.

Rich Williams stated the project sponsor is the person proposing the action or the application.

Vice Chairman Cook stated the applicant.

Board Member McNulty stated Patterson Center...

Board Member Montesano stated do we send this back as incomplete or do we send it to Dover.

Vice Chairman Cook stated all right...

Board Member Montesano stated they don't know the Town they're working in, how did they get the approval sent up here...

Board Member McNulty stated I think we're lucky to get this.

Rich Williams stated the other piece of news is I got a call today and it was a little cryptic and I couldn't

get back to John, we kept missing each but he said that John Muro of Allied Pollution is okay with visiting the Fox Run Wastewater Treatment Plant next Tuesday or Wednesday at 3 o'clock, I'm assuming he was referring to the Planning Board walking through Fox Run Wastewater Treatment Plant because I can't imagine what else he would have me out there for, unless it's a final erosion control inspection...

Board Member McNulty stated right.

Rich Williams stated so does the Board have any opinion about next Tuesday or Wednesday.

Board Member Taylor stated Wednesday for me, Tuesday I can't.

Rich Williams stated okay.

Vice Chairman Cook stated what's good for you.

Board Member Taylor stated Wednesday would be for me, Tuesday I can't, I've already got something.

Vice Chairman Cook stated Wednesday is okay by me.

Board Member McNulty stated I'll have to check my schedule, Tuesday is going to be bad for me...

Rich Williams stated so we're looking at probably Wednesday.

Vice Chairman Cook stated Wednesday.

Rich Williams stated want to go...

Ted Kozlowski stated I can't make 3 o'clock.

Board Member Montesano stated you want me to give you a Dover pass or what.

Rich Williams stated can you make 4 [o'clock].

Ted Kozlowski stated you guys don't need me, I've said my comments on this, I mean, I don't know how much more I can add.

Vice Chairman Cook stated Ron maybe for next week if you have a chance to review this...

Board Member Montesano stated its known as the dead horse issue.

Vice Chairman Cook stated you can see if they answered your comments.

Board Member Taylor stated it was just one question I had, this thing of and I don't know the terms, of accessory use and primary use, whatever on a parcel, if the parcel is only the wastewater treatment plant and is not used for anything else, there is no primary use, right or that is its primary use.

Rich Williams stated it depends, I would consider that the Patterson Hamlet Wastewater Treatment Plant, which serves multiple users would be a principal use of that property, if it was only one user such as this, then I would consider it an accessory use.

Board Member Taylor stated but if there is no other use...

Rich Williams stated on that property.

Board Member Taylor stated yeah.

Rich Williams stated that's where it becomes a problem, is if you have the wastewater treatment plant on the property all by itself, its like having a garage with no house or a shed with no house on a piece of property, you've got an accessory use with no principal use...

Board Member Taylor stated right.

Rich Williams stated and that is not something you want to encourage, that is not something that you should really permit by our Code.

Board Member Taylor stated but it might be possible, I mean we don't want to encourage a bridge over the brook either necessarily, I mean we are always in situation where we have to choose bad choices...

Rich Williams stated well with this application.

Board Member Taylor stated well, with all applications, we are faced all the time with making choices and very often its between two evils in a sense, if we want to put it in a more, I don't mean anything moral by that but that is what I mean, we are always faced with, here we've got the choice, we would like the T C of O and yet we are violating the Code, it's the same kind of thing, so if the only solution is a separate parcel that only has one use on it, that is, I'm just trying to clarify these different things, how do we weight that against putting a bridge over the brook farther up stream, those are the two choices we're faced with...

Rich Williams stated correct.

Board Member Taylor stated okay, so that is all I wanted the clarification on.

Rich Williams stated if there is no way to merge the property then...

Board Member Taylor stated because of the road.

Rich Williams stated you might be creating the need for an area variance or at a minimum you're going to require the parcels to be connected by an easement.

Board Member Taylor stated yes, they would be conveyed together.

Rich Williams stated yes.

Board Member Taylor stated all right, so it's not illegal; it's just another difficulty...

Rich Williams stated it depends on where its sited and how its sited, really you would have to look at the specifics, like I said our wastewater treatment plant is a principal use, theirs is going to be an accessory and then where, if you took a look at putting it over on the side, between the lodge and Rocco's Pizza, well

there is nothing to prevent that parcel from being merged in. You're looking at putting it across the street, that can become an issue...

Board Member Taylor stated well that's what I'm looking at, well we're faced with, the alternatives we have, there seem to be two alternatives left in terms of alternative locations, one is the parking area across the street, once is that six acre parcel or part of the six acre parcel down the road, the problem with the six acre parcel as I see it, is its got to be merged all the way across the frontage with the lodge, that eliminates that whole front then which seems to be more of a problem in terms of...

Board Member McNulty stated I don't know why they'd have to take the frontage, can't they segment it.

(Inaudible – too many speaking at one time.)

Rich Williams stated you would have one big long piece of frontage rather than one big one and one smaller parcel on the side, one satellite parcel.

Board Member Taylor stated but you would have to take, wouldn't they have to take that all the way across where the pipes run underneath, wouldn't that all have to become part of the lodge.

Rich Williams stated it would all have to become one parcel.

Board Member Taylor stated that's what I'm saying, that's what I'm saying Tom, that is the problem we're faced with.

Board Member McNulty stated I understand what you're saying but I don't understand why it has to become one parcel.

Board Member Taylor stated because that's what the law is saying.

Board Member Montesano stated because that's what the law says but thing is this...

Ted Kozlowski stated is all six acres part (inaudible)...

Board Member Montesano stated those pipes...

Board Member Taylor stated the whole six acres don't have to be but the whole frontage up to wherever we put the plant would have to be, the slope across the front where the (inaudible) is...

Board Member McNulty stated their intention was they had to put retaining walls in to make it happen but...

Board Member Montesano stated right now they have various vehicles sitting on that parcel of land.

Board Member Taylor stated yes, they do.

Board Member Montesano stated for them to dig a hole even under the wall, for arguments sake which can be done and connect it, so they move the property if its necessary to keep it two individual pieces, you can move the property line one acre over, keep the frontage here on the lodge and that still leaves this piece...

Board Member Taylor stated yes it does...

Board Member Montesano stated with the five acres or whatever it comes out to.

Board Member Taylor stated right, yes it does, I'm just saying...

Board Member McNulty stated but if they were to take that piece, they'd make this parcel the frontage.

Board Member Taylor stated but they would also have to take this piece, from the lodge over to there has to be one parcel, that is what I'm talking about.

Board Member McNulty stated yeah but it is, its part of that parcel, they want to put it here, that's part of that parcel. Here is the proposed...

Board Member Taylor stated the lodge is on a different parcel, this is the lodge here, its on a different parcel than this, so what I'm saying it is they are going to have to take a strip, this lodge has got to be connected by (inaudible) so you're losing this frontage, this is the frontage I'm talking about, yes they can retain this by dividing this parcel...

Board Member McNulty stated I'm thinking this is part of the lodge.

Board Member Taylor stated no, it's not now, which is part of their contingency, what they want to do is create a line up here, this becomes lodge, this still stays open, unless they want access across here and just do this.

Board Member McNulty stated yeah I know, we should just make this, incorporate this and get rid of this line here...

Rich Williams stated they don't want to do that.

Board Member McNulty stated I know, they don't want to do anything.

Board Member Montesano stated well the object is they own this, they own this, and they own this, its not considered one parcel anymore.

Rich Williams stated no, as long as they are all conforming, now there is a question about whether this and this or if this one anyway is a conforming parcel...

Board Member McNulty stated why wouldn't it be.

Rich Williams stated it doesn't meet the acreage requirements.

Board Member Montesano stated now, they are putting it up here, am I correct, so now this piece stops here...

Rich Williams stated right.

Board Member Montesano stated so now they're going to another piece of property here...

Board Member Taylor stated no they are going to have to re-draw the property lines...

Rich Williams stated right.

Board Member Taylor stated they are going to extent this line to cover this and cover all this.

Board Member Montesano stated all right, so at the same point the right of way from this guy to this guy, gives the right to come across here with the piping, all it is, is pipe underground.

Board Member Taylor stated yeah but its not right of way, what has to happen is when they do this eventually, the lodge has to be extended, this property then, this is no longer right of way, it has to be part of the lodge property.

Board Member McNulty stated this becomes an accessory use to this main use.

Board Member Taylor stated so then they have to provide as part of this property, an easement across this for right of way to this, but that means this lose this frontage here.

Board Member Montesano stated the thing I'm looking at is during the duration, this is a separate piece of property, this is a separate piece, yet this piece of property is necessary for 6 or 8 months out of the year to keep this parcel in business.

Board Member Taylor stated yes.

Board Member Montesano stated so why is there a separation between this and this because its convenient for them...

Board Member Taylor stated yes, that is a very valid point.

Board Member Montesano stated this is where they make their money for 6 months out of the year, why isn't it made to become part of this, why is it convenient for him to separate this, this and this...

Rich Williams stated playing devil's advocate its because and I don't say that I agree with this but devil's advocate is because both parcels can operate independent of the other, you can run the lodge without the ski area, you can run the ski area without the lodge.

Board Member Montesano stated that I'd like to see, that I would like to see.

Board Member McNulty stated I don't agree with your second statement.

Board Member Montesano stated because they'd have to have some form of a building...

Board Member McNulty stated where do you rent ski equipment.

Rich Williams stated you don't have the rental operation.

Board Member McNulty stated where do you buy your tickets.

Ted Kozlowski stated but you need bathrooms.

Rich Williams stated you can stand at the lifts and sell tickets or you can get rid of the ski operation and just run paint ball.

Board Member Montesano stated by rights you can just get an engineer to design something to...

Rich Williams stated Tom, I didn't say I agreed with it.

Board Member Montesano stated that's the same situation.

Board Member McNulty stated its stretched...

Board Member Montesano stated tell an engineer to build a house up here and he can.

Board Member Taylor stated what I'm saying is we've got that problem, this has to become one parcel or these have to be somehow associated here.

Board Member McNulty stated with an easement here.

Board Member Taylor stated well more than an easement, this is a public road so you can't merge these two.

Board Member Montesano stated but this can be done.

Board Member Taylor stated well this could be done too, this is what I was asking Rich, its just, it means jumping through hoops to do it but we are left pretty much with this as alternative, that as an alternative and the proposed location and none of them, all of them have problems.

Vice Chairman Cook stated I think as you've said to start this off and let's go back, the applicant doesn't want to do it here and he doesn't want to do it here and he wants up there and that's what's facing us and that's what we should deal with...

Board Member Taylor stated I think you're right.

Vice Chairman Cook stated I think we're to the point where we've gone through numerous times with the applicant saying no, no and basically the DEP guy saying I can't force him and our own...

Board Member Montesano stated practice, practice.

Ted Kozlowski stated you were on a roll Charlie.

(Side 1 Ended – 7:43 p.m.)

Vice Chairman Cook stated and own legal counsel said you can't force him.

Board Member Taylor stated we can't force them but we can deny the application but we can't for them.

Vice Chairman Cook stated we have to focus on, we can deny it yes, we have to have obviously the reasons...

Board Member Taylor stated we have to have a reason and also, do we want to, I mean that's the other thing, is it practical to deny it or is it just going to go into court and then, I mean those are the issues we have to do with, I asked the lawyer some questions, Tom said they are going to clarify it in terms of are there legal issues involved in the stuff we're talking about that require us to go one way or another, in terms of, especially in terms of these separate ownerships, whether it means anything...

Vice Chairman Cook stated we'll do a follow up with Tim, okay...

Board Member Taylor stated Tim, right I'm sorry.

Vice Chairman Cook stated and I'll come back to that later in the agenda.

Board Member McNulty stated Bob and Alice are outside.

Vice Chairman Cook stated and Rich I have a question for you and one of the upcoming applications triggered this in my mind that the Thunder Ridge applicant prepared a Short Environmental Assessment Form, right...

Rich Williams stated yes.

Vice Chairman Cook stated should we ask for...

Rich Williams stated a Full Environmental Assessment Form...

Vice Chairman Cook stated full.

Rich Williams stated typically I always encourage everybody to submit a Full Environmental Assessment Form, it gives the Board a lot more information concerning the application what potential impacts may be, if its an unlisted action they are not necessarily required to submit a Full Environmental Assessment Form, if it's a type one they are required to submit a Full Environmental Assessment Form, if its an unlisted, they can submit either a full or a short but its up to the Board, if you want to see more information, you can request a Full Environmental Assessment Form.

Vice Chairman Cook stated I think we should do that.

Board Member McNulty stated I think we should too.

Board Member Taylor stated what happens if they go over an acre, with the disturbance, what kicks in then.

Rich Williams stated well then we're kicking in stormwater permits, if they go over an acre, then in addition to erosion controls they have to show water quality controls.

Board Member McNulty stated right now they are under an acre.

Rich Williams stated they say they are.

Board Member Montesano stated they claim they're under an acre.

Board Member Taylor stated Matthew, the engineer...

Board Member McNulty stated John.

Board Member Taylor stated no, no, not their engineer, our engineer.

Board Member McNulty stated Andrew.

Board Member Taylor stated Andrew, Andrew, he had said when he looked at it that he thinks because of, they're going to need a pad for the crane to drop this stuff in there that he thinks there is going to be more disturbance than they are calculating because they haven't figured out how they are actually doing this stuff. The bridge they are putting in is going to require a crane and it can't lift stuff up and, lift it over the trees and drop it down, the trees have got to come out where its swinging stuff in and out, and so on, so he thinks there is going to be much more disturbance and they are at what .9 tenths of an acre now...

Rich Williams stated yeah, very close .96.

Board Member Taylor stated yeah so that's and then, that means another plan or what.

Rich Williams stated that means they are going to have to modify their stormwater pollution prevention plan to provide for water quality controls.

Board Member Taylor stated okay.

Board Member Montesano stated which would give us some form of control over what they're doing, on, at least on the stream again.

Board Member Taylor stated yeah it would be better for the stream and the only other question I had is, is it time to involve the public, do we want to hear from the public, not a, like we said, the preliminary public thing.

Vice Chairman Cook stated right.

Board Member McNulty stated pre-notification, are we at that stage.

Board Member Taylor stated I just, if we are going to have input, it seems like now would be the time for input because we are reaching the point where we are going to have to make a decision.

Board Member Montesano stated yes.

Board Member McNulty stated when would that trigger, when we approve a site plan.

Rich Williams stated no, generally when you are comfortable with the application as its presented to you, is starting to move forward with the process and typically with a site plan you know that that when they make the initial site plan application with a subdivision when they make the initial subdivision application. This is a little bit funky because you know we are just getting to the point where the Board is comfortable with where its being proposed, the location its being proposed.

Board Member Montesano stated comfortable, I don't know if we are comfortable, stuck is more of the word I would use.

Board Member Taylor stated stuck, that's kind of the way I feel kind of stuck.

Board Member McNulty stated yeah.

Ted Kozlowski stated can I jump in here, as somebody likes to say.

Board Member Taylors stated sure.

Board Member McNulty stated speak up.

Ted Kozlowski stated and I've said this before and I am just going to be reiterating kind of what I've been saying. We have a wetlands/watercourse law in this Town, this is a wetlands and watercourse permit, in my estimation this clearly goes against the intent of that law to protect the natural resource, when we clearly in my mind and in my estimate that there are alternatives to put this necessary building that is very needed by the ski area which is needed by this Town, to me sitting here at all these meetings, this applicant refuses to bend. Its either here or it doesn't happen or whatever, there are two hundred some odd acres, you don't have to cross that stream, there are all sorts of environmental impacts related to that and when we were out on that site walk, putting the structure, whatever you want to call it, to the south of the ski area on that parcel, to me makes all the logistical sense in the world I mean you're not pumping stuff uphill, you're not interfering with a residential area, you're not interfering with a residential rural road, you're not interfering with a stream corridor that is pretty much pristine for that stretch and I will be honest and up front I cannot believe that that road once its completed will not be used for other purposes than to service a sewage treatment system and there will be more impacts down the road. Now as much as Thunder Ridge is appreciated in this Town by the kids who skied there, I think its an important resource, an asset they have a terrible history of environmental protection and I and this Town Planner have tried to work with them repeatedly without issuing violations, trying to work, constantly educated and do the right thing, it hasn't happened and I have no reason to believe that it's going to happen now, so that's my argument, that's what I believe, you guys have to make the decision, it's not my decision, you're necks are on the line to a certain degree but why have this law then, why are we going through all this process if we're not going to protect the resource that is important to this Town and to the residents then why am I here.

Vice Chairman Cook stated I think and I'm not taking their side Ted but I think that their argument has been all along but we're mitigating things and that has been their response.

Ted Kozlowski stated but you can mitigate, you know.

Vice Chairman Cook stated I know what you're saying.

Ted Kozlowski stated you mitigate that initial impact but I guarantee you that there'll be further impacts down the line, as we go, we're opening the door, that door will swing wide open and we will have constant problems when and it's not like we can't do it anywhere else, it can't happen anywhere else, it can.

Vice Chairman Cook stated and they basically agree with that, they will tell you it can't fit or whatever it might be but yeah, I mean they could mitigate those alternative locations too.

Board Member McNulty stated were you able to find out all these properties involved, are the taxes paid up.

Rich Williams stated I haven't checked yet.

Vice Chairman Cook stated all right.

Board Member Taylor stated there is one thing that puzzles me through all of this which we asked and the engineer side stepped us, the owner would answer and that was that the use is only in the winter time, what are they doing in the summer time, are they just going to pump.

Board Member McNulty stated well the lodge does cater.

Board Member Taylor stated I know but the permit and what they are talking about, they are talking about shutting the plant down in the summer time until winter, there is (inaudible – too many speaking at one time).

Vice Chairman Cook stated that's what they requested on the permit, a 6 month permit.

Ted Kozlowski stated that lodge is used for weddings, political things, social events...

Board Member McNulty stated you go on the website its up for rental, it's going to be used year round.

Board Member Taylor stated so what's going on, are they simply going to pump it the rest of the year, they haven't told us, they don't say what they're going to do.

Rich Williams stated I would be surprised if they actually shut the plant down during the year...

Board Member McNulty stated yeah.

Board Member Taylor stated that is what they are proposing to do.

Rich Williams stated I know that is the basic gist of that but I would be surprised, the membranes dry out, if you don't constantly keep them moist and wet and keep the plant operating, maybe you're not processing sewage or as much sewage but you have to keep the plant running and you have to keep it circulating.

Board Member Montesano stated yeah well.

Board Member Taylor stated so why do they, is there some reason that they are saying it's only going to be seasonal, is there some limiting factor here that we don't know about.

Rich Williams stated as Tommy said there are other activities conducted there throughout the year...

Board Member Taylor stated yeah, I know I've been there.

Board Member McNulty stated Halloween rides...

Board Member Montesano stated we can ask again.

Vice Chairman Cook stated get it clarified.

Board Member Taylor stated yeah because otherwise they are putting four and a half million dollars into something that is only of use to the ski area.

Board Member Montesano stated you've got to realize...

Vice Chairman Cook stated its part time investment like, expense.

Ted Kozlowski stated should you ask him for a Bog Turtle study too.

Board Member Montesano stated I am not.

Board Member Taylor stated yeah, we could.

Ted Kozlowski stated well DEC is saying it's in the area.

Board Member Montesano stated somebody is not interested in whether that plant survives or not, they're not paying for it.

Board Member Taylor stated I know, I understand that, I understand that.

Board Member Montesano stated no and this is the attitude you get because we can't talk to them, he could possibly shut it down and when he says oh we've got something going on turn it on and if it fails, he's not going to worry about it, maybe the City has to have a response to come up and repair it.

Board Member Taylor stated yup, yup, I know.

Board Member Montesano stated and that's how he is, he's been that way, history has been done with Patterson Center which is the little shopping center here, insisting that it was Patterson center and was told that it is not the center of Patterson, please don't name it as such and that went on for, until it got approved and then it was changed anyway, if I remember right and that goes back to his attitude.

Board Member Taylor stated well I just, I bring that point up because it seems it's pertinent to our whole consideration because part of what we're talking about is the use of this property in the future if the ski area fails, what's going to happen in the future, well they are going to want to run restaurant or something but it is limited to seasonal use then...

Rich Williams stated it is a simple application to the DEC to make it year round.

Board Member Taylor stated so then it is not, they're not limited by their SPDES permit or something...

Rich Williams stated they are limited by their SPDES permit they need to amend their SPDES with the DEC to do that and they can.

Board Member Taylor stated okay so it's not prohibited, it's just some over sight into what they've done.

Rich Williams stated right.

Board Member Taylor stated okay, all right.

Vice Chairman Cook stated Ted you alluded to a question and I think that certainly after we've had time to really look at the DEC letter which we just received tonight that we'll be asking them to do virtually everything that is in this letter.

Ted Kozlowski stated okay.

Board Member Montesano stated one question, that insistence on being putting up on that top point, on top of the hill, what difficulty would it take and the City seems to be condoning, what would it be to expand that plant so the possible project just above it could be used with houses to connect to that system.

Board Member McNulty stated they said they wouldn't do it.

Board Member Taylor stated it is because of the volume of the SPDES permit, they are limited on volume aren't they.

Rich Williams stated if there was a project or a series of septic systems that were up gradient that were failing and could not be repaired or replaced on site, or in any other manner, then you would find the possibility of the DEP considering expanding that plant, as they did with the Patterson Hamlet plant, all right, we ran into this with the Patterson Hamlet plant, a little bit of history, Cornwall Meadows had serious issues, Patterson Village had serious issues, Covington Green had serious issues, we tied them up in knots forever until we got Front Street in who also had serious issues, they would not consider South Street, they would not consider North Street, they would not consider you know the small lots back here, they wouldn't consider anything else, just wouldn't and that is the way they are everywhere, they do not want service discharges, they do not want wastewater treatment plants expanded.

Board Member Montesano stated we are allowing a wastewater, if I recall and you can correct me any time, they had said that we had reached the maximum plants allowed, yet we are having a new one put in. If I remember a few years back, New York City said you're allowed 10 and had 11 and that was it, they weren't going to, now we are having another one put in, what I'm wondering is, fine change of administration, change of policy, whatever, which unfortunately can occur, there was a project up there for x amount houses, why couldn't they possibly apply to New York City and get the fact that there is a plant right here all we would have to do is expand it for arguments sake, one extra building and we can connect all these houses and that would save their water.

Rich Williams stated are you talking about Summerfield...

Board Member Montesano stated whatever the heck, the N.R.A. thing.

Rich Williams stated it would never happen Michael because he can get septic on his site.

Board Member Montesano stated I realize that but at the same way it'll never happen could possibly mean that someone else comes over and says all right, we can do that and it's a part of their system, at no cost to them, what do they care if they expand it and it worked.

Rich Williams stated Michael you're talking about a subdivision project that has more than adequate room to put septic systems on it, it would never be considered to be allowed to tie into a wastewater treatment plant.

Board Member Montesano stated okay, I'm just trying to use the way why is it really necessary to be in that location.

Rich Williams stated and you think you have impacts to Stephen's Brook now, what are you going to do when you run a sewer line the whole length of Stephen's Brook.

Board Member Montesano stated as far as I can see, they could care less what impact it has as long as they have a place to put it in.

Rich Williams stated all right, anyway, Charles...

Vice Chairman Cook stated okay.

Board Member McNulty stated I would like to see it at the bottom of the hill so they can tie the restaurant in, Daniel J's but they said that wasn't going to happen, the Alpine.

Board Member Montesano stated Daniel J's, the diner, the whole nine yards.

Board Member McNulty stated it just makes sense to me but...

Vice Chairman Cook stated let's take the time before next meeting to read the Insite letter, to read the DEC letter, let's after next week's meeting we discuss about the public, is it appropriate timing or when would it be, before a public hearing, if we get them in now we would be rehashing things, you know we have to be careful...

Board Member McNulty stated well if they come in now, can they comment if it's not a public hearing.

Vice Chairman Cook stated there is going to be an expectation that they're going to get updated, I have a feeling, so let's think about that.

Board Member Montesano stated oh yeah, that's true, we also have to get Timmy's response.

Vice Chairman Cook stated okay, all right.

Rich Williams stated Shawn.

Board Member Montesano stated he's being indisposed of.

Rich Williams stated he's dying to get back in here.

Board Member Cook stated let the record show that Shawn has rejoined us.

4) TAGGART ESTATES SUDIVISION – Final Subdivision Application

Chairman Rogan stated okay Taggart Estates Subdivision, final subdivision application, what do we have on Taggart, we're moving along right.

Rich Williams stated yeah, the Board has the final subdivision application that has been submitted on Taggart, inclusive of pretty much everything right up to the bond.

Chairman Rogan stated wow, nice.

Board Member Cook stated when we gave them the...

Board Member McNulty stated yeah, that was nice, good job Ron.

Board Member Cook stated pre approval...

Chairman Rogan stated preliminary approval.

Board Member Cook stated preliminary approval.

Rich Williams stated they have preliminary approval on the application.

Board Member Cook stated and they had to cover certain things, that they have done.

Rich Williams stated we are currently going through the plan to you know make sure everything is done, both the Town Engineer and myself but yeah, it seems fairly complete.

Board Member Taylor stated how do you feel about the barn.

Rich Williams stated I like the idea of keeping the barn there but it needs to address certain Zoning issues and part of those are determined by where they locate the future house on the site and how big that house is going to be which is somewhat of an unknown at this point.

Board Member Taylor stated so can that be addressed in the future.

Board Member McNulty stated will the final approval have contingent to for that particular lot.

Rich Williams stated the problem is the Planning Board can't approve a lot with a Zoning violation on it so it needs to be addressed now, we need to make some basic assumptions if those assumptions change in the future, they can adjust the variance but...

Chairman Rogan stated you're talking about lot 3.

Board Member McNulty stated no lot 12.

Chairman Rogan stated the barn on lot...

Board Member Taylor stated no, talking about the barn on lot 3.

Chairman Rogan stated that's got it, up close to the road. So Rich, can we send them, I mean can they go to the Zoning Board at...

Rich Williams stated they can go straight to the Zoning Board because they have a subdivision application without a referral or denial, they are looking for a recommendation from the Planning Board.

Chairman Rogan stated well I mean, you know, it is an existing structure, you know it's not like they are looking to place it there.

Rich Williams stated yeah but you know the Board certainly can say we just don't think it is an appropriate structure, it's in a deteriorated condition, tear it down.

Chairman Rogan stated is that the barn that we walked into though.

Rich Williams stated no.

Chairman Rogan stated that is not the barn that we walked when we were with Theresa, the white one.

Rich Williams stated I don't remember, let me take a look at the plans before I shoot my mouth off anymore.

Chairman Rogan stated okay.

Board Member Taylor stated can the house be moved like you say or by the looks of the terrain there isn't room to move that house.

Chairman Rogan stated we were in that barn, that was the one everybody commented this is such a great structure, it would be a shame to lose it.

Rich Williams stated I thought there were two out there, I guess the other one I'm thinking of is the garage that they tore down.

Chairman Rogan stated maybe, okay great, work through these plans and be sure we're all set.

Board Member Cook stated for the final approval, we can just do that, there doesn't have to be another public hearing, can we waive the public hearing or...

Rich Williams stated you can waive the public hearing if you so choose if you felt there was no controversy of comments on this.

Chairman Rogan stated there was quite a bit of comment at the but some of it dealt more with the intersection of Ballyhack [Road] and that had kind of its own impedious and but we might want to go back and look at the minutes on that, you know it might be especially given that we are trying to now include people more in the process early on, we might just as well have the public hearing than not.

Ted Kozlowski stated can I ask a question.

Chairman Rogan stated okay, of course.

Ted Kozlowski stated in, I should have brought my glasses because I can't see some of this, I feel like Dave Pierro here but I had requested that they consider some sort of post and rail or something along the

road on the wetlands side so it would be sort of a hazard for people to just dump stuff into the wetland because its kind of a no man's land. I'm a little, I like the fact that they are saving the wetland and doing all this wonderful stuff but I'm a little leery of maintenance and you know, whose going to maintain (inaudible) it will be so easy we had this problem many times in Patterson, Richie's next door neighbor used to be the recipient of a lot of debris from the neighbor across the street, cleaning the leaves, you know the leaves, the branches, the grass cuttings, its very easy to just drag it and dump it right into that and that's not what we want.

Chairman Rogan stated right.

Ted Kozlowski stated so that was the reason for my suggestion and doing something along that side of the road where they put the road in.

Board Member Taylor stated you're talking about the Seely Farm Lane Road.

Ted Kozlowski stated yeah.

Chairman Rogan stated yeah for this area.

Ted Kozlowski stated they are parallel to the wetland, all of those houses...

Board Member Taylor stated those houses can't walk across the street.

Ted Kozlowski stated you know they get those so called gardeners who come in...

Board Member Taylor stated yeah, sure.

Ted Kozlowski stated it all winds up out there.

Chairman Rogan stated Ted you also spoke about maybe informational signs or something a little more...

Ted Kozlowski stated some sort of, like we have at the entrance to Patterson...

Board Member McNulty stated a piece of land (inaudible).

Chairman Rogan stated put a little more emphasis on it.

(Inaudible – too many speaking).

Rich Williams stated I think it should be, George Michaud thinks it should be, they say there is nothing they can do about it.

Board Member McNulty stated my question Shawn is the section of Gore strip...

Chairman Rogan stated the Gore strip, yeah.

Board Member McNulty stated what do we do with it.

Chairman Rogan stated well its not part of this...

Board Member McNulty stated we can go with legal counsel, is it a legal issue.

Rich Williams stated to some degree it is. Leave it alone, I'll put a house on it.

Chairman Rogan stated with a helicopter pad.

Board Member Montesano and a race track.

Board Member Taylor stated they haven't included it in the property, right.

Chairman Rogan stated exactly, so its not a part of this application, that piece of property hasn't been included in this subdivision plat.

Rich Williams stated well that's the problem, when you file this subdivision plat you're going to create a piece of property in no man's land.

Chairman Rogan stated yeah.

Board Member Montesano stated that's all right, it will be sold for taxes one day.

Board Member Taylor stated well it doesn't exist.

Chairman Rogan stated well its such unusable property that is the funny part, you look at the slope out there its...

Board Member McNulty stated that's why its there.

Chairman Rogan stated you can't get to it anywhere without having some good rock climbing gear.

Board Member Montesano stated there you go, we can open a rock climbing school.

Board Member Taylor stated when they do the executive park, we can ask them to include it in their filing...

Board Member Cook stated hey Ron, is the name Seely Farm Lane appropriate.

Board Member Taylor stated yeah.

Chairman Rogan stated okay so let's continue our discussion and at the meeting we can talk about the wetland issue and move forward.

5) M&S IRON WORKS – Site Plan Application

Chairman Rogan stated M&S Iron Works...

Rich Williams stated similar to Taggart you've got an actual site plan application for M&S Iron Works, the first submission in on the site plan application, the application is fairly complete, little things here and there.

Ted Kozlowski stated and it's a lot without wetlands.

Rich Williams stated you have a bigger problem with this one, we have the vernal pool in the back you have to be...

Chairman Rogan stated yeah, thinking about where...

Ted Kozlowski stated is that vernal pool part of this lot.

Rich Williams stated no.

Board Member Taylor stated does it receive run off from this lot.

Rich Williams stated yes, so we just have to make sure how the run off comes off of this lot, how its routed so that it doesn't (inaudible – too far from the microphone).

Board Member Taylor stated and what is this issue on siding, it seems to me like metal buildings in an industrial zone, I don't see a problem with it.

Board Member McNulty stated there are other buildings there now with metal skin, aren't there...

Board Member Montesano stated yes.

Rich Williams stated yes, I mean the problem is two fold, one is appearance, the other is when that was put in the Code it was back in the 2000's, metal siding has actually come a long way since then and holds up much better, if you go to the metal sided buildings out in Robin Hill Corporate Park, they all have problems, they are all rusting, they look a little tacky and the property owners didn't really respect the metal as much and if they needed to cut a hole through, well they just went out there with a saw, any old size and cut a hole.

Board Member McNulty stated it wouldn't look for an iron works to have a beat up old building.

Rich Williams stated no, new metal siding has come a long way since then, so it's holding up a lot better.

Board Member Montesano stated we paint it rust color so it matches.

Chairman Rogan stated yeah.

Board Member McNulty stated what about the parking space issue; I know they want to land bank more then were requesting.

Rich Williams stated based on what he's saying he has to employees, 19 parking spaces is going to be more than adequate.

Board Member McNulty stated sounds like it.

Rich Williams stated I thought he needed some parking in the back because typically most operations their day laborers go through a different entrance than the office help, he's saying they all go through the same entrance.

Chairman Rogan stated plus with the phasing of this project we have the opportunity at each part to address things as they come up, you know I mean even though they're looking for approval for the whole thing, there are still opportunities to address things either through the Building Department when they start another phase, doing it and maybe we can do that as part of the approval that we can re-evaluate the site for the parking you know at each phase.

Rich Williams stated yeah I was just going to have them put the standard note on that any time the Planning Board finds there is a need for the parking, they are going to have to install the parking either in whole or in part.

Chairman Rogan stated we've...

Board Member McNulty stated even in their comments they said that they would be willing for us to assess them as they go and if they need more...

Chairman Rogan stated and we've used that tact in terms of the land banking but I don't recall that we've ever actually asked someone to put in the spaces, you know...

Rich Williams stated never found (inaudible).

Chairman Rogan stated never found a problem but procedurally I wonder how that would work if we found a problem and said okay you land banked 40 spaces we think you need to develop ten more and they say you know, sorry, we don't think you do, we don't agree with your assessment, we've never had to press that issue, I'm hoping that we'll have a good enough relationship with these businesses that that won't be an issue, you know. I wish we had land banked spaces at some of our commercial projects on Commerce like Eastern Jungle Gym because they always seem to be out of parking down there, they create their own spots but...

Board Member Montesano stated well the fun of it is the minute they have a parking space designated as such they use it for something to be parked there but it's not a vehicle it's usually pots or storage...

Chairman Rogan stated not mobile, yeah, well do you think we'll be in a position where we can get out on this site now that the weather is just about...

Rich Williams stated oh yeah.

Chairman Rogan stated done.

Rich Williams stated I think its ready to be staked and get out there and...

Chairman Rogan stated we're long over due for some field work I think, as a Board.

Board Member Montesano stated we can go out tomorrow, I don't mind.

Chairman Rogan stated you know in the next few weeks as the weather improves we can get out you know with the site plan and take a look at things. This is a pretty level lot except for the back end of the lot where you have a rock outcrop down to the highway but one of the easier sites.

Board Member Cook stated not that they should do it but can you or Ted or somebody like identify this vernal pool.

Ted Kozlowski stated when we go on the site walk, we'll go to it.

Rich Williams stated he can't talk about it, don't talk about it.

Chairman Rogan stated we'll, I remember walking around it and...

Ted Kozlowski stated Monteleone doesn't own that one.

Chairman Rogan stated the peepers are probably going crazy.

Ted Kozlowski stated what.

Rich Williams stated he's got a contract on it.

Chairman Rogan stated the peepers are probably down there right now going crazy right...

Board Member McNulty stated not tonight.

Ted Kozlowski stated the peepers are all screwed up.

Chairman Rogan stated yeah.

Ted Kozlowski stated they were out the week before last.

Board Member Montesano stated bring the balloons.

Board Member Taylor stated do we not (inaudible).

Board Member McNulty stated anything you saw outstanding other than that pool, the vernal pool, from what I've seen everything looked pretty complete.

Rich Williams stated as commercial sites go, well I mean he's got a lot of little detail like the radius, details on the curbing, you know there's always a hundred little details to layout controls you need on the plans to make them complete but...

Board Member Montesano stated is there enough room for stonewalls.

Rich Williams stated you know I mean this thing is just about ready to go to public hearing.

Chairman Rogan stated let's get a site walk on it.

Rich Williams stated (inaudible).

Board Member Montesano stated would it be possible for a stonewall to be put around the vernal pond.

Ted Kozlowski stated no, you don't want that.

Chairman Rogan stated you don't want that.

Board Member Montesano stated you can't put it far enough back that...

Board Member McNulty stated it'll dry right up.

Ted Kozlowski stated no, you need that amphibian access.

Board Member Montesano stated oh okay.

Board Member McNulty stated weep holes.

Chairman Rogan stated great, its nice to see when a site lays out and is planned appropriately and I would love to be able to see this go start to finish in you know, record time.

Rich Williams stated so would others.

Chairman Rogan stated it would be nice but you know what, there's no reason though when you plan and you put the right project on the right site, there is no reason why it can't go like that so.

Rich Williams stated this I've been so wrong about it I mean its (inaudible).

Board Member Montesano stated what was that Murphy's Law statement.

Board Member Taylor stated on the site, do they have to get a Zoning variance, what happens with that.

Rich Williams stated its up to this Board.

Board Member Taylor stated its up to us, okay.

Chairman Rogan stated and we've waived it, that would be a site plan waiver just like the parking, land banking the parking and stuff we...

Board Member Taylor stated and they are going to bring us chips and stuff so we'll be hitting all the...

Chairman Rogan stated yeah.

Board Member Taylor stated it looks like we're ready to go on this one.

Board Member Montesano stated yeah.

Chairman Rogan stated all right...

6) OTHER BUSINESS

a. Levine Fill Permit

Chairman Rogan stated Levine Fill Permit.

Rich Williams stated I guess you've all gotten my correspondence back and forth about the DEC who has waived once more. Where we stand right now with the DEC is setting up a field walk between the Health Department, the DEC and the Town of Patterson and you know the question is who wants to be involved in that, who wants to go, who doesn't want to go, you know how do I respond, do I respond.

Chairman Rogan stated it would be great if you can seize the moment while everybody's talking about it and set up, try to set some kind of a date for April, so that we are going to be clear of the snow and you know, this is the most activity we've heard from the DEC as of late so it would be nice to jump on that opportunity...

Rich Williams stated sure.

Chairman Rogan stated you know and just try to set it up and in terms of anybody from the Board, if we can have one or two representatives go, that would be great, you know.

Board Member Montesano stated I nominate Shawn.

Chairman Rogan stated I nominate anybody but me.

Board Member Cook stated I would think that yourself, Rich, Ted, you know...

Chairman Rogan stated yeah.

Board Member Cook stated you know, the Department of Health and DEC, you know what's convenient for you guys, we set the date, you let us know whoever is available to go out also...

Board Member McNulty stated yeah.

Ted Kozlowski stated I really want to be there because they put my department through the ringer for far less and this last correspondence about not getting involved in residential areas...

Board Member McNulty stated I found that surprising.

Chairman Rogan stated yeah.

Ted Kozlowski stated that to me really want to talk to them about that.

Rich Williams stated so your schedule is you can make it up here.

Ted Kozlowski stated just give me enough heads notice, do you have any idea of when this might happen.

Board Member McNulty stated no, that's a lot of people to coordinate.

Rich Williams stated so, no, so any time during the day...

Ted Kozlowski stated when are you looking.

Rich Williams stated I'm not looking, I'm going to respond to him saying we want to be involved in this site walk, you know these are the times that are convenient for our people...

Ted Kozlowski stated I just can't make it on the 15th if you're doing it very soon.

Rich Williams stated anything else.

Ted Kozlowski stated yeah, next Friday, I'm going to be in Baltimore.

Rich Williams stated and that's...

Chairman Rogan stated that'd be the 8th.

Ted Kozlowski stated the 8th.

Rich Williams stated all right, that's good, the day after the Planning Board.

Chairman Rogan stated okay.

Rich Williams stated inside joke.

Chairman Rogan stated okay.

c. Project Updates

Chairman Rogan stated project updates.

Board Member Cook stated that's the one I asked to be put, just so everybody knows, I sent an e-mail off to Tim Curtiss listing out a number, about five applicants from way back when to now saying that they haven't complied with their conditional approvals and would he speak with either the Supervisor or the Town Board to get the okay to start pursuing these folks. They are just hanging out there, virtually ignoring the Town so you know, they came in, they spent a lot of time, money, we spent a lot of time, we gave them their approvals and they haven't fulfilled their obligation, I'm talking about Justin's Auto Body, the Garden Center, Mystic Salon, IO Welness and Kent Supply and you know I think we owe it to ourselves to push and see that you know get these folks to come in you know a little bit like what Rich had to do with Eurostyle there, you know he's tried before and we asked for this last year and it became a matter of money and it was, get the correspondence back that said hold off, Curtiss was told hold off and you know bring it back next year, so I'm just following up on that. That's all that part is and the same way now, Euro didn't answer Ron on Thunder Ridge some comments, so I just want to get it on the record and Tim is here next week and we'll bring it up again.

Rich Williams stated did you say if Tim's here next week.

Board Member Cook stated Tim.

Board Member McNulty stated any new word on this Boniello information.

Chairman Rogan stated what information are you talking about.

Board Member McNulty stated on this letter February 25th.

Rich Williams stated the one that got sent back to Joel, I've been contacted two or three times since then by Joel concerning Boniello but it had nothing to do with the site plan, it had to do with the lot line adjustment.

Board Member McNulty stated he wrote a letter I see, thinking that the Planning Board is holding him up, that he's holding us up, I just saw that letter...

Rich Williams stated Boniello, Anthony, the only letter he wrote that I recall was a few weeks ago where he said the Town Attorney was going to get back to him with an agreement for a payment schedule and he never heard anything.

Board Member McNulty stated yes, but his comment was there that he didn't want to think that he was holding the Planning Board up but...

Chairman Rogan stated yeah.

Board Member McNulty stated the Town Attorney is holding him up.

Rich Williams stated right.

Board Member Cook stated and Tom I did not include him in my e-mail to Curtiss because of that letter thinking that things were moving along.

Board Member McNulty stated okay.

Board Member Taylor stated maybe you should.

Board Member Cook stated way back way, we'll bring it up again, we'll bring it up next week, so...

Chairman Rogan stated have all the right people in the right room. Ted anything from you this evening, no...

Ted Kozlowski stated I have, Rich forwarded me two individuals that had damages to their bridges from the storms...

Chairman Rogan stated only two, it's always something else.

Ted Kozlowski stated so I am going out tomorrow and Saturday morning to look at them and they might be emergency repair kind of stuff, one is a guy's access to his house so.

Chairman Rogan stated wow.

Board Member McNulty stated is it along [Route] 292.

Rich Williams stated one is [Route] 292, the other is on Fair Street.

Board Member McNulty stated I was wondering if any of those bridge on [Route] 292 would get washed out.

Chairman Rogan stated after the storm, now I know that was really significant, probably, what would you classify that storm that we had, back to back storms that we had a couple of weeks ago, that's not a hundred year event but it was certainly...

Rich Williams stated no I mean...

Board Member McNulty stated that Sunday night storm was one of the heaviest rains, I've only seen the swamp that high once before.

Rich Williams stated but the swamp was high because of all the...

(Side 2 Ended – 8:21 p.m.)

Rich Williams stated a two year storm is 3.5 inches of rainfall...

Chairman Rogan stated within a certain time frame.

Rich Williams stated within a 24 hour period.

Chairman Rogan stated oh 24 hours...

Rich Williams stated the numbers I saw ranged between 3.1 and 3.9.

Ted Kozlowski stated plus you had snow melt on top of that.

Chairman Rogan stated right.

Rich Williams stated well that's what I'm saying, it was exacerbated by the snow melt and by the other rain that we had just before that.

Chairman Rogan stated what struck me I think it was the intensity, the volume of water in the short amount of time Sunday night that was so bad that Ice Pond Road was so washed out that the swamp on the Ice Pond Estates side is just, there are areas in there that the item four is just packed into the, they lost probably a couple of truck load of item four into that swamp and it got me thinking about improvements we're talking about for the Ice Pond Estates and how important it is after those improvements are done for the Town to finish off the job because you could end up losing a lot of that work with that kind of a rain event, the stream that goes under Ice Pond [Road] where the dirt road and the pavement meet, closer to Bullet Hole [Road], the water had to be, I drove through it at one point, I actually thought, I wasn't sure if I was going to get through but I met it was a foot and a half head of water over the top of the road at that point and that was at eight thirty, nine o'clock or whatever it was, seven o'clock in the morning.

Board Member McNulty stated Sunday night it rained for a long time, it wasn't even a short time it rained for hours non-stop, that was a heavy rain.

Chairman Rogan stated yup, really amazing, so, I mean I know a lot of towns are dealing with a lot of issues but that really shows you with these drainage issues and dirt roads what can happen, the Town was out there real quick, they did a great job on Ice Pond [Road] but they had their hands full just getting that road back to some semblance of passibility, you know...

Board Member McNulty stated wait for the water to go down.

Board Member Montesano stated I've got an empty pool, it crushed everything in sight, between the snow on top of it, the weight of the water, it just...

Chairman Rogan stated anything else from anyone, for on the record. Anyone have a motion.

Board Member Montesano stated I have a motion.

Board Member Taylor stated that adjourn.

Chairman Rogan stated I'll second that.

Chairman Rogan asks for all in favor:

Board Member Taylor	-	aye
Board Member McNulty	-	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 8:25 p.m.