

**TOWN OF PATTERSON**  
**PLANNING BOARD MEETING**  
**May 6, 2010**

**AGENDA & MINUTES**

	<b>Page #</b>	
1) <b>Joey McKneely – Wetlands/Watercourse Permit Application Public Hearing</b>	1 – 4	Public Hearing opened and closed. Negative Declaration of SEQRA granted. Wetlands Permit granted.
2) <b>O’Mara – Wetlands/Watercourse Permit Application Public Hearing</b>	4 – 7	Public Hearing opened and closed. Negative Declaration of SEQRA granted. Wetlands permit granted.
3) <b>Uncle Louie G’s – Sign Application</b>	7 – 10	Window sign approved.
4) <b>N.R.A. Realty &amp; Development Corp – Wetlands/Watercourse Application</b>	10 – 14	Discussion of bridge, driveway and drainage.
5) <b>Tom’s Barbershop</b>	14 – 17	Negative Declaration of SEQRA granted. Amended Site Plan Approval granted.
6) <b>Patterson Auto Body</b>	17 – 23	Public Hearing scheduled for June 3, 2010. Discussion of survey and septic plan.
7) <b>Wireless Edge at Quail Ridge</b>	23 – 40	Public Hearing schedule for June 3, 2010. Discussion of access, disturbance, carriers and generators.
8) <b>Hudson Valley Trust</b>	40 – 52	Discussion of use of site, access and parking. Intent for lead agent declared.
9) <b>Watchtower Education Center – Amended DEIS</b>	52 – 54	Document deemed complete with conditions.
10) <b>Other Business</b>		
a. <b>Project Update</b>	55, 72 – 76	Held over for May 27, 2010 Work Session
b. <b>Fox Run Phase II Zoning Change</b>	55 – 61	Discussion of unit count and age qualifying.
c. <b>Barjac Corp. Site Plan Discussion</b>	61 – 68	Discussion of bridge and possible alternatives.
d. <b>Front Street Gallery</b>	69 – 72	Discussion of building mounted vertical sign.
11) <b>Minutes</b>	76	February 23 <sup>rd</sup> & March 4 <sup>th</sup> Approved.
<b>Discussion of Petrillo fence bond</b>	76 – 78	Discussion of C.O. and bond.

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

Michelle Russo  
Sarah Wagar  
*Secretary*

Richard Williams  
*Town Planner*

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



**TOWN OF PATTERSON**  
**PLANNING & ZONING OFFICE**

**ZONING BOARD OF APPEALS**  
Howard Buzzutto, Chairman  
Mary Bodor, Vice Chairwoman  
Marianne Burdick  
Lars Olenius  
Gerald Herbst

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

**APPROVED**

**Planning Board**  
**May 6, 2010 Meeting Minutes**

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

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

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

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

Michelle Russo was the Secretary and transcribed the following minutes.

There were approximately 13 members of the audience.

Chairman Rogan stated thank you, please be seated.

**1) JOEY MCKNEELY – Wetlands/Watercourse Permit Application Public Hearing**

Mr. Joey McKneely was present.

Chairman Rogan stated please ask the Secretary to read the public hearing notice for Mr. McKneely's Wetlands/Watercourse Permit.

The Secretary read the following legal notice into the record:

**NOTICE IS HEREBY GIVEN** by the Town of Patterson Planning Board of a public hearing to be held on Thursday May 6, 2010 at 7:30 p.m. or as soon thereafter as may be heard, at the Patterson Town Hall, 1142 Route 311, Patterson, Putnam County, New York to consider an application entitled **"Joey McKneely Wetlands/Watercourse Permit Application to allow the construction of an addition to combine two existing single-family homes. The properties are located at 70 & 74 South Lake Drive,"**

Patterson, New York. All interested parties and citizens will be given an opportunity to be heard in respect to such application.

Chairman Rogan stated Mr. McKneely good evening.

Mr. McKneely stated yes.

Chairman Rogan stated could you please come on up and state your name for the record.

Mr. McKneely stated hi.

Chairman Rogan stated hi, state your name please.

Mr. McKneely stated Joey McKneely, I reside at 74 South Lake Drive, Patterson.

Chairman Rogan stated great and for people who may not have heard everything that Michelle said, can you just tell the audience and the Board please a basic overview of what you're looking to do out there.

Mr. McKneely stated yes, I have 2 adjoining single-family dwellings, single-family homes and they are about 12 feet apart and I am looking to combine the 2 single-family dwellings into 1 single-family dwelling and that is basically it.

Chairman Rogan stated okay, also for the audiences edification the Planning Board did a site walk, we were accompanied by a members of the Putnam Lake Community Council and they were in support of the application. The area of disturbances directly between the two structures and the area between the houses and the water is already grass area so the Wetlands Inspector did not opposed to the application. What we did speak about is sequencing of construction, construction fencing, some silt fence to make sure we didn't have any problems with any runoff or erosion control. Do I have any questions or comments from anyone in the audience, if so, please come up and use the microphone and state your name for the record. Going once, going twice, have a motion.

Board Member Montesano stated motion to close the public hearing.

Board Member Cook seconded the motion.

Chairman Rogan asks for all in favor:

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

The motion carried by a vote of 4 to 0.

Chairman Rogan stated Rich, anything from you on this.

Rich Williams stated no sir.

Chairman Rogan stated okay, Andrew, okay. We have a resolution prepared, anyone feel so obliged.

Board Member Cook stated sure, whereas the Planning Board pursuant to Chapter 154 of the Town Code has considered the application of Joey McKneely for approval a wetlands and watercourse permit number WW0210-01 and whereas Section 154-18 E. 2, the Planning Board finds that the activities proposed by the applications as modified any applicable conditions contained herein will not have a substantial effect on the wetlands or any surrounding property and therefore waives the requirements that a public hearing be held...

Chairman Rogan stated that's not correct.

Board Member Cook stated modify that Joey so you have that, now therefore be it resolved in the application of Joey McKneely for approval for a wetlands/watercourse application, pursuant to Chapter 154 of the Town Code, the Planning Board finds that the subject application of plans as modified in accordance with any applicable conditions set forth in this resolution complies with all requirements of Town Law and Chapter 154 of the Town Code and hereby grants approval to said wetland and watercourse application subject to the applicant's compliance with 9 general conditions as outlined in the papers that will be handed to Mr. McKneely and further be it resolved that this wetland/watercourse permit approval shall be deemed null and void if the applicant fails to comply with all conditions stated above and/or construction is not completed within one year of the issuance of this permit or any extension thereto granted by the Planning Board.

Board Member Montesano seconded the motion.

Chairman Rogan stated Mr. McKneely, you have a copy of this.

Mr. McKneely stated yes.

Chairman Rogan asks for all in favor:

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

The motion carried by a vote of 4 to 0.

Chairman Rogan stated and a SEQRA Determination on this, is that what you just said.

Rich Williams stated that's what I was saying, Michelle who seconded.

Chairman Rogan stated okay, Tommy did I believe.

The Secretary stated Mike.

Board Member McNutly stated Mike.

Chairman Rogan stated in the matter of McKneely wetlands/watercourse permit application, I'll just make a motion that the Planning Board determines a negative determination of significance of SEQRA.

Board Member Cook seconded the motion.

Board Member Montesano stated second.

Chairman Rogan stated he beat you to it.

Board Member Montesano stated okay.

Chairman Rogan asks for all in favor:

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

The motion carried by a vote of 4 to 0.

Chairman Rogan stated thank you, we appreciate your time and actually we look forward to seeing it because it sounds like a great project.

Mr. McKneely stated yes, me too, thank you everybody for attention to this matter.

Chairman Rogan stated good luck, thank you kindly.

## 2) O'MARA – Wetland/Watercourse Permit Application Public Hearing

Mr. Harry Nichols was present.

Chairman Rogan stated okay, Mr. Nichols, we have O'Mara wetlands/watercourse permit application public hearing. Michelle, if you would be so kind.

The Secretary read the following legal notice into the record:

**NOTICE IS HEREBY GIVEN** by the Town of Patterson Planning Board of a public hearing to be held on Thursday May 6, 2010 at 7:30 p.m. or as soon thereafter as may be heard, at the Patterson Town Hall, 1142 Route 311, Patterson, Putnam County, New York to consider an application entitled **“Patrick O'Mara Wetlands/Watercourse Permit Application to allow the construction of a two-bedroom, single-family dwelling with driveway, well and septic system within the 100' wetland buffer. The property is located at 42 Old Road, Brewster, NY,”** Town of Patterson. All interested parties and citizens will be given an opportunity to be heard in respect to such application.

Chairman Rogan stated Mr. Nichols, good evening.

Mr. Nichols stated good evening.

Chairman Rogan stated how are you.

Mr. Nichols stated pretty good.

Chairman Rogan stated would you be so kind to state your name for the record and give the audience a very quick over view of the this application.

Mr. Nichols stated yes, my name is Harry Nichols, I am an engineer located here in Putnam County. I'm representing the applicant which is Patrick O'Mara for a single, residential development to be placed on a lot remaining in the, lot number 5 of the Old Wall Estates, it was a subdivision approved back in the '80's, it has been developed on both sides of this parcel, proposing a single-family residence which does intrude into the wetland buffer, both of the local wetland and the New York State DEC wetland. We have previously obtained a permit from the New York State DEC for their permitting requirements, it is a dual permitting condition here, both agencies have their own authority. We are proposing a individual septic system with expansion area which lies outside the buffer area, the only thing that will extend into the buffer area will be a portion of the residence and some of the landscaped area and a small portion of the driveway. There will be an individual well, also serving the site. If there are any questions from the Board or the public, I will be pleased to answer them.

Chairman Rogan stated do we have any questions from anyone here tonight on this application. Harry you had said that the DEC approvals had been obtained, I'm sorry if I missed that.

Mr. Nichols stated yes, we had received a permit.

Chairman Rogan stated and actually when the Planning Board went on the site walk, we felt that maybe even a greater use of the property could be considered because it is not a steep grade and we were wrestling with that but the DEC issued a permit that was more restrictive so the owner was more amenable to that and so we figured why fight the system, let's get him out of here and building as soon as possible. Seeing no questions or comments, can I have a motion to close the public hearing.

Board Member Montesano stated so moved.

Board Member Cook seconded the motion.

Chairman Rogan asks for all in favor:

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

The motion carried by a vote of 4 to 0.

Chairman Rogan stated okay, anything Rich from you or Andrew on this you need for tonight.

Andrew Fetherston stated no.

Rich Williams stated just, there is the same glitch in the resolution Charlie.

Board Member Cook stated yea I saw that.

Chairman Rogan stated okay, great, so we want to do a SEQRA Determination first, anybody like to do a negative dec. on this.

Board Member Cook stated make a motion that with the application of Patrick O'Mara 42 Old Road, that the Planning Board determine that this project has a negative determination.

Chairman Rogan stated can I have a second.

Board Member McNulty seconded the motion.

Chairman Rogan asks for all in favor:

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

The motion carried by a vote of 4 to 0.

Chairman Rogan stated on the resolution.

Board Member Cook stated whereas the Planning Board pursuant to Chapter 154 of the Town Code has considered the application of Patrick O'Mara for approval for a wetlands and watercourse permit number WW0909-01, now therefore be it resolved in the application of Patrick O'Mara for the approval of wetlands and watercourse permit application WW0909-01, pursuant to Chapter 154 of the Town Code, the Planning Board finds that the subject application and plans as modified in accordance with any applicable conditions, set forth in this resolution complies with all requirements of the Town Law and Chapter 154 of the Town Code and hereby grants approval to said wetlands/watercourse permit application subject to the applicant's compliance with 9 general conditions and further be it resolved that this wetland/watercourse permit approval shall be deemed null and void if the applicant fails to comply with all conditions stated above and all construction is not completed within one year of this issuance of this permit or any extension granted thereto by the Planning Board.

Chairman Rogan stated before we have a second on that, make one more correction, probably look also at the previous resolution, it has Board Member DiSalvo as being here and Mike Montesano as not...

Rich Williams stated we make those changes after the Board voted.

Chairman Rogan stated we just wanted to clarify that, we have to give Mike credit for being here, right Mike.

Mr. Nichols stated I'm sorry, I thought that was Marisa.

Chairman Rogan stated do you have anything else tonight Harry. Can I have a second on that resolution.

Board Member Montesano seconded the resolution.

Chairman Rogan asks for all in favor:

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

The motion carried by a vote of 4 to 0.

Chairman Rogan stated thank you.

Board Member Montesano stated (inaudible).

Chairman Rogan stated okay, Harry you're done for the moment.

Mr. Nichols stated thank you very much.

### **3) UNCLE LOUIE G'S – Sign Application**

Mrs. Nancy Minelli was present.

Chairman Rogan stated we have sign application, a second sign application for Uncle Louie G's Ice Cream, Mrs. Minelli, Ms. Minelli.

Mrs. Minelli stated Mrs...

Chairman Rogan stated how are you this evening...

Mrs. Minelli stated I'm good, how are you.

Chairman Rogan stated good, good, that last time we saw you, we approved the building mounted sign and now you are back for the window sign.

Mrs. Minelli stated correct but there were changes.

Chairman Rogan stated there were changes, okay.

Mrs. Minelli stated so let's try to, not to confuse you.

Chairman Rogan stated okay.

Mrs. Minelli stated you approved the two 15 foot awnings, one with the logo and one without, I am not going to do the one without, I'm only going to do the one 15 foot which would go over the window and the door, which leaves me with one window with nothing because the menu sign is going on the wall in the store.

Chairman Rogan stated okay.

Mrs. Minelli stated so I had the sign person make up a 2 foot border for the top of the window but inside the window.

Chairman Rogan stated okay, I think to make this really clear and easy and give you what you want and to make it simple for this Board, we can approve the additional sign and just limit you with, since you are reducing one sign and just limit you within what's allowed by Code.

Mrs. Minelli stated right.

Chairman Rogan stated and then just ensure that that is not going over, we'll limit you to the total of, was it 37 and ½ square feet, correct, based on the frontage of the store front.

Rich Williams stated correct but this is where it gets a little confusing, the Board at the last meeting approved the 15 foot sign, the other canopy wasn't a sign...

Mrs. Minelli stated oh.

Chairman Rogan stated so you're not getting any credit.

Rich Williams stated that was off the table, so that was included in the original calculations.

Mrs. Minelli stated right.

Rich Williams stated all right, so with the window sign, we are limited at this point to just over 9 feet...

Chairman Rogan stated versus.

Rich Williams stated where she is asking for a much greater area.

Mrs. Minelli stated 95, it would be just the window.

Rich Williams stated right.

Chairman Rogan stated let's just ensure that the sign, Rich you're memo says 7 and ½ square feet remain from the initial approval, is that still the case.

Rich Williams stated 7 and a half.

Chairman Rogan stated okay so Mrs. Minelli ensure that the sign is within that 7 and a half square feet, which is you know, probably for a window sign probably going to be a nice size.

Mrs. Minelli stated 95 inches.

Rich Williams stated no, not even close.

Board Member McNulty stated no.

Chairman Rogan stated no.

Mrs. Minelli stated too big...

Chairman Rogan stated that's, what's 95, that's like 8 feet...

Board Member McNulty stated it's almost 8 feet.

Chairman Rogan stated so you would be about that size by 1 foot tall and it looks like you're going, so you're about twice the size of what you have to work with it.

Mrs. Minelli stated so bring it down to 7 feet and a foot down.

Chairman Rogan stated that would work, yeah.

Rich Williams stated its 7 and a half square feet.

Chairman Rogan stated right, so if she has a foot by 7, then she would be within the Code, yes.

Board Member McNulty stated this banner is going to be inside the glass across the top of it.

Mrs. Minelli stated across the top of the window, the glass, within the frame of the window.

Chairman Rogan stated that would be great, so once again, as lone as you are within the 7 and a half square feet...

Mrs. Minelli stated okay.

Chairman Rogan stated so if you do 7 and a half feet long, 1 foot high, you are well within that would be great.

Mrs. Minelli stated I'll work on it.

Chairman Rogan stated okay, in the matter of Uncle Louie G's, I will make a motion that the Planning Board in this sign application, grants a negative determination of significance of SEQRA and approve the sign to be located inside the window not to exceed 7 and a half square feet and based on this information submitted to the Planning Department relevant to this application, so moved.

Board Member Cook seconded the motion.

Chairman Rogan asks for all in favor:

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

The motion carried by a vote of 4 to 0.

Mrs. Minelli stated okay, thank you.

Chairman Rogan stated good luck on your business.

Mrs. Minelli stated thank you.

Chairman Rogan stated thank you.

**4) N.R.A. REALTY & DEVELOPMENT CORP. – Wetlands/Watercourse Application**

Mr. Don Moore of Zarecki & Associates was present.

Chairman Rogan stated we have N.R.A. Realty & Development Corporation wetlands/watercourse permit application.

Mr. Moore stated good evening, I'm Don Moore.

Chairman Rogan stated I don't know if the microphone will pick you up that far Don.

Mr. Moore stated well my wife says I speak too loud anyway so, but I am a professional engineer, New York licensed with Zareck & Associates in Pawling, we are representing N.R.A. Realty in this application for a wetlands/water crossing permit. Basically the application involves the drive up to the existing property from Birch Hill Road, located at 180 Birch Hill Road, it involves a crossing of Stephen's Brook, we are resubmitting the application which was previously submitted back in last fall, there have been some changes in the design to reflect some of the comments that we received at the time on that application. We are going with a concrete and steel bridge, instead of a bottomless culvert, this will still have a natural bottom in the stream with a wood deck, and the client wants to maintain the rustic atmosphere with the property as much as possible. We have submitted 100 year flood calculations to show that the flows can pass stream, we redesigned the sequence of construction so that the footings and the abutments we built one at time, back in the stream so we don't have to put in a flue to dam up the stream during construction phases. We are putting in weep holes along the stone wall every, I think it was 5 feet to take care of the flows that come in behind it, we are putting rip rap at the edge near the abutments to break up and flows that come down that way, we have also applied for a release from the 15% grade requirement in paving because to make 15% grading, will require quite a bit of cutting in the existing drive there, as much as 5 feet and we really don't think its warranted and paving, there is 1900 feet or so of drive going up, about 160 feet difference in elevation, we feel like that is just going to add to any problems that we have there coming off the drive, so that is why we are asking for a waiver.

Chairman Rogan stated a couple of quick questions that come to mind, number 1, Don, do you work with Zarecki.

Mr. Moore stated yes sir.

Chairman Rogan stated you do, so you are representing Zarecki.

Mr. Moore stated yes sir.

Chairman Rogan stated okay, thank you.

Mr. Moore stated actually Joe wanted to be here tonight but he's not feeling well so.

Chairman Rogan stated okay and because we are looking to access this single home by this long driveway and these slope issues, when we previously looked at this piece of property of course we were looking at a full subdivision and access was not being shown by the way you are currently accessing the property. Is the owner still pursuing or does he plan to pursue the subdivision application.

Mr. Moore stated its, there is no answer to that right now, let me put it like that...

Chairman Rogan stated okay.

Mr. Moore stated if and when he did do that, the access would not be through this drive.

Chairman Rogan stated no, I understand, I don't think we would approve an access to a subdivision through this, I agree with you there. I guess what my concern would be is putting all of this work in to this, somewhat difficult driveway when the opportunity exists to access maybe obviously with smaller specifications, a driveway that would access property from the proposed area and already have some of the leg work done.

Mr. Moore stated okay well at this time, he is not going forward with the subdivision or anything like that.

Chairman Rogan stated to the best of your knowledge.

Mr. Moore stated the best of my knowledge and so I mean, we are trying to treat the situation that handled the development, whatever that is up there now.

Chairman Rogan stated and Rich, the property as you looking at this property from the road, from Birch Hill Road, the property to the right that we reviewed a couple of years before this, do you remember that one, what was that, single-family home, what was the name of that.

Rich Williams stated yes, Roman Sypko.

Chairman Rogan stated Sypko, we had very similar issues in terms of slope, paving, stormwater management, so you recall what we ended up doing out there, I know slope was very close on that one.

Rich Williams stated you actually granted them a waiver, I believe and it's been a few years and I'm shooting from the hip here. I believe you granted them a waiver to 17% they were putting in you know, substantial mitigation for the stormwater runoff before it hit Stephen's Brook. In that case, I believe it was a culvert crossing as well, so...

Ted Kozlowski stated I think there was a small detention basin as well.

Chairman Rogan stated yea, its seems like it was.

Rich Williams stated that would be the significant mitigation for the...

Chairman Rogan stated hello Ted.

Ted Kozlowski stated hey, sorry I'm late.

Chairman Rogan stated do you know Don, if the roadway can meet 16 or 17%.

Mr. Moore stated I haven't looked, I've looked at 15%, you have about 200, 2 sections of 200 feet that don't meet the 15%...

Chairman Rogan stated okay.

Rich Williams stated Shawn...

Chairman Rogan stated yes.

Rich Williams stated if I might jump in here, one of comments on the application, they are asking for a waiver but they are not telling us really what the waiver is...

Chairman Rogan stated defining it.

Rich Williams stated we need a plan and profile of the driveway so we know what we are waiving.

Chairman Rogan stated sure, I absolutely agree.

Mr. Moore stated okay we can give you a plan and profile; it's not a problem now.

Chairman Rogan stated and sir the information that you presented this evening in terms of the, the changes to the crossing, are they part of your current submission...

Mr. Moore stated yes sir.

Chairman Rogan stated so our engineer and planner have that.

Mr. Moore stated yes sir.

Chairman Rogan stated I know that we need to get out there and take out a look for ourselves and do a site walk, I imagine we can probably schedule that once we talk to Maria, for an evening after work because we have a lot more daylight now and we would obviously let you or Zarecki know so you know when we are preparing to go out on the site.

Board Member McNulty stated the garage is for a single family residence.

Mr. Moore stated yes.

Board Member McNulty stated there is no future use proposed...

Mr. Moore stated no planned future use, other than what is being considered up there right now.

Board Member McNulty stated is there a bridge now existing.

Mr. Moore stated somewhat.

Chairman Rogan stated a riding trail.

Mr. Moore stated a couple of steel plates (inaudible).

Board Member McNulty stated that is currently the main drive in and out of the property.

Mr. Moore stated it is being used as the drive, yes sir.

Chairman Rogan stated we were definitely looking forward to seeing that. Andrew, Rich, anything that you want to discuss with the Board or with Don at this point in time, before we go take a look at this. Ted I apologize, you as well.

Andrew Fetherston stated I think our comments are technical, did you get our memo.

Mr. Moore stated yes sir, did you get our response.

Andrew Fetherston stated no, I think...

Mr. Moore stated is this a recent...

Andrew Fetherston stated it was just...

Rich Williams stated dated today.

Mr. Moore stated no, no, haven't gotten that whatsoever.

Andrew Fetherston stated okay, I think maybe after you take a look at the memo, maybe we should set a meeting, maybe in Town Hall, maybe the quickest way to go through the comments and see if we can help to get them addressed.

Rich Williams stated I agree, there are, I think there are some substantial issues that we need take a look at to finalize the design of this bridge.

Chairman Rogan stated so we will, the plan will be for us to go take a look.

Mr. Moore stated okay.

Chairman Rogan stated take a look at the comments that were noted and we'll see if we can get you guys together to hammer out some of the technical issues and we'll see if we can help out any way we can.

Mr. Moore stated okay, we'll put together a profile.

Chairman Rogan stated thank you sir, Michelle when you have a chance, would you be so kind as to photocopy these two for Mike, he gave them to Don.

The Secretary stated I gave him that.

Chairman Rogan stated he gave them to the gentleman.

The Secretary stated you got it.

Chairman Rogan stated thank you.

**5) TOM'S BARBERSHOP**

The applicant did not appear.

Chairman Rogan stated okay next up we have Tom's Barbershop, I actually don't see Mr. Salinas here...

Rich Williams stated I don't see him here.

Chairman Rogan stated thank you sir. What I will say for Tom's Barbershop is we got a clean set of plans but it needs some attention and Rich, we'll just ask you to reach out to Mr. Salinas, send a copy and you know there is really not much else for the Board to discuss except these spaces, the waiver for the spaces, down to 14 feet. Is it possible that we can get the three center spaces to be maybe 18 feet, yet I know the garage blocks one and the septic system would block the other.

Rich Williams stated you can get them all to be 20 [feet], I believe.

Chairman Rogan stated I just paced off my truck before coming in, I think its about 18 feet, so 14 [feet] doesn't fit for some vehicles and it would certainly be good to I think get as many of those, as long certainly, especially since we have a street directly behind them but they were proposed I think at 14 feet is what he was looking for right.

Rich Williams stated he didn't really show a dimension, he just brought the lines a little ways onto the site. If you scale it off and do some measurements, you can get the full 20 [feet], which would probably be appropriate considering pulling in off of the street, trying to get the cars off of the street out of any sort of walking way that is out there.

Chairman Rogan stated no I agree, especially since there doesn't seem to be a compelling reason why you can't provide them, just that they were lines drawn on a piece of paper.

Board Member McNulty stated is there a handicap spot required.

Board Member Cook stated yes.

Chairman Rogan stated there is, we have it shown on the right don't we, as accessing the walkway.

Rich Williams stated its not labeled ADA.

Chairman Rogan stated they have parking right on the street in front of the front door, so that also helps. Okay, Michelle thank you. Okay we have Patterson Auto Body...

Board Member Cook stated do we want to do the resolution for Tom.

Chairman Rogan stated no, we need to get, well let's, we do the resolution on it or you want to want until we get the plans...

Rich Williams stated (inaudible)...

Chairman Rogan stated is everything contained within the resolution.

Board Member Montesano stated (inaudible).

Chairman Rogan stated okay, if you would just oblige us for one second, you can stay right where you are...

Mr. Byron stated sure.

Chairman Rogan stated we are just going to do the resolution on this. You want to do a...

Rich Williams stated yea, fine, you just want to make my memo a condition of that resolution.

Chairman Rogan stated great, do a SEQRA Determination and a resolution.

Board Member Cook stated I make the motion that with regard to the site plan application of Mr. Tomas Salinas that there is no negative SEQRA impact...

Rich Williams stated it's actually a type II, you don't have to SEQRA on this one.

Chairman Rogan stated oh, see that, we always figure, we end up doing it and at least there is no harm, no foul. I apologize Charlie.

Board Member Cook stated that's okay.

Chairman Rogan stated so you can just go right to the resolution.

Board Member Cook stated whereas the Planning Board has considered the application of Tomas Salinas for an amended site plan approval, pursuant to Chapter 154 of the Town Code and a final site plan entitled Tom's Barbershop, dated June 17, 2007, last revised on November 10, 2009, whereas the Planning Board opened a duly noticed public hearing on the subject application and the final site plan at its meeting on April 1, 2010 and closed the public hearing on that the same night after receiving comments from the public; now therefore being it resolved in the application of Tomas Salinas for final site plan approval pursuant to Chapter 154 of the Town Code the Planning Board finds that the subject application and final site plan is modified in accordance with any applicable conditions set forth in this resolution complies with all requirements of the Town Law and Chapter 154 of the Town Code and hereby grants final site plan approval subject to the applicant's compliance with 5 general and 4 special conditions with 62 days of the date of this resolution...

Chairman Rogan stated and just add in the additional condition of the Town Planner's memo.

Board Member Cook stated would that come under general conditions...

Board Member Montesano stated special.

Rich Williams stated special.

Board Member Cook stated special, so there will be 5 special conditions, the 5<sup>th</sup> one being...

Rich Williams stated well let's stop, make a motion and second.

Board Member Cook stated special conditions including the Town Planner's memo, be it further resolved in any event this site plan approval shall expire pursuant to Section 154-87 of the Town Code, one year from the date that the plat is signed by the designated representatives of the Planning Board unless a building permit has been obtained and complete compliance with the terms and conditions of the this final site plan approval.

Board Member Montesano seconded the motion.

Chairman Rogan asks for all in favor:

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

The motion carried by a vote of 4 to 0.

Rich Williams stated well before you vote...

Chairman Rogan stated you said finish the resolution.

Rich Williams stated I said do the resolution and a second...

Chairman Rogan stated Rich, we have to talk about the plan...

Rich Williams stated right, special conditions, the special conditions I dropped in here...

Chairman Rogan stated yes.

Rich Williams stated and the special conditions that I put in my memo, you need to take a look at those because I put them in my memo as they were on the original resolution and made some modifications here, as long as you are okay with those...

Chairman Rogan stated okay.

Board Member Cook stated this is the April 29<sup>th</sup> memo.

Rich Williams stated right but the new conditions are slightly different than the original because some of them are no longer applicable.

Chairman Rogan stated okay.

Rich Williams stated everything should be in fine shape but I do want to bring that to your attention and make sure you're comfortable with the new conditions.

Chairman Rogan stated but we did talk about some curbing or...

Board Member McNulty stated protection around...

Chairman Rogan stated protection around the septic system which makes, I think we had talked about curbing initially, that seems appropriate, we don't actually need bollards or anything, we do need that over by the storage tank which I believe they were shown on the plans.

Rich Williams stated the storage tanks at this point are on the other side of the septic system.

Chairman Rogan stated right, right.

Board Member Cook stated you say here should the Board agree, a waiver of the requirement for a performance bond should be considered, we did that right.

Chairman Rogan stated and Mr. Salinas is able to do the paving now because we are past the season, so I know that was the hold up last time.

Rich Williams stated that was the last issue, so...

Chairman Rogan stated what was the time frame we wanted on that, I believe it was...

Board Member Cook stated June 30<sup>th</sup>.

Chairman Rogan stated we talked about June 30<sup>th</sup>, that is more than enough time to get blacktop in there, it's already grading. So are we amending the, or is that included in the conditions you wrote June 30<sup>th</sup> for the...

Rich Williams stated that's one of the ones that I left out...

Chairman Rogan stated okay, are we good Charlie.

Board Member Cook stated yea, we're good.

Chairman Rogan stated okay great, thank you for your patience.

## **6) PATTERSON AUTO BODY**

Mr. Jim Byron was present.

Mr. Byron stated all right.

Chairman Rogan stated Patterson Auto Body, we have a site plan application for a change to the building, to allow some additional...

Mr. Byron stated office.

Chairman Rogan stated retail and office. I understand you got through the Health Department with hardly a scratch, you're all set, you have the approvals there, I'm sure not hardly a scratch from your perspective but we have the letters of approval on that and you have Town Planner's memo that was prepared, you have a copy of that.

Mr. Byron stated I received it about a couple hours ago.

Chairman Rogan stated and the issues that we spoke about on the site walk and the subsequent meeting I think we're still all in agreement, I don't remember anything changing on that. The building by the way, the architecture, that looks fantastic, I really commend you on that...

Mr. Byron stated thank you.

Chairman Rogan stated it looks really, really nice, so that is going to be a nice addition. What we basically need to do is get some of the, we waived some issues from your site plan, such as, I believe it was topography and I'm not, my memory is going to fail me on this but there were a number off issues that we had waived and found that weren't needed, the items that Rich outlined we'll get them on a site plan. I guess what we'll do is set up a public hearing but we have to make sure that the timing, that we are going to be able to wrap this all up, you know so we don't hold you back. Is there anything on the memo that is particularly concerning to you, that would like to discuss with the Board.

Mr. Byron stated I really didn't review it in detail, like I said I received it a couple of hours ago.

Chairman Rogan stated okay in essence some of the minor issues are just formulating the site plan so it has the proper documentation so that you're pulling everything together, you're pulling together what you showed on your, of what you would like to on your proposal with your architectural plans, in terms of some construction detail, there will be things that I think you should on your septic plan that need to be pulled on, you gave us an existing conditions plan, correct.

Rich Williams stated let's talk about this a little bit because we need to be clear with where we are going here. You, Jimmy, you had given us two sets of plans and I took a look at both the plans and you had given us basically an existing conditions plan and a septic plan. When I looked at the 2 plans, the existing conditions plan, which you had submitted initially as the site plan, really had a lot of the elements that the Planning Board typically wants on the site plan, weren't there. When I looked at the septic plan, the septic plan had a lot more of those elements already in place, so, my general recommendation here is we take that septic plan and make that your site plan...

Mr. Byron stated and who did the septic plan.

Rich Williams stated um...

Mr. Byron stated was that the...

Board Member McNulty stated was that this plan Rich, you're talking about...

Chairman Rogan stated no.

Rich Williams stated it was Rob Cameron, Putnam Engineering.

Mr. Byron stated okay.

Rich Williams stated all right, having said that there are just some things that need to be tweaked on that plan, in order to get that where we can sign off on it and it can be site plan. I have identified those items here in this memo, you may want to go through them just to make sure we are all okay with them, some of them have to be on there such as the signature block for the Planning Board, others you know based on the existing conditions of the site, even though we typically require this on a normal site plan, you know non-essential, so the Planning Board needs to take a look at those and make sure which ones you feel are important and which ones aren't. While I'm doing this, one of the issues was Andrew, when we were out on the site walk, had indentified that the above ground fuel storage tank, that he thought there should be some sort of impact...

Andrew Fetherston stated bollards.

Rich Williams stated yea.

Andrew Fetherston stated just some impact protection.

Chairman Rogan stated and I think, I thought we discussed that at the site walk...

Andrew Fetherston stated you were on that walk.

Chairman Rogan stated with Mr. Byron...

Rich Williams stated yea, that's what I'm saying, they are not currently shown on the plans, I don't know if we've ever talked about them with Mr. Byron.

Chairman Rogan stated okay, well Rich well no, we did speak to Mr. Byron about them on the site walk, can you, I am assuming you're looking under your first comment in terms of the site plan under site plan, under site plan D, you have things like the tax map designation, which I think is always a great idea, adjoining properties, are there items in there that you think would be appropriate for the Board to consider waiving.

Rich Williams stated well...

Chairman Rogan stated because it all looks pretty straight forward.

Rich Williams stated yea, I mean we do have the wetland boundary shown on that septic plan, we would really need to have the 100 foot buffer, I know Ted always likes to see it but it's an existing site and we are not changing pervious coverage, do we need to add that 100 foot buffer. Do we need to add the names of the adjoining property owners, it's good to have but is it critical (inaudible)...

Board Member McNulty stated is this plan, this plan is basically a survey, is it not...

Rich Williams stated that's the survey, I'm not talking about that plan, I'm talking about the other plan.

Chairman Rogan stated this one.

Board Member McNulty stated I don't think I have that plan.

Chairman Rogan stated here I'll give it to you.

Rich Williams stated actually you don't have that other plan because I only received one copy of that.

Mr. Byron stated okay.

Board Member McNulty stated would this plan tie things together, that we are looking for if it was a certified plan.

Rich Williams stated that's the thing, Mr. Byron gave us that plan as the site plan review...

Chairman Rogan stated but that is existing conditions.

Rich Williams stated and I took a look at that, at the same time he gave me a copy of the septic plan that he received approval from the Health Department on, when I reviewed the two plans, actually the septic plan had more of the details that we were looking for than that plan did, that plan doesn't show what he is proposing to do at all...

Board Member McNulty stated we can't use the two plans together, we have to have it all on one plan, he can't get this stamped...

Rich Williams stated almost all of that is on the septic plan...

Board Member McNulty stated okay.

Rich Williams stated so we are already there with the septic plan.

Chairman Rogan stated so we just need to take the septic plan and tweak that a little bit.

Rich Williams stated that would be my suggestion, it would be the cheapest and easiest way to go.

Chairman Rogan stated I mean, the adjoining property owners, its not a big deal one way or the other, its part of a plan but its also not a cost issue, it a quick, that to me is as much as surveying out the stonewalls that existing on a property.

Rich Williams stated correct.

Chairman Rogan stated not actually costs money, part of the survey but a lot of these items are pretty basic to a site plan...

Board Member McNulty stated ownership should be on there, right.

Chairman Rogan stated definitely and the enclosures and canvas structures should you know at least be shown, the outdoor vehicle storage area, you know that is pulling together what exists on the site now, so

we are codifying if you will where things are and that is part of what we are doing here. You're changing, did you say anything about changing signage with this plan, you're going to keep what you have there.

Mr. Byron stated its moderately going to change off the face of the building, you're not going to increase the dimension of it, you're taking...

Chairman Rogan stated your logo is your logo so I can't imagine you're going to change that...

Mr. Byron stated right you're going to take the existing signs, after you're done, you're going to put them back up.

Chairman Rogan stated okay, so Rich what of these things do you think are other than adjoining property owners and the hundred foot wetland, Ted do you want to weigh in on that buffer.

Ted Kozlowski stated well I don't know what kind of cost is that really...

Chairman Rogan stated its taking probably a hundred foot scale and just running it along...

Ted Kozlowski stated yea, I mean the wetlands are already surveyed, I think its in everybody's best interest to have it there, Mr. Byron is not always going to be the owner of the property and its putting a line on the paper.

Rich Williams stated the wetlands are on the plan.

Ted Kozlowski stated right, so its not a matter of a surveyor going out there, it's just drawing a line.

Chairman Rogan stated it's a matter of saying this is a 30 scale and...

Ted Kozlowski stated yea, drawing a line but its not an expense.

Chairman Rogan stated so Rich, back to the question.

Rich Williams stated sir.

Chairman Rogan stated anything else on there that you think...

Board Member Montesano stated all right, you've got 25 customer parking spaces, it states here that they estimated 33, so we can give him a waiver for the other.

Rich Williams stated yes.

Chairman Rogan stated yes we can, we can do that in the form of a motion.

Board Member Montesano stated all right in the form of a motion for Patterson Auto Body I would like to waive the 33 parking spaces down to 25 for customer parking.

Board Member McNulty seconded the motion.

Chairman Rogan asks for all in favor:

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

The motion carried by a vote of 4 to 0.

Chairman Rogan stated okay, I would think that we and I am really going to put this back on you, I would think we would be in a good position to be able to have a public hearing next meeting and more or less get this wrapped up but it depends on just tying up the loose ends. Does that seem sufficient to you...

Mr. Byron stated if you can clarify what the loose ends are.

Chairman Rogan stated you have it is writing right in front of you.

Mr. Byron stated this is it.

Chairman Rogan stated yea.

Board Member McNulty stated see page 3 of 5.

Mr. Byron stated oh yea.

Board Member McNulty stated page 3.

Mr. Byron stated right that puts me back with the engineer that is what you're asking me to do.

Chairman Rogan stated yes.

Mr. Byron stated yes, right, okay.

Chairman Rogan stated all right...

Mr. Byron stated we're back...

Chairman Rogan stated and the other part of this is the public notice which you have to talk to Michelle about that, so if you saw, you know what public notice is to your property owners. Adjoining property owners within is it 500 feet...

Rich Williams stated 500 feet.

Chairman Rogan stated and we can have the public hearing next time assuming that and typically what we get is a resolution from Rich and from other people's input saying either yes Mr. Byron has identified and done everything that we need to do or we are basically there and these are a couple of minor issues and that is what those special and general conditions are to wrap this up to give you your approvals so, yes.

Board Member McNulty stated I just have a question on the signage, if we go through the process of getting the signs located now, does Mr. Byron have to come back again for a sign permit.

Rich Williams stated if he is going to put up the signs that are shown on the plans, he doesn't have to come back, if he's not sure what he's going to put up, then it's better off that he not show the signs and if he's going to make and changes then he would come back in with the sign application.

Board Member McNulty stated so you may want to look at that, so you don't have to go through that process yet or you do want to go through it now, it's up to you, whatever makes it easier.

Mr. Byron stated okay.

Chairman Rogan stated okay, I'll make a motion that...

Board Member Cook stated I.

Chairman Rogan stated do you want to do it...

Board Member Cook stated I make the motion that with the application of Patterson Auto that the Planning Board schedules a public hearing for June 3, 2010.

Board Member Montesano seconded the motion.

Chairman Rogan asks for all in favor:

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

The motion carried by a vote of 4 to 0.

Chairman Rogan stated thank you for your time, have a great evening.

## 7) **WIRELESS EDGE AT QUAIL RIDGE**

Mr. Neil Alexander of Cuddy & Feder and Mr. John Arthur of Wireless Edge were present.

Chairman Rogan stated we have Wireless Edge at Quail Ridge, is anyone here for Wireless Edge.

The Secretary stated yea, they outside, I'll get them.

Chairman Rogan stated tell them we skipped over them because they are delinquent.

The Secretary stated you're up.

Chairman Rogan stated okay next up Hudson Valley Trust, no I'm just kidding...

Board Member Montesano stated (inaudible) we're giving it to who, Verizon.

Chairman Rogan stated Wireless Edge, good evening, how are you.

Mr. Alexander stated doing well, I'm sorry we didn't assume as many would be in the room still, we (inaudible).

Chairman Rogan stated it's fine.

Mr. Alexander stated good evening for the record my name is Neil Alexander, I am a partner in the law firm of Cuddy & Feder, also here with me tonight is John Arthur, principal of Wireless Edge. Just to really sort of very quickly refresh you and catch up because I know we had been adjourning for many months in order to get additional information work out really the whole access issue. So what we did was in earlier, in time for your submission, we submitted a full official site plan package, even though we had a packet pending in front of the Zoning Board for some time, we also provided you with an analysis of alternative access points. Which unfortunately I think for everyone it didn't come out the way you know I think had expected you know and I know your Town Planner and Town Engineer has reviewed and a large part of what I think what happened is just the lack of access for our backhaul network from Phillard [Road] and I think that really became determinate in that what you were looking at is utilities need to come in from Garland [Road] regardless which then left you with an access road from Phillard [Road] and you wound up with twice as much disturbance. Also, what happened was when you looked at it from Phillard Road, you had a situation where all of a sudden our total disturbance was going to exceed an acre, which as you know so well, given life in the phosphorus basin, was really going to pop in major stormwater pollution prevention plan requirements, which then would have required even more disturbance beyond the acre, as opposed to sixth tenths of an acre if the access road and utilities came in from Garland [Road] and then there is, there is the cost factor which I know isn't the biggest driver for you all but the cost was without even the SWPPP issues over 30% greater. Unfortunately from our perspective, it's just now feasible from, either from an environmental disturbance of cost and just generally a viable alternative. We can put up a plan and show you all that...

Chairman Rogan stated sure.

Mr. Alexander stated you've had I think small sizes were provided to you but we can give you a quick run through of that. John being the engineer as well as a principal of the company, will probably do a better job but this is sheet RO-1 and what is shows you here is an analysis of...

Chairman Rogan stated Neil, excuse me a second, is there anyone here from the audience specifically for this application, sir do you want to come up front so you can see this plan, maybe you guys can swing a little bit just so you have...

Mr. Alexander stated gladly.

Chairman Rogan stated nothing worse than looking at the back of a plan.

Mr. Alexander stated we are going to get yelled at if we don't get into the tape.

The Secretary stated thank you.

Mr. Arthur stated good evening folks.

Chairman Rogan stated good evening.

Mr. Arthur stated actually after our site walk we went and we flagged out the area that we walked we did a GPS reading and then we turned it over to our surveyor who went out and surveyed the route, we then had our engineers do a preliminary design of what the road would look like from Phillard and this follows exactly the way we walked up through the hills into the site. We switched around the site to put access coming in through the north side, on the south end we took away the paved entrance on this side obviously and made this access for the utilities so we would just come in, make this clearing, then trench down the center to get to the site and then the total disturbance between the two, you know not including any SWPPP issues is 1.12 acres and the primary driver for was because Verizon did not have service available on the Phillard Road side, they had that only on the Garland Road side, so therefore at that point we might as well bring in utilities, both electric and teleco from the same route, share the trench and that is how we planned it out.

Chairman Rogan stated Andrew, might I ask you to fill the Board in on your review of the information that was presented in terms of engineering, the design standards et cetera for the proposed road from Phillard [Road].

Andrew Fetherston stated we looked at the road, we looked at the grading that was proposed, the serpentine access, which does represent I believe the way that we exited the property to avoid steep slopes, wetter areas, possible some rock and some larger trees and some stonewalls also to go out, so I believe that is about the route that we had taken for the access. It does require a bit more earth work of course, I do understand, as the attorney had stated taking that route and then having the utilities the most feasible or cost effective way to come from the south from Garland [Road], I was understanding that the stormwater would be triggered also, it is a feasible route to come from that direction its possibly a slightly more difficult route but it is a feasible route, to have an access road for a large vehicle for a utility vehicle to come in from that direction. The utilities, if it was constructed as proposed, the utility access from the south would require some minor clearing, really wouldn't require such a road as we were discussing previously, possible a couple of man holes, pull boxes, really I can't see that there be any intense use at the south end from Garland [Road] in the future, if the access was taken from Phillard [Road]. It is a feasible access though it is a little more difficult.

Chairman Rogan stated from what I recall on the two site walks that we were out there, the travelled way from Garland [Road] some of that, it almost appears that there was an old travelled way years ago, so some of that is already somewhat cleared and just thinking in terms of running utilities up from Garland [Road] let's say for sake of argument that the roadway does not come in from Garland [Road]. Rich because we are not talking about a gravel road or anything, let's say it was just utilities, underground trench with conduit, we don't need any type of gravel roadway on that, do we, once its installed, it's you know...

Mr. Arthur stated we didn't plan, that was purely...

Chairman Rogan stated I understand, what I am wondering I guess...

Board Member McNulty stated it's a minimal impact...

Chairman Rogan stated if it's reverted back, the minimal impact how does that impact on the stormwater issue, just because they are, Ted maybe you should also chime in but...

Rich Williams stated it doesn't, you would have temporary trenching to get the utilities in, assuming you're not, assuming it just conduit and you know you're not going to have to go back in there again, you need to change it, you go to a pull box, you pull it back out.

Board Member McNulty stated so does that mean we fall under the 1 acre minimum disturbance.

Rich Williams stated well I mean there is still that disturbance so you are still going to have to deal with that, you know it's not...

Chairman Rogan stated but that's not on a temporary basis, like just a construction fencing and...

Rich Williams stated well no, for purposes of stormwater a disturbance is a disturbance and you're going to have to deal with it. That is the erosion control portion of it, you know when you get to the, if you break the acre then you have to start dealing with post construction volume and quality controls. At that point the fact that you are only doing a little trench, there is not going to much in the way of stormwater improvements.

Andrew Fetherston stated not for the trench, then you would be treating the area or the utilities coming it. It would increase the disturbance, by mitigating you would be increasing the disturbance, yea.

Board Member Cook stated how far up is it paved.

Chairman Rogan stated right up to the line here, Garland [Road].

Mr. Arthur stated paved, oh Garland [Road] would not be paved, (inaudible).

Board Member McNulty stated I think that is just the utility right of way there.

Mr. Alexander stated you had asked for the first 25 feet, you're talking about Garland [Road] as the access point.

Board Member Cook stated and the rest is (inaudible).

Mr. Alexander stated correct and then as you know, let me pull up the tax map, the Town actually owns the property most adjacent to, of course I'm not pulling up the right one right now, there we go, give a little more of the context, the Town owns...

Mr. Arthur stated lot 28.

Mr. Alexander stated right and that is the one that is southerly, southerly lot, so that would be the only one that potentially sort of looks up into the property on the road, as opposed to the way this property is situated, there is that mature growth here, so looking in is not going to be a huge issue for that property.

Board Member Cook stated so you need what, an easement from the Town...

Chairman Rogan stated no, it's just the adjoining property...

Mr. Alexander stated no I was talking about more, I was talking about more of using Garland Road as an access point as opposed to where the utility would be. I think its important that this property, it's Town owned so it's not being developed for a house, there is a house here, this property is the one that sort of could potentially look up at the path, this one has a lot of dense vegetation here so that is not as much of an issue and we had talked about in order to not have parking on Garland [Road] putting a gate back here and so you would pull in so any truck or any vehicle or service vehicle regular car would be able to pull all the way in and into the property, 25, 35 feet because there is even more if you wanted...

Mr. Arthur stated I think we had the gate set at the edge of the paved portions of, it was really about 20 or 25 feet back and then we had a couple bollards with a chain, we figure that was the most minimal you know method.

Mr. Alexander stated that way 2 cars could park before they even opened up the gate and then everyone else could go.

Board Member Cook stated so the estimated dollar difference between coming in on Garland [Road] as opposed to Phillard [Road] is about \$66,000 dollars.

Mr. Alexander stated correct.

Mr. Arthur stated not including any SWPPP issues or stormwater...

Mr. Alexander stated whatever stormwater we may end up, it would be some cost.

Board Member Montesano stated and if that cost was incurred theoretically who would pick that up.

Mr. Arthur stated Wireless Edge would.

Board Member Montesano stated and who would pay Wireless Edge the use of the facility.

Mr. Arthur stated oh well the wireless carriers.

Board Member Montesano stated so that means that some of the carriers would probably pick up some of that \$66,000 dollars, which in turn would be handed on to the people that use the phones.

Mr. Arthur stated carriers these days are much less inclined to pay capital contributions on sites, its only in generally extreme conditions and I have these conversations everyday with wireless carriers because we would certainly like them to contribute.

Chairman Rogan stated right, Rich we had spoken at the work session about reaching out to Verizon to have a conversation about the...

Mr. Arthur stated T-1 lines.

Chairman Rogan stated the T-1 lines, yea...

Rich Williams stated fiber optics, yea.

Chairman Rogan stated and their availability for Phillard [Road], right.

Rich Williams stated right, as I am have indicated to the Board, we have knowledge that they've been stringing the wires within the Putnam Lake area, along Lake Shore I believe, you know my intention was to reach out to them and I do have the contact information, I just haven't had time to do that, to get them in because before they can turn the service on they need to have a franchise agreement with the Town and we need to make sure that franchise agreement is done in a timely fashion so that you know should this project go forward, they would have availability, they would have access to the fiber optic lines.

Chairman Rogan stated what portion Andrew of the difference in cost and I know I'm putting you on the spot but just off the top of your head, what would say, in your opinion, what portion of the cost, that difference of 30% or \$66,000, would be associated with bringing the T-1 lines in and facilities in from Garland [Road] versus going, if they were all coming off Phillard [Road], perfect time.

(Tape 1, Side 1 Ended – 8:26 p.m.)

Andrew Fetherston stated let's say that the lines, I guess I'm, what I believe you're asking is what I believe is that the lines are coming from Garland [Road] regardless of the method used for a vehicle to get in...

Chairman Rogan stated I would say, I guess what we were trying to figure out is if Rich finds out or if somebody finds out that Verizon 6 months from now is going to run T-1 lines up into Phillard [Road]...

Andrew Fetherston stated right, okay.

Chairman Rogan stated then we could run electric and the, what do you call, the telecom lines in from Phillard [Road] and then this conversation is somewhat moot because we are not talking about additional trenching and stormwater and impacts...

Andrew Fetherston stated possibly not the stormwater, right.

Chairman Rogan stated so something that may not be the easiest route but that is feasible from Phillard [Road] especially with the communications coming in, could potentially be a benefit to this project.

Andrew Fetherston stated I really think there is some additional earth work, you are going to run a bulldozer up from Garland [Road] if you come from Garland [Road] to lay down an item 4 path, stable enough for a vehicle, the same way and maybe minimally more time to do minor earth work with the same bulldozer maybe it takes them another two days to really get that road done the other road done assuming no rock, no obstructions from both ways some minor seeding...

Chairman Rogan stated what was the difference between the two options now I'm talking, not about utilities but I'm talking about just the roadway of access whether we come in Phillard [Road] or off of Garland [Road] in terms of cut and fill, did we have material leaving the site with either...

Andrew Fetherston stated I can't recall, I thought it would probably balance that you were cutting one side to fill that other, do you recall if that was the case...

Mr. Arthur stated I don't know what the cut and fill is on that...

Rich Williams stated we are going to have, we are probably going to have 70, 80 yards of top soil coming off the site.

Andrew Fetherston stated either way, really from either way.

Chairman Rogan stated that's really nothing, why go through both, you know.

Andrew Fetherston stated yea.

Rich Williams stated true.

Mr. Alexander stated on the Verizon issue though, you've had many conversations with Verizon since this issue came up 6, 8 months ago and they have never led you to believe that...

Mr. Arthur stated no, I mean, certainly you know we have had meetings with them, we've had many discussions with them and we have even tried to say well listen, can you even give us some documentation, can you show us how far out because we didn't want to have situations like you say where 6 months they say oops, now we're up in Phillard [Road] and we look like a fool.

Chairman Rogan stated we've seen it happen.

Mr. Arthur stated so we wanted to make sure that wasn't case, they are really years out and they wouldn't really give us anything they just said we have no plans and we can't give you any documentation to let you know.

Chairman Rogan stated okay.

Mr. Arthur stated so at that point you know we've got to move forward with this...

Chairman Rogan stated please understand that its not that we don't trust you, we are just going to reach out on our own...

Mr. Arthur stated sure.

Chairman Rogan stated just see, you know, make sure we are asking all the questions.

Board Member McNulty stated Phillard's [Road] utilities are underground now, correct.

Chairman Rogan stated yea, remember at the top we saw the boxes the access points.

Board Member McNulty stated sit get would have to trench the, run everything up Phillard [Road].

Chairman Rogan stated there is no conduit existing that they could snake up through, right.

Board Member McNulty stated I doubt it.

Rich Williams stated it was probably not designed for this, no.

Mr. Arthur stated it would have to, to bring something into Phillard [Road], let's talk electric first, there is a transformer at the top of the cul-de-sac, we would have to trench directly across the cul-de-sac and for the fiber they would have to do some sort of trenching all the way uphill to get to that same point.

Mr. Alexander stated I think also, look they have a built out plan and I know you are going to call but from a common sense standpoint, we look at the population difference they are not going to be rushing to bring it to the 25, 30 homes on Phillard [Road] versus these hundred of homes in the Putnam Lake area and I think you have the critical mass of population there, which is a good customer base for them and I think they are, I think that's why they are moving in that area. I would venture to guess that there are a lot of other areas in Patterson that they haven't moved on yet because of, maybe...

Chairman Rogan stated I'm sure.

Mr. Alexander stated major roads, you all know your Town better but I would venture to guys that there are more major roads in Town that they haven't moved on just because of lack of population.

Board Member Cook stated Rich, has Verizon approached the Town at all.

Rich Williams stated not at all, not at all, we've approached them, we reached out to the attorney that represents them. I now have another contact that I can reach out to but they haven't and just to follow up, I want to point out that Verizon was stringing the fiber optic lines, we did find that they were doing that but they stopped, they stopped on their own. So they didn't even, they are not continuing at this point in the Putnam Lake area.

Andrew Fetherston stated I'm just thinking if the utility was to come from Garland [Road] to be strung up to the tower at some time and your vehicular access was from Phillard [Road] wouldn't it be more likely that if they were serving the population in Put Lake bringing the lines up to the tower, wouldn't it be more likely that they would pull the improvement to the 25 or so homes on Phillard [Road] if there was an access way already built, if there was a road built...

Chairman Rogan stated its possible.

Andrew Fetherston stated as opposed to now you're going to go straight through the woods again, I don't know if may be more, it maybe more conducive to go for that, the additional population to service your community more, if there is a road there, possibly...

Rich Williams stated yea but I have to say, from a Planning standpoint, I would rather them stay in the road because we've got some low density areas over off of Brimstone [Road], off of the end of Haviland [Drive], Quaker Lane and I would rather get them through there to get up to the high density Phillard Road areas, rather than come through the woods just hit Phillard [Road] because it's a high road, high density...

Andrew Fetherston stated I'm not using Phillard [Road].

Rich Williams stated and the other people are sitting there for 10 years before they get fiber optics.

Board Member McNulty stated they would still have to trench all the way down the street to connect the homes anyway.

Rich Williams stated right.

Board Member Montesano stated wouldn't they come in through, are they going to come down on lake or are they going to come through the main road to get up there.

Rich Williams stated well if they are in the Putnam Lake area, to get to these low density areas, Quaker Lane, Brimstone Road, the end of Haviland [Drive] they are going to come right down Haviland Road, but if they've got a different route, is they can get to Phillard Road by going through the woods, because they are halfway through anyway then that is the way they are probably going to come through and they are going to skip over those low density areas and this is all speculation.

Chairman Rogan stated of course. Let's switch to a question Tom, you had about back-up generation.

Board Member McNulty stated yes, there was on the plan, no where about how back-up power would be supplied to any of the carriers on the plan itself...

Mr. Arthur stated each carrier provides their own back-up service, as a facility we don't provide back-up to the carriers because it is virtually impossible to get them to coordinate and they have to provide 8 hours of back-up as required by the FCC and each carrier decides how they want to approach that. For example, Verizon generally puts a generator, they build it into their equipment shelter so it's a consolidated unit, other companies like T-Mobile, generally do it by batteries, as long as they meet that 8 hour minimum, they're covered.

Board Member McNulty stated batteries aren't an issue but the placement of a generator is what our concern was, my concern, type of fuel and where it would be placed, you're saying those are pretty small structures, I find it hard to see how they get a generator inside...

Mr. Arthur stated well actually a Verizon shelter is typically 30 feet long and its two compartments so one compartment is about ten feet, which is for their generator, the second compartment is about 20 feet for their electronics.

Mr. Alexander stated that sort of brings me to one perfect way to sort of segway into one of the other issues, what you'll notice is since we've last been in here, Clear Wire communications has said they want to use the site in addition to T-Mobile and they are going to go lower, so when you look at our compound now, we are showing Clear Wire's equipment as well as T-Mobile, we've padded out where we anticipate people to go but right now we are seeking approval for the compound but if someone came in a different configuration than what is shown, they would have to come back...

Board Member McNulty stated what are the size of those pads that you have laid out.

Mr. Alexander stated Verizon is not, these are 10 by 20's, these are all 10 by 20's here, sorry, this one is 12 by 20...

Mr. Arthur stated they are all 12 by 20.

Mr. Alexander stated they are all 12 by 20, sorry.

Board Member McNulty stated they all look like equal sizes, so much smaller than the 30 foot that you were just mentioning.

Mr. Arthur stated so for example, let's say Verizon came in and you know we try to put carriers in the back of the site away from the gate first, to make it easier to install future installations so this installation would you know could extend back to here and if they add a generator and the preferred fuel source would

probably be propane, would have to have a propane tank and then that might go somewhere in here or somewhere back here depending on the Code clearances.

Board Member McNulty stated what about the 2 carriers that are signed there that you have, did they propose their back-up, UPS system.

Mr. Arthur stated T-Mobile uses batteries and Clear Wire uses batteries as well.

Mr. Alexander stated so the site plan approval we are seeking wouldn't right now have for all the carriers would have just for those 2 carriers with the anticipation that if they went outside of these 12, if they were going to come in and just put their equipment on the 12 by 20, we would assume then you know basically the approval your giving us now, you give us now would be for that but if they changed the, you know the footprint of activities within the compound we would come back for an amendment to the site plan is what we would anticipate...

Chairman Rogan stated what I guess I would be concerned about is while some carriers may use batteries, its within their option to spec out generators so you could potentially have 8 or 10 different carriers in there would that be...

Mr. Alexander stated no, no, 6 carriers...

Board Member McNulty stated 6.

Chairman Rogan stated 6, okay, with 6 unique and different generators which would potentially all be running at the same time.

Mr. Alexander stated actually most of the carriers, I will tell you are using, I think more than half of the carriers are using the gel battery back-up right now.

Board Member McNulty stated so using a battery back-up to get a minimum of 8 hours.

Mr. Alexander stated right and then if they need more what will happen is they will bring up an emergency vehicle for a short period of time where everything is going to be completely contained on the back of a pick-up truck and then that will disappear...

Board Member McNulty stated so you're looking at maybe 6 of those pick-up trucks or you'll set it up so one would provide for all of them.

Mr. Arthur stated each carrier has their own arrangement, for example T-Mobile has roll-up generators that they stash all over the country and then if they have an outage in a certain area that is longer than 8 hours or they anticipate it will be, they'll call up a local contractor that has the thing sitting in his garage and they roll it out to the site, hook it up to an existing port and...

Mr. Alexander stated you're not going to have a cycling issue which is I think the question that you had...

Board Member McNulty stated yea, right now these two existing carriers, so...

Mr. Alexander stated you're not going to have consistent cycling because there is not one proposed to be out there and the solution we were talking about extends beyond the 8 hours involves just bringing it up for a couple of days and then it will be gone.

Board Member Montesano stated so if you have 6 carriers and 6 people, 6 independent generator contractors come up, we are going to have 6 independent generators going at one time for a period of let's say a day on up.

Chairman Rogan stated it just seems like it would be something to consider to spec out a 10 Kw standalone diesel generator with a saddle bag.

Mr. Alexander stated because you are 900 feet from your nearest property line.

Mr. Arthur stated Verizon...

Chairman Rogan stated those generators though, you know what when we have a power outage and you drive around, the sound travels and it's amazing how that motor running travels and I know you're in a wooded site here but at least for...

Mr. Alexander stated and they are not a permanent fixture, I mean it's coming in for a temporary emergency situation...

Chairman Rogan stated right.

Mr. Alexander stated which even under SEQRA, emergency situations are Type II exempt, so I mean, sort of, how far down the line are we going to prepare for every contingency...

Board Member Montesano stated I don't know, talk to the people in Westchester and find out.

Chairman Rogan stated (inaudible) the maintenance issues if they are bringing these things in, they area serviced, they are not serviced on site you know, so I understand that.

Board Member McNulty stated well UPS is an efficient system, the 8 hour back-up plan is good and efficient. I don't think we lose power that often for that length of time.

Rich Williams stated just once.

Chairman Rogan stated yea.

Mr. Arthur stated just as a size example, Verizon's generators generally spec out at 60 KvA so that is how the, 60...

Chairman Rogan stated Kw.

Mr. Arthur stated yes.

Chairman Rogan stated wow.

Mr. Arthur stated so basically if you were to multiply that, you would have the huge generator the size of this room...

Chairman Rogan stated yea I didn't realize that it needed that much power.

Mr. Arthur stated and it's a consolidated unit and that's why it's...

Chairman Rogan stated so your talking about somebody come in with a 4,000, 5,000 watt generator...

Mr. Arthur stated the portable ones for houses, no...

Chairman Rogan stated wow.

Mr. Arthur stated these are the roll up ones you see at a construction site.

Board Member Montesano stated just take a look at Patterson Crossing, you'll see the generator sitting there.

Board Member McNulty stated another thing, I didn't see noted on the resubmitted plan, was anything about lighting, was lighting noted, I think we discussed that...

Mr. Arthur stated we don't light the sites but each carrier generally will provide a work light for their own equipment and that is usually tied right into wherever their power panel would be so I believe there is a detail somewhere...

Board Member McNulty stated is there usually only one exterior light.

Mr. Arthur stated it would typically be a light that just kind of faces their equipment and they have a twist timer on it...

Board Member McNulty stated for these two carriers show some kind of shielded light of some sort, so it's not shining through the woods in the middle of winter.

Mr. Arthur stated all these carriers are going to have to submit plans to the Building Department with detailed installation drawings, so that will all be on there where their lights are and what their (inaudible)...

Mr. Alexander stated these are only work lights, these lights are only on when for the once month a technician comes up to do the work that they actually do, they turn on the light for that little period of time, it's on a timer so if for some reason, it turns off on its own.

Mr. Arthur stated it's typically a dual floodlight like you would have out in the back of your house but they have a twist timer.

Chairman Rogan stated Rich...

Rich Williams stated back to the generators real quick, just a thought that I think we need to take a look at, if we do have an outage and if they do pull generators onto the site, this site is not set up to provide for the flow of four generators coming in on to the site, certainly if we are coming in off of Garland [Road] the way they initially laid out, I'm sorry off of Phillard [Road] the way they have initially laid the Phillard

Road out, it's much more difficult to try to get you know, safely trucks maneuvering on that site and multiple trucks, 4 at a time, that is going to be an issue. That site is not laid out right now to do that.

Chairman Rogan stated that would be assuming that all the trucks show up at the site at the exact same time and have to all get in and out of there but you need, either within in the compound or outside of it, a little bit of parking.

Rich Williams stated if you are losing power you are going to, there is going to be 4 trucks.

Chairman Rogan stated no, no, I mean at the exact same time, like you know they all show up, they are either coming or going, I mean it sounds like...

Rich Williams stated but what they are saying is that they are bringing these generators in the back of pick-up trucks and they are going to sit them out there.

Chairman Rogan stated right.

Mr. Arthur stated it's a roll behind so it's a unit...

Board Member McNulty stated its like a trailer.

Chairman Rogan stated so do we have the parking area either within, it doesn't look like within the compound but right immediately outside the compound.

Mr. Arthur stated we do have a turn around area but they would basically back that up, roll it in and wire it, we would have coordinate where we would want them put that and then typically there a cord set that comes with that and they will run it over to their equipment.

Board Member Montesano stated are they going to be bringing them on trailers, an independent trailer from their vehicle.

Mr. Arthur stated it is basically a generator with 2 wheels or 4 wheels

Board Member Montesano stated okay so you're going to still have a place for them to maneuver to back it into that because they are not going to back all the way up the road or down the road.

Mr. Arthur stated they have an area here where they can basically pull in and then they could just back it in.

Board Member Montesano stated all right so we are going to have a (inaudible) system when they come through, pick a number and see who goes first and who goes second.

Chairman Rogan stated it does kind of look a little tight.

Mr. Arthur stated (inaudible) how they would...

Board Member Montesano stated it looks like its going to be fun, you have up to 6 people coming in with pick-ups with a trailer behind them all coming in at the same time or within a reasonable amount of time, let's give the guy a 15 minute interval, are we going to have some kind of traffic control, stop truck b until truck a leaves, it's just a question.

Chairman Rogan stated point well taken.

Mr. Alexander stated I think at this point, its sort of like, you know what you can order the certain, nothing stops when you design a residential road, you design, you don't design it for a WB-62 coming in and out...

Board Member Montesano stated you never call tell.

Mr. Alexander stated but you don't design it for that because how often is a WB-62 going to come back on a driveway...

Chairman Rogan stated no but you design it for the number of houses on the road and you've got a number of carriers so it would make sense to design the parking, in other words it would make sense if you showed us, demonstrated that there is sufficient area to park, say park 4 vehicles and then maneuver them around, if you physically parked 4 vehicles on the site is there room now to get them back out without all crazy jockeying, it just sounds like you need to demonstrate it.

Mr. Arthur stated the truck carrying the generator would leave...

Chairman Rogan stated okay, so they are going to bring generator, disconnect the 2 wheel or 4 wheel trailer and leave the site.

Mr. Arthur stated they plug it into their panel and then they leave.

Chairman Rogan stated all right.

Andrew Fetherston stated I see where you're going and not belabor it but you have a truck pull in, drops, backs in, drops the generator off, what if he is the closest to the gate, then the next guy well it's a little tricky and it should be looked at, just that its feasible because they are going to come in relatively around the same time or the same period of the same day because they can't have their carriers out.

Chairman Rogan stated so let's at least consider that we have appropriate area for that.

Mr. Alexander stated this is in the unlikely event that there is event where there needs to be more than 8 hour power back-up.

Chairman Rogan stated right.

Mr. Alexander stated we are getting kind of remote.

Board Member Montesano stated this is called Planning.

Mr. Alexander stated I understand that but...

Chairman Rogan stated okay Neil, we understand, I understand where you're going...

Mr. Alexander stated okay.

Chairman Rogan stated but let's at least just show that we have the area. Let's get back to where we are going from here today, with, we have 2 different concepts for road, I'll tell you, it's hard when there are alternatives clearly if Garland [Road] was your only alternative there was no other way to access, I think everybody would be on the same page on this but clearly there are issues that and there are alternatives, I'll be it may be slightly more difficult and more expensive but they are alternative. If we were to say today, hey, the only way you're getting access in here from this Board is through Phillard [Road] there are whatever, circumstances that don't deem, then you'd make it happen because it's either that access or none...

Mr. Alexander stated I don't know if either that access or none actually, I wouldn't frame the date like that, it's either A, see if that condition or approval stands, B, go back to Lake Shore, we still have a lease.

Chairman Rogan stated okay.

Mr. Alexander stated stir up that hornets nest again, I mean...

Chairman Rogan stated okay, if you...

Mr. Alexander stated I'm not saying it threatening, I'm just sort of saying it isn't our only option we are not totally held hostage on this issue is what I'm saying.

Chairman Rogan stated where I think we should go with this, to be honest with you, from my perspective, I don't live near the site but I want to hear from the people that have concerns, if we don't have anybody that has any concerns over this, then are we spinning wheels. We are concerned with the site issues but certainly there are people that have concerns over there so I think you know, at some point we should get this out to public hearing.

Mr. Alexander stated I would love to go to public hearing, I would love to have a public hearing next month, I think we're ready.

Chairman Rogan stated you know, I think, I mean Rich, what do you think.

Rich Williams stated the only way you're going to do that is to provide notice and have a public hearing.

Chairman Rogan stated what does everybody think.

Board Member Montesano stated get it over with, it will be a lot easier.

Board Member McNulty stated I think so because Garland [Road] is the easier the way to go but my feeling, that I brought up at the work session, is if we are going to go that way to make it an attractive entrance, I don't want 2 bollards and a chain.

Chairman Rogan stated right.

Board Member McNulty stated make it like a park like entrance. There is no benefit to the people on Garland [Road] out of this other than more traffic, so let's make it look nice for them, that is the way I feel.

Mr. Alexander stated I don't think we would have any problem with doing something to make it look nicer and that's just the way we've seen other sites run...

Chairman Rogan stated right, want to set a public hearing, you gentlemen can do your neighbor notifications for next month.

Mr. Alexander stated that would be great.

Chairman Rogan stated we have plans that show both, we would have everybody to be able to speak intelligently about the alternatives, Andrew we are probably going to put you back on the spot to explain what you said tonight.

**Dede Lifgren** stated the public meeting would just be about access, is that right.

Chairman Rogan stated well no it would be about the whole site but the access I think is the biggest issue that this Board wants to hear feedback on, the actual tower itself has gone before Zoning Board right, in terms of which style so that is the not in the purview of this Board, this Board's purview is access and site layout and that is what we are talking about so, I think it would be very valuable to get some good input on the alternatives on what we're looking at, I don't want to make the decision on 2 if there's a strong contingent that feel one way or the other and it can potentially be accommodated either way. Motion on public hearing...

Board Member Montesano stated make the...

Board Member McNulty stated do we have to make these SEQRA determinations too.

Chairman Rogan stated we need a lead agency notification.

Rich Williams stated we had done, the Board had done their intent for lead agency, we haven't circulated because we are still waiting for information from the applicant and that is something we still need to do...

Chairman Rogan stated we'll...

Rich Williams stated that is something we still need to do.

Chairman Rogan stated okay, will that...

Rich Williams stated that alternative is to just forget about it and do an uncoordinated and leave the ZBA to their own devices which they absolutely hate.

Chairman Rogan stated well setting a public hearing for next meeting would that, hearing back, is that going to happen before the public hearing, they have 30 days right and we've already...

Mr. Alexander stated we're in front of the ZBA in 2 weeks and we can ask them since they don't enjoy being left to their own devices on that issue (inaudible) so the only other interested or involved agency that I can think of, they can write a letter back to you exceeding to or acquiescing rather, to your serving as lead agency...

Rich Williams stated right.

Mr. Alexander stated my recollection back when we dealt with all that issue was they were kind of asking you at that time...

Chairman Rogan stated yea.

Mr. Alexander stated to serve as lead agency so we could shorten the 30 days that way.

Chairman Rogan stated Carl, does that sound appropriate, yea, okay. Motion for a public hearing...

Board Member Montesano stated in Wireless Edge I make a motion for a public hearing on June 3<sup>rd</sup>.

Board Member Cook seconded the motion.

Chairman Rogan asks for all in favor:

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

The motion carried by a vote of 4 to 0.

Chairman Rogan stated thank you for your patience and time tonight, appreciate it.

Mr. Alexander stated one little housekeeping issue, do we need to do County referral.

Rich Williams stated you know we do.

Mr. Alexander stated that's what I thought.

Rich Williams stated we can talk about it.

Mr. Alexander stated we'll do that also.

Rich Williams stated you need to get me application, EAF, site plan, make sure you have 3 extra sets of the whole...

Chairman Rogan stated okay, thank you kindly.

Mr. Alexander stated thank you.

Board Member McNulty stated just kind of an example, you can take that with you, maybe not that elaborate but something that gives it a park-like entrance.

Mr. Arthur stated okay we can (inaudible).

Board Member McNulty stated probably set back a little bit.

(Inaudible – too many speaking).

Chairman Rogan stated get out of the way Neil.

Board Member McNulty stated just something for the people on Garland [Road] if its going to go that way.

Mr. Arthur stated I was hoping they wouldn't see it.

Chairman Rogan stated just give a second to clear out.

Board Member McNulty stated we don't want to clear too much up there either.

Chairman Rogan stated okay.

Board Member McNulty stated Shawn, these other items, do we have to go over the rest of the these with them or they will take care of that with plans.

Chairman Rogan stated they'll take care of it.

Board Member Cook stated (inaudible).

Chairman Rogan stated okay, ladies and gentlemen, next up we have Hudson Valley Trust and the wonderful Theresa Ryan.

## **8) HUDSON VALLEY TRUST**

Mrs. Theresa Ryan of Insite Engineer, Mr. Vincent Leibell and Mr. Ray Maguire were present.

Mrs. Ryan stated good evening.

Chairman Rogan stated how are you.

Mrs. Ryan stated good how are you.

Chairman Rogan stated great, nice to see you.

Mrs. Ryan stated nice to see you.

Chairman Rogan stated looking forward to hearing some information about this application tonight. We enjoyed the site walk and looking forward to see what you have for us tonight.

Mrs. Ryan stated okay, I am going to give you the dull stuff first.

Chairman Rogan stated yes, I'm sorry.

Carl Lodes stated can we just note on the record that the firm of Curtiss and Leibell is recusing itself on this matter.

Chairman Rogan stated sure.

Mrs. Ryan stated okay.

Chairman Rogan stated Michelle, will get that on the record.

The Secretary stated yup.

Chairman Rogan stated thank you.

Mrs. Ryan stated I'm going to cover the boring stuff first, we received the comments will respond to Andrew's and Rich's comments on the next submission and Rich brought up a comment about the rights of the adjacent owners relative to Cann Lane and he was looking for input from the Town Attorney, so at some point we would like to have a discussion about that.

Rich Williams stated I need to go find an attorney first.

Mrs. Ryan stated right, that's our point.

Chairman Rogan stated so we are requesting, we are going to request the Town Board to appoint special council.

Rich Williams stated they are going to have yes.

Chairman Rogan stated do we need a motion on that, to make that request of them.

Rich Williams stated if you'd like.

Chairman Rogan stated make a motion in the matter of Hudson Valley Trust Incorporated, 12 Towners Farm Road, that the Planning Board request special council for review of this application, so moved.

Board Member Montesano seconded the motion.

Chairman Rogan asks for all in favor:

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

The motion carried by a vote of 4 to 0.

Mrs. Ryan stated thank you, the second item would be that it was mentioned that you would still like to have additional parking on the new site around the building. We would really like to keep it to a minimum if we could and just have the four gravel parking spaces, even that is going to be more than sufficient because really what Hudson Valley Trust is proposing to do is have everybody park in the main parking lot at the Lawlor Building and use the new bridge and pathway to get to the barn structure.

Chairman Rogan stated on our site Theresa, some of the people we had in attendance walking up that path, about, I don't want to say keeled over but they were a bit winded by the time they walked up the path and we noted that the path because of some of the recent rain was really eroded and had some problems, it wasn't a path that was very easy to walk on, it was kind of analogies to walking on beach sand you know a little bit more difficult to walk on. So I think at a minimum we need to look at that surface, I think it is a great idea to have people, especially given the context of this application to have that be a part of the plan but I think we had discussed maybe I know Rich put it, you put it in your memo, we didn't discuss it at the site walk but something similar to what they do at the 4-H Fair, where we define an area that might be used for an event to have some parking, certainly there is area that exists along the proposed entrance that we could define out a fee spaces...

Mrs. Ryan stated without making a gravel surface.

Chairman Rogan stated well I think it, some of the events that go on here are going to be in the bad time of year, throughout the winter so that might not be appropriate.

Mrs. Ryan stated well the other plan is to have them shuttled from the Lawlor Building.

Chairman Rogan stated shuttled and would that go in through the proposed drive, that would go in through the area you have behind you as the green...

Mrs. Ryan stated either that or Cann Lane.

Chairman Rogan stated okay. I think Maria's not here but I think people felt pretty concerned about the use of Cann Lane as it exists certainly...

Board Member Cook stated since we mentioned it, I would like to ask how many parking spaces are proposed for that turn around...

Mrs. Ryan stated 2, one would be handicap accessible and there is just one additional one there.

Chairman Rogan stated can you talk a little bit more about the use of the building because we haven't had a whole lot of discussion on that, what are we looking at, what are we planning.

Mrs. Ryan stated that I am going to pass on to our friend that is here tonight.

Chairman Rogan stated okay.

Board Member McNulty stated will they cover the types of events we are talking about with overflow parking...

Chairman Rogan stated I'm hoping, get a sense of what we are looking at.

Mrs. Ryan stated yup and then that brings me to another point where we are proposing the gravel access directly off Route 311 and because you require that all accesses be paved unless you waive, we would like you to consider...

Chairman Rogan stated what about doing a 25 foot, you know...

Mrs. Ryan stated 30.

Chairman Rogan stated transition, 30 foot transition.

Mrs. Ryan stated paved.

Chairman Rogan what's already paved.

Mrs. Ryan stated 30 foot paved.

Chairman Rogan stated well I mean at least as some kind of a, not a traction pad but...

Rich Williams stated you're talking about at the entrance...

Mrs. Ryan stated you mean the apron.

Rich Williams stated that DOT.

Chairman Rogan stated I am talking about the connection between the proposed road and [Route] 311.

Board Member McNulty stated yea.

Rich Williams stated right.

Mrs. Ryan stated right here, just at the entrance.

Chairman Rogan stated maybe some nice stonework rather than paving it.

Mrs. Ryan stated we could do pavers.

Rich Williams stated its all within the DOT right of way and it would be subject to a DOT permit.

Mrs. Ryan stated I don't think the DOT allows the pavers but I'll check.

Chairman Rogan stated of they don't well just a thought, the stonewalls look great though so that's a nice entry anyway.

Mrs. Ryan stated and you know we are shifting the entrance too, part of it is actually on the adjoining property so we are shifting it slightly and we are just going to have to adjust the stonewall a little bit.

Chairman Rogan stated and you'll have a new and separate wetland crossing there where that one wet area is.

Mrs. Ryan stated right because the existing crossing is mostly on the adjoining property also...

Chairman Rogan stated okay.

Mrs. Ryan stated unfortunately so we are going to have to put a new crossing.

Chairman Rogan stated Theresa it is extremely hard for me to look at the plan because I'm looking through you but the area when make the bend to go over the stream...

Mrs. Ryan stated it's too low.

Chairman Rogan stated to the right of the proposed road that you've outlined in green, is there area directly opposing the 4 proposed spots that you show, is there area in there where you can provide additional parking, like an addition 4 or 5 spaces...

Board Member McNulty stated you're talking about up by the barn Shawn.

Mrs. Ryan stated right in here.

Chairman Rogan stated well yea or even further down on the plan towards the bend, anywhere through there.

Board Member Cook stated between the green line and the red line here.

Chairman Rogan stated I mean it seems like it depends I know there were some wet areas when we were out there, there was an old, there was a drop-off in grade and then...

Mrs. Ryan stated if we filled there we could do but still we would like to keep that whole thing to a minimum so we are not encouraging people to park there.

Board Member Montesano stated yea I was going to say, maybe if we just leave the driveway say gravel, you don't encourage people to utilize it, if they don't utilize it, there is less of a chance of them coming out that way.

Chairman Rogan stated I mean I think Rich's comment about the way we do 4-H and some of the other events that you can look at some of your grass areas, look at some of the grade and say that in an event if we wanted to have, if we were having an event that was going to draw 150 people, you have the option of both, some people would be preferable to park at the old Town Hall, where others may want to get a little closer because the grade going up the hill is somewhat steep.

Mrs. Ryan stated if we could keep it grass, that might be a possibility.

Rich Williams stated you would want to keep it grass because its within the buffer, if you are going to do anything other than grass, you are going to open up a can of worms with other regulatory agencies.

Chairman Rogan stated we have done this on other plans, can we denote the area as grass parking but also have it so that we are not anticipating any other use for that area so that in the future, problems were observed with parking, we could then look at, revisit that issue with parking.

Rich Williams stated sure...

Chairman Rogan stated at least have something on the plan that show you know potential future parking where its defined.

Rich Williams stated if the grass isn't working out, then we can revisit that issue.

Chairman Rogan stated whether its maybe grass pavers or something to that effect but I think generally everyone felt like, I know Ron is here tonight, Ron you may want to speak to some of the architectural elements that you discussed with our Board, if you feel comfortable.

Board Member McNulty stated they've got bigger concerns with Cann Lane though, really.

Chairman Rogan stated we really were thinking to stay away from that as much as possibly, except maybe handicap.

Board Member McNulty stated its not going to be improved for Town conditions for roadway.

Chairman Rogan stated yea.

Board Member McNulty stated pretty limited access.

Rich Williams stated maybe it's a good time to take a little break here and hear what the overall plan is.

Chairman Rogan stated that sounds like a great idea.

Mrs. Ryan stated um.

Chairman Rogan stated whenever you're ready sir.

Mr. Leibell stated want that.

Chairman Rogan stated sure, Theresa yields the microphone.

Mr. Leibell stated Vinnie Leibell, nice to see you, all of you. The Lawlor Building has been very successful, we accomplished everything that we wished to do and I should note that I am not on the board of the Hudson Valley Trust but I certainly have been involved and very active with them. The Lawlor Building is any time you go through there, you'll see that there is all sorts of activities and programs that are, that the building is being used for, they have significantly run out of space, especially with the barn the way it is now and the history of it, we are trying to keep it as consistent as it might have looked when it was first built, the reason we put up the covered bridge was more than just the aesthetics, although we spent quite a bit of money just trying to make it look really good, it was meant to access the parking there for the other site so that we would not have to have parking up there and take away from the rural nature of it and the farm like setting that its in. That was our goal, I am quite aware of what you were saying Chairman about it is steep to get up there, Leibell's knees can verify that and certainly we need some additional work in there, more than additional but our idea was to, when that was being used, you can see in here that there is a place in here for holding meetings and I'm not, I don't remember exactly the number of people that would in there, do you remember Rich...

Rich Williams stated I don't.

Mr. Leibell stated probably 40 or 50 people, so we would have the ability to also bring people jitney or a small bus to the site and then go back down and park below with the idea of not having to have any sort of extensive parking up there which would take away from the farm-like setting. What would be in the

building besides the small auditorium there for programs, environmental and historic nature which would be better than what is currently in the Lawlor Building but be able to move a library in there too, would be extensive space in there for keeping of books and collections. So that would be the main purpose for that building.

Chairman Rogan stated would that relate to the Historical Society with some use of that facility.

Mr. Leibell stated I don't know yet because I don't know how its going to be cut up but we are very concerned with the Town Historical Society because right now their conditions are horrible, there is no real good space for them and they really can not function. They were upstairs in the second floor of Lawlor but they had to take that space because they need it for construction work that is being done else where.

Board Member Cook stated so right now the use of the barn would be for the Hudson Valley Trust.

Mr. Leibell stated that's correct.

Board Member Cook stated that could change obviously over time what...

Mr. Leibell stated it would always be a not for profit use, it would always be for that purpose and geared heavily towards as a library, collections and as a place for research to be done.

Board Member Cook stated I have to tell you, for one person I am really concerned about Cann Lane and that people will come and park there up and down the lane and just cause a nightmare, that is why I asked before about how many spaces, (inaudible) there is only 2 but we have to remember the lane...

Mr. Leibell stated absolutely.

Board Member Cook stated and I don't know if it can be posted no parking or what have you...

Mr. Leibell stated we are going to be very strict on that and it is something that we considered too, the only reason even to go in there is for handicapped, to make it more accessible for them, other wise we wouldn't do it, it just makes it so much easier if you've got somebody whose in a wheelchair to come in that way.

Board Member Cook stated what also concerns me is that you have one handicap spot...

Mr. Leibell stated right.

Board Member Cook stated nowadays if you go to any shopping center or A&P or mall or whatever, there is a line of handicap spaces, they are always filled...

Mr. Leibell stated right.

Board Member Cook stated and I just, in enforcing it, I would just hate to see Cann Lane lined with handicap blue stickers.

Mr. Leibell stated no, we've been pretty good and we have never had a problem at Lawlor, we control that very carefully, what's there and the people who are the not for profit's that are residents there and other who use it have been great, we've never had a problem at all, in any respect. So I don't anticipate that at all and it would obviously reflect very badly on the Hudson Valley Trust if that were to occur and we don't

want that to happen. Once again I think everybody is either going to be parked down below or coming in by a jitney system and in order to maintain the appearances. I can understand the concern and we have thought about that and I don't think, I'm pretty certain it won't be a problem because we are pretty strict in the way we enforce it.

Board Member McNulty stated will there be daily use of the building by the Hudson Valley Trust or is it just for events.

Mr. Leibell stated I would say not daily use, okay. We are more concerned with libraries and collections et cetera and some of them will be significant that...

Board Member McNulty stated there is no office so to speak...

Mr. Leibell stated there would be for those, honestly what I anticipate happening I think we are going to have come visiting scholars who want to be using the collections.

Board Member McNulty stated okay, so its not like employees or volunteers there daily, like on an everyday use and...

Mr. Leibell stated no, it would be very low impact, extremely low.

Chairman Rogan stated I think that that would, that is good to get into the record as we move forward because that may help equate the number of spaces that we are providing close to the building to those uses.

Mr. Leibell stated that we can guarantee, it will be very low impact.

Chairman Rogan stated and again I think building into this equation, the possibility for improvement, at least delineating some areas, so that we have that option if we find there are problems, then we address them by coming back to the table I think that that would be appropriate so that at least we are continuing to think for the future.

Mrs. Ryan stated I would prefer to delineate them if were going to do that and determine with your Board where those are going to be.

Chairman Rogan stated you're so soft spoken.

Mrs. Ryan stated I know because there is a septic system that serves an adjoining property and we want to make sure there is no parking on for those events.

Chairman Rogan stated sure, okay. Is there an issue based on your plan that if, is there a grass area, is there a clear delineation between the property lines, I know you have them on the plans shown but where that septic system is, would it maybe be appropriate...

Mrs. Ryan stated there are clean outs, I think in the field there but you need...

Chairman Rogan stated on Hudson Valley Trust's property.

Mrs. Ryan stated yea, it's right.

Chairman Rogan stated and what septic system does that service.

Mrs. Ryan stated it serves N/F Guerra on the north side of Cann Lane.

Board Member McNulty stated its shown on that plan.

Mrs. Ryan stated its shown on our overall plan, I have here too.

Chairman Rogan stated not the person who owns the piece of property that we are circumventing by creating this stream crossing.

Rich Williams stated no, this is property on the other side of the road.

Mrs. Ryan stated its right here.

Chairman Rogan stated yea.

Mrs. Ryan stated and they piping that comes down across Cann Lane, through Cann, under the stream and then to the septic.

Chairman Rogan stated so there is a drainage, an easement that runs through that other gentlemen's property...

Mrs. Ryan stated yes.

Chairman Rogan stated okay.

Mrs. Ryan stated it runs through 2 properties.

Chairman Rogan stated yea, no I think that's important to delineate that out, it may be if we look to some of that area, adjacent to it for potential parking even in a field event, maybe we look at some plantings or something on the uphill side of the parking, so we really delineate it, so that you can't really drive through and it wouldn't impact on mowing or anything like that, you know something to consider.

Mrs. Ryan stated all right.

Chairman Rogan stated any other and maybe its not related to this plan, any other ideas for the property because when we originally did the bridge, we heard there were conversations for use as arboretum.

Mr. Leibell stated in fact we were just talking about that in the other room, long range, this is more short range. Long range yea, there is the goal of building an arboretum in there, that would be native New York State plants in this region.

Chairman Rogan stated that's a great idea, that would be really nice.

Mr. Leibell stated it's ambitious but its, that's our goal.

Chairman Rogan stated excellent, Ron, can we put you on the spot at this point, do you want to talk at all about some of your thoughts on this, in terms of the architectural significance or anything. You don't even have to get up, you have the wireless microphone.

Ron Taylor stated I can't comment specifically on it, I can just comment in general, the concern of the Historical Society is 2 fold, 1 to preserve existing historic structure, which you seem to be doing, thank you...

Mr. Leibell stated trying.

Ron Taylor stated 2 is that in fact those structures, especially one in this case that is part of a large setting, farm setting...

Mr. Leibell stated right.

Ron Taylor stated that retains a significant, I'm searching for a word here, streetscape, view, original view, the originality of the place is retaining, to a certain extent the Lawlor Building did not retain the originality of the school house that was there before...

Mr. Leibell stated right.

Ron Taylor stated because it was added on to so much.

Mr. Leibell stated this would more so than the Lawlor Building.

Ron Taylor stated all right because I see you added back the silo which most people probably don't know existed on the site but it to, my eye appeared to be much larger than the original silo, probably because you need the diameter to be able to do what you're doing in the silo.

Mr. Leibell stated yea, I think that is for the going to accessing the stairs, right Rich.

Rich Williams stated yes.

Ron Taylor stated so that is something we would have to look at, so 1 is certainly satisfied because you want to preserve the building, the second to show your plans to the board and get input from that.

Mr. Leibell stated I think that the architects tried very hard but there are some things that you know, if you need space to move around in and we wanted to create, the one thing I asked them to do was to try and reconstruct the silo.

Ron Taylor stated I understand, the problem with modern architecture, at least from my standpoint as a historian is there is a tendency to echo spaces or try to remember spaces without actually recreating them in a way and so being very displeasing rather than pleasing, this particular building is a very crass example of that, of taking different styles and trying to moosh them together and recall some past...

Mr. Leibell stated this is nothing, you ought to see the New York State Capital.

Ron Taylor stated yes, I know.

Me Leibell stated there were 5 different architects on that, it's considered a classic beauty now, it wasn't when it was dedicated.

Ron Taylor stated well, there are some people who wonder whether empire is ever a beauty. So those are some of our concerns, when I first saw the plan, I haven't looked at it closely, that was my, that was one thing that struck me is that the silo is so large relative to the barn it does not look original in any way.

Mr. Leibell stated I'll take a look at that.

Ron Taylor stated but I have to take a look at that more closely but those are our primary concerns, there were other comments but they are outside of, shall we say the purview of the historical society, the concerns here putting forward.

Chairman Rogan stated you can voice those when we get to public hearing as concerned neighboring resident and I think that would be appropriate because we welcome all comment on this, that would be great. Theodore, any comment for tonight on this...

Ted Kozlowski stated not within my purview, plenty but not within my purview.

Chairman Rogan stated Andrew...

Andrew Fetherston stated we had some minor comments but the one thing that I was looking at was, I think its, it might be better illustrated on, I grabbed an aerial because the day you did the site walk I wasn't able to go over, there are a number of driveways on the site or access ways there is one coming from the home in this area, new home...

Mr. Leibell stated let me move this way.

Andrew Fetherston stated and there is an old drive that's going this way, my only concern was and I didn't know if I had verbalized it well enough in the comment that I was thinking on a foggy night, if somebody came in here and said oh boy that's a private residence and inadvertently came down this driveway, which may look like a driveway and unfortunately you may not have control over it to revert back to lawn or such, I wouldn't want somebody to end up in the rain garden, that was my only concern and I didn't know if that could possibly be reverted because it was on someone else's private property, perhaps they would like to have it not a driveway...

Chairman Rogan stated perhaps we can reach an agreement on that by taking a look at that, we may be able to find that the owner of that property is very happy to have that.

Andrew Fetherston stated I just thought a vehicle could inadvertently end up there and, got ya.

Chairman Rogan stated Rich.

Rich Williams stated similar to Andrew, I mean the comments were fairly minor at this point.

Chairman Rogan stated anything from anyone else, questions, comments, concerns, how about you Theresa.

Mrs. Ryan stated I would like to know if you would consider starting SEQRA.

Chairman Rogan stated at least we've have something, we've had some good comment, Rich, any objection to that.

Rich Williams stated as long as you are comfortable with the plan, no.

Chairman Rogan stated well I think, will we just, the parking we need to look at but that's, in terms of that's a little bit of a layout concept, so I think we are, everybody seems like they are okay with idea of starting the process on this...

Board Member Cook stated yes.

Board Member Montesano stated yes.

Chairman Rogan stated we're looking for lead agency right.

Rich Williams stated intent for lead agency.

Chairman Rogan stated motion on Hudson Valley Trust, the Planning Board circulates its intent to assume lead agent.

Board Member Montesano stated so moved.

Board Member Cook stated second.

Chairman Rogan stated I think he beat you to it Charlie, second by mike.

Chairman Rogan asks for all in favor:

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

The motion carried by a vote of 4 to 0.

Mrs. Ryan stated thank you very much and should we wait to have you consider granting a waiver on the paved access.

Chairman Rogan stated yea...

Mrs. Ryan stated you would like to think about that some more...

Chairman Rogan stated let's find out what we can find out from DOT...

Mrs. Ryan stated find out what the DOT will require.

Chairman Rogan stated yea, that seems reasonable given the use but let's just, we'll tie that down, that's not going to slow anything down.

Rich Williams stated if I might interject, what the DOT does has no bearing on what the Board is going to do. The DOT area of influence is going to be driven by whatever design standards they feel are appropriate, all you are waiving is everything therein after that.

Chairman Rogan stated all right.

Board Member McNulty stated we should have at least 30 feet paved in from the highway...

Chairman Rogan stated regardless, this moment brought to you by Michelle.

(Tape 1, Side 2 Ended – 9:14 p.m.)

Chairman Rogan stated Theresa, its always nice to see you.

Mrs. Ryan stated thank you and I will see you at the end of the meeting.

Chairman Rogan stated oh, you have to hang around for Barjac, huh.

Mrs. Ryan stated yes.

## **9) WATCHTOWER EDUCATION CENTER – Amended DEIS**

Mr. Rich Eldred was present.

Chairman Rogan stated okay Watchtower Education Center, Amended Draft Environmental Impact Statement. Michelle, please let the record show that our Town Council has rejoined the conversations relevant to this meeting.

The Secretary stated yes sir.

Chairman Rogan stated good evening Mr. Eldred, how are you, sir.

Mr. Eldred stated I'm doing good thank you.

Chairman Rogan stated great, we got some great comments back from Rich...

Mr. Eldred stated Rich and Andrew both.

Chairman Rogan stated and they all sounded like they were moving forward very nicely and we are working on, I'm assuming procedurally we are working towards deeming the Draft Environmental Impact Statement complete, so that we can circulate to involved agencies and the public. The one minor issue that we wanted to just mention quickly was that through this process, as deeming incomplete, we wanted to note that the Historical Society has some minor corrections to some of the comments that are made within the document and it wasn't comments that would change your application but it was comments that they felt should be corrected for the future...

Mr. Eldred stated I see.

Chairman Rogan stated and again we don't have any specifics, what we were going to recommend is that Mr. Taylor and your staff and yourself, meet at a time that is appropriate for all of you to clarify those issues. As Ron had said, they were not the biggest issues in the world but the point of clarity was important to the Historical Society, Ron if you even want to give an example, that might help for tonight's discussion.

Ron Taylor stated the biggest issue is that the Revolution was kind of ignored in the report when in fact for the Historical Society it is the key period for that area and it affect the recommendation in which the archeological work should proceed for that area, that it should be changed or added to, instead of looking for Indian artifacts or in addition to looking for Indian artifacts, the archeologist should be looking for remains of Revolutionary encampments, which means metal detecting rather than sifting and because you're looking for buttons and sword hilts and musket balls and those kind of things, that was on example. There were a few other examples but that was the main example...

Chairman Rogan stated Ron, do you mind if I give my copy of the document...

Ron Taylor stated no, I wish you would.

Chairman Rogan stated Ron had prepared a document relevant to history that ties to the property, I think its really interesting read, I'll give you my copy.

Board Member McNulty stated Rich.

Ron Taylor stated and then I am preparing a, that document comes without footnotes, that is just the way the person did it in 1956, I am preparing a set of footnotes to document the statements that he makes in that...

Mr. Eldred stated that's cross references to other publications you're thinking about.

Ron Taylor stated yes.

Mr. Eldred stated because I know the archeological, we've had 2 archeologists do fairly extensive studies and they were looking for anything that they could find which would include the items that you are talking about as well...

Ron Taylor stated I was really disappointed they didn't find them because they are available.

Mr. Eldred stated yea, they documented what they did find, so but anyhow, we'd be happy to meet with you and sit down and have a conversation.

Chairman Rogan stated the review documents from both you gentlemen, we can do a motion of deeming the application complete subject to those items being addressed, you're comfortable both with that.

Andrew Fetherston stated yea.

Rich Williams stated yea.

Chairman Rogan stated and certainly we'll include in meeting with Ron and address, that will kind of be wrapped right up into it, so basically you'll start to send out documents, after just clarifying with Mr. Taylor and addressing those issues that are contained, does that meet with your approval, does that sound...

Mr. Eldred stated that would be fine and when are you available to meet.

Ron Taylor stated I am pretty available any time.

Mr. Eldred stated do you have a card or...

Chairman Rogan stated Ron, you can jot down your information.

Mr. Eldred stated okay, fine.

Chairman Rogan stated anything from the Board that would need to be included. I make a motion in the matter of Watchtower Education Center that the Planning Board finds that the Amended Draft Environmental Impact Statement is complete, subject to the Town Planner and the Town Engineer's memo issues being addressed and also the applicant meeting with Ron Taylor of the Historical Society to amend issues that were raised at the work session relevant to the historical nature contained in the document. So moved.

Board Member McNulty seconded the motion.

Chairman Rogan asks for all in favor:

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

The motion carried by a vote of 4 to 0.

Chairman Rogan stated good, good enough.

Mr. Eldred stated thank you.

Chairman Rogan stated thank you kindly, I have been using their Draft Environmental Impact Statement as a step in my house, I want to thank you for that. It's a little over Code but it you know.

Board Member Montesano stated bit's alright...

Board Member McNulty stated it's over 8 inches, huh.

Chairman Rogan stated it's a little bit over the Code but I thought you'd appreciate that.

**10) OTHER BUSINESS**

**a. Project Update**

Chairman Rogan stated okay, under Other Business we do have Project Updates, I think it would be appropriate if we hold that off until the end.

**b. Fox Run Phase II Zoning Change**

Mr. Bob Marvin of Marvin and Marvin was present.

Chairman Rogan stated we have Fox Run Phase II Zoning Change, is anyone here for, yes sir, I thought you look familiar.

Mr. Marvin stated I really didn't plan on making any presentation...

Chairman Rogan stated that's fine.

Mr. Marvin stated only to respond to any questions or concerns or whatever that you may have, Mr. Chairman or other Members of the Board, I did submit a letter after I last made a presentation to you on the first of April, the main concern, at least the way I viewed it, the main concern that the Board seemed to have at that time was the potential problems of governing 2 separate or 2 different phases of Fox Run and I explained how it has been set up back from the 80's when the condominium association was first established. I think the main point that I tried to make in the letter is that my client is perfectly willing to do it in another way but it is not totally up to my client, there are other parties that involved...

Chairman Rogan stated understood.

Mr. Marvin stated but he is more than willing to you know, work with the Board and the other people who have a voice in that to do whatever it could be that would get this project to move forward, I know AG approval will probably be one of those things...

Board Member McNulty stated I also think...

Mr. Marvin stated because when you go through any changes of a plan that had already been approved by the AG you have to go back to the AG so we know that that's going to be involved.

Board Member McNulty stated we are also trying to finalize a count of how many units we are looking to build too, is a big concern of ours.

Mr. Marvin stated yea, and I had submitted to the Board prior to the last meeting just as an example based on current tax rates and projected market values of units you know what the gross tax revenues would be given certain, you know if there were this many units.

Board Member McNulty stated we got all that, I think we are still concerned about traffic flow though because a concern of consolidation of families moving in combining, siblings moving in with parents, again older maybe not a burden to the school system but it could be a burden to the road system.

Chairman Rogan stated with all due respect sir, we are having a little bit of difficulty with an age qualifying residence looking at it as just that because of just what Tom said, we are not seeing, especially today, especially with the economy and with children moving back home and grandparents taking care of grandchildren, which I know of almost everyone I know that that is the case, that traffic isn't just dedicated to these certain age group people, so you have people bringing...

Mr. Marvin stated well its not an irrelevant concern...

Chairman Rogan stated right.

Mr. Marvin stated okay but I think that the concern is muted by the fact that we are talking about here, you know we are not at the Planning stage obviously of anything yet, talking about a potential zoning amendment that would allow some project to come before this Board with a site plan but the type of idea that my client had before which he still is interested in but sort of making it an age qualifying community would be primarily one and two bedroom units, so you are limiting the potential of population of those units by definition by the size of those units. Certainly wasn't talking about anything bigger than some three bedroom units...

Chairman Rogan stated well that seems wouldn't fit within the scope of an age qualifying...

Mr. Marvin stated yea and you're probably talking about mostly two bedroom and some one bedroom, that is really and that historically, if you were to look at these kind of communities that are built around the country, that is what they are, very often on one floor because you avoid the stairs because you are talking about older people and that is the way these things work out.

Board Member Cook stated I have a question for Rich and maybe Carl also, we are to recommend the proposed changes back to the Town Board correct, for the rezoning...

Rich Williams stated there is a draft local law, you can you know simply make a blanket recommendation that you support the change or you don't support change, always beneficial if you can articulate you know why you feel one way or the other, or you can take a look at that local law closely and say we support the change but we think these changes should be made to that local law.

Chairman Rogan stated specific to this application.

Rich Williams stated or in general for the area.

Board Member Cook stated can we say as a for instance where 55 and older communities that the, I mean in the law, can we say limit the number of units to x number, like you take this case, originally they came in with 48, I mean I'll be honest with you personally I don't want to see this number go over 48 because we had enough trouble dealing with 48 and all the issues, can we make that part of the law...

Chairman Rogan stated or do we do that during the review of the application.

Carl Lodes stated during the review of the application.

Chairman Rogan stated well we certainly can state concerns...

Rich Williams stated well...

Carl Lodes stated could be a recommendation...

Rich Williams stated you can make a recommendation that they feel that under our current code for multi-family housing, the density requirements are too high and they should be reduced.

Chairman Rogan stated and I think, but I think the problem with that is this may be something that is unique to this site given the conditions so I wouldn't want to make that blanket statement of all you know because a different site might have perfect access and you're proposing one community it's all age qualifying housing and then the density might be allowed to be different.

Rich Williams stated you're absolutely right but if Charles wants to reduce the density, the question is why does he want to reduce the density...

Chairman Rogan stated right.

Rich Williams stated and is it applicable across the board to the remaining properties that would be in that district.

Board Member Cook stated see I think that the traffic issue, in all honesty doesn't go away okay, maybe you mitigate it a little bit but in toady's world, it doesn't change dramatically, I just want to express how I feel...

Mr. Marvin stated no, I understand, I want to hear how you feel.

Board Member Cook stated okay and maybe that, if it can't be part of the Code as it relates to, is this Bullet Hole Road and adult communities there at least you know coming in...

Chairman Rogan stated and you've put it on record and expressed your concern, that is important also, building the record.

Board Member Cook stated and your letter states you guys are willing to deal with this, okay...

Mr. Marvin stated yes.

Board Member Cook stated you very nicely said something along the, your client would be willing to agree to a maximum number of units and hopefully we'll have that agreement.

Mr. Marvin stated as long as he can make a reasonable return on his investment, that is the key...

Board Member Cook stated sure.

Mr. Marvin stated it doesn't have to be a home run...

Board Member Cook stated okay you know the original application that came in was for 48 [units]...

Mr. Marvin stated well that was a prior request to make a zoning change, really there was never an actual site plan application, I was not involved at that time so, but I have reviewed the information that was presented to this Board, I guess it was probably 2 years ago.

Chairman Rogan stated you can understand that if the application 2 years ago was to put in 12 units...

Mr. Marvin stated 48, I think it was 12 buildings with 4 units.

Chairman Rogan stated but I'm saying let's say it was 12 units total...

Mr. Marvin stated yea...

Chairman Rogan stated then I don't think outcome would have been the same because the impacts were significantly less, so we may, maybe we, I think the determination was based on the cumulative effects of, on traffic from that proposal, that is what we had to look at, so it was tied to impacts associated with that application, it wasn't just a blanket multi-family housing determination because I think the multi-family house or age qualifying will work here to an extent and I think that is what everybody is struggling with.

Mr. Marvin stated if I may make a suggestion and obviously you have to talk to your own council and planner on this...

Chairman Rogan stated sure,

Mr. Marvin stated but I think that it's within the purview of this Board to report back to the Town Board that you know, generally we think it's a good idea to allow age qualified housing in certain zones in the Town of Patterson but with respect to this particular property, we think that the density requirements that are established in the draft local law would allow to dense of a development on this parcel, so we would like to see it, you know lesser density, you know more, I wouldn't have any problem with that and I believe you would be able to do that.

Board Member McNulty stated well the density is, I think the big issue here...

Mr. Marvin stated yea.

Board Member McNulty stated and maybe we have to go back to you and you keep saying your client will work with us, where he can still make money, what is his bottom number...

Mr. Marvin stated I don't have an exact number on that, I know that he felt that at the 48 units, that was a feasible project or he wouldn't have been proposing that, so...

Rich Williams stated and I want to caution you at this point because him making money is not relevant...

Mr. Marvin stated no, no...

Rich Williams stated to the issue before the Board about mitigating the impacts and what is a reasonable level of impacts out on the site, I don't...

Board Member McNulty stated no, I understand that but to be fair to the developer as well, he's not going to do anything with the land if its not worth if for him.

Chairman Rogan stated yea but that would come out through our review process.

Board Member McNulty stated but maybe that will help us where we are density wise.

Rich Williams stated yea that is what I'm saying, I'm trying to steer you away from that all together because its not really relevant to the issue, its not, it could impact the record and you don't want to impact the record.

Chairman Rogan stated understood.

Board Member McNulty stated okay.

Mr. Marvin stated but just to get back to, I think the point that I was trying to make was really, I think the Board can within its jurisdiction here can say to the Town Board, we like the idea, we are concerned that the density may be to great and any law that the Town Board ultimately passes should have less density and then they could revise it however they saw fit, I'm sure with Mr. Williams assistance and so on. You know how physically constrained this site is, I mean its got, so by definition, the numbers that I gave just as an example, 115, there is no way that anything remotely like that could ever be built here, I know that, my client knows that. We were never proposing a number like that, it was purely to demonstrate the tax base would be and the positive tax benefits of this type of thing.

Rich Williams stated the only thing I would be concerned about and I agree whole heartedly with that but the only the thing I would be concerned with is if you just made that recommendation back to the Town Board and the Town Board is going to say well okay, what density do they want and then it comes back to the Planning Board now we are going back and forth. I would rather see if there is anyway that we can come up with a number now.

Board Member McNulty stated yea, I feel more comfortable with that.

Chairman Rogan stated that goes back to what Tom was saying.

Board Member McNulty stated really, what direction is the developer going.

Chairman Rogan stated you know what would be helpful Rich, if we pulled out the old plan and see, we know number of unit but see number of bedrooms, cumulative, it was 48 units, were they each 3 bedroom, that gives us some...

Mr. Marvin stated Mr. Zarecki couldn't come tonight, he would have that like that.

Rich Williams stated I could pull...

Mr. Marvin stated you probably have it.

Rich Williams stated what they are talking about is I did, there was an old plan and based on that plan the Board, no actually, based on the overall site, I did an analysis about what the potentials could be, what the traffic would be...

Chairman Rogan stated right.

Rich Williams stated you know and that, having that in front of you along with the plan and the bedroom count, we can work this out.

Chairman Rogan stated well I think the, there was a correlation between what they were proposing and the impacts that were figured and what our determination was, we felt, for certain reasons there were good pros and cons to each alternative. If we could...

Rich Williams stated with single-family housing also, yea.

Chairman Rogan stated yea, if we could look at that density in terms of bedrooms and refer this back, maybe it was 48 units but they were all an average of 3 bedroom, now you're looking at...

Mr. Marvin stated I would...

Chairman Rogan stated I'm just saying that now you're looking at 48 units and they are an average of 1 ½ bedroom because you are having some that are one and some that are 2, I don't think I would overly supportive of an age qualifying that had 3 bedroom units it just doesn't seem to fall in, it just seems to work against what you are trying to achieve. So, maybe we can pull that information out, we'll take a look at that and we'll, I agree to some extent with what you said, I think that the density are everyone's concerns were and the rest will work from that...

Mr. Marvin stated right.

Chairman Rogan stated and we can solve a lot of the issues that came up.

Mr. Marvin stated a lot of the issues are going to come if something get approved, in the Planning process...

Chairman Rogan stated right.

Mr. Marvin stated where you have great control over as you know, I don't need to tell you guys.

Chairman Rogan stated okay.

Mr. Marvin stated yes.

Chairman Rogan stated thank you sir.

Mr. Marvin stated okay, if I could, next month we'll be on again and maybe in the mean time we will try to get over these bedroom counts or whatever.

Rich Williams stated yea, I'll pull the information together, I'll give it to the Board and send it up to you so you can look at it.

Chairman Rogan stated sure.

Mr. Marvin stated okay, thank you all.

Chairman Rogan stated thank you, okay.

Board Member Montesano stated thank you.

Chairman Rogan stated gentlemen in the back of the room, Barjac okay great, is Theresa behind you. I wanted to make sure we weren't missing them for something, I didn't know they were for Barjac.

**c. Barjac Corp. Site Plan - Discussion**

Mrs. Theresa Ryan of Insite Engineering and Mr. Gary Metcalf were present.

Mrs. Ryan stated what, what you saying.

Chairman Rogan stated we are speaking very nicely about you.

Board Member McNulty stated just working outside.

Chairman Rogan stated Charles was just commenting about he loves the job you did with other crossing project such as Hudson Valley Trust with the aesthetics and beautification.

Mrs. Ryan stated and the limited funds.

Chairman Rogan stated must be nice. Okay Theresa, I knew we were going to come back to the bridge, we figure it was, we kind of knew it but it is what it is.

Ted Kozlowski stated (inaudible) the way it was coming through would have been okay.

Chairman Rogan stated so why don't you bring us through what you're thinking and...

Board Member McNulty stated where is this thing.

Chairman Rogan stated Theresa if you could because Tom isn't that familiar with the site, real quick synopsis and also interview, let's us know who this gentleman whose with is please.

Mrs. Ryan stated Gary Metcalf who is Vice President of Peckham Industries, right, okay.

Board Member Montesano stated that sounds good.

Mrs. Ryan stated yes, the property is located on [Route] 311 and you've probably seen the sign, the sign is still up there that we have an application before the Board, there is an opening between some residential uses and then it opens up, this is the frontage that you see and then it opens way up back, this is not the whole piece but there it is. There is about 43 acres, the ball field is off of Maple [Avenue] and the mine is over here in the fenced area. This is all DEC wetland and we are respecting that, we are staying out of the buffer for the DEC wetland and all of the proposal is mainly in the front portion of the property where we are proposing an equestrian center with a 100 by 200 foot riding ring and a 22 stall horse barn and the access, the only access that's viable really is through that frontage that you see on [Route] 311, there is an old access that exists right now, is right tight between two residences and its only a 50 foot wide piece of property. The reason why we are not going there is because we have to have a significant radius on the entrance, the DOT radius because there is a side walk there, there is not like shoulder that we can tie into and make a wider entrance and in order to put this entrance in, we need more property frontage and along the sides here on this entrance so...

Board Member McNulty stated is that Covington Green it meets up with opposite.

Mrs. Ryan stated yes, I believe...

Chairman Rogan stated I think so.

Mrs. Ryan stated its some residential subdivision...

Board Member McNulty stated is it a residential driveway.

Chairman Rogan stated it's a...

Mrs. Ryan stated it's this...

Board Member McNulty stated it's close...

Chairman Rogan stated its not Dorset Hollow is it Mike, across the street on the low side.

Board Member Cook stated its too far up.

Mrs. Ryan stated it is a subdivision road though.

Board Member McNulty stated its Covington Green.

Chairman Rogan stated oh it is.

Mrs. Ryan stated I think so, yea.

Board Member McNulty stated that makes more sense.

Mrs. Ryan stated so we line it up with that and this provides enough room to put the DOT entrance in, that was approved, the site plan was approved, the wetland permit but there was also the bridge approved of steel and concrete bridge, pre-strussed concrete bridge to cross over the, there is like a, is it a vernal pool and a small wetland here, that gets inundated in the spring and so the bridge was proposed to cross over that but right now that bridge is just prohibitively expensive so what we would like to do right now is replace that with a culvert and head walls instead of the bridge.

Ted Kozlowski stated box culvert Theresa, concrete box culvert, is that what you're talking about.

Mrs. Ryan stated we were thinking of a metal culvert...

Ted Kozlowski stated you mean a metal pipe.

Mrs. Ryan stated I'm sorry, that HTEP pipe, yea.

Ted Kozlowski stated can't do a boxed culvert.

Mr. Metcalf stated that's a good question that is we are here really, a discussion to see what impacts or comments you have.

Ted Kozlowski stated a box culvert is going to require a lot of fill.

Chairman Rogan stated Ted we're not going to catch you on the microphone, sorry.

Andrew Fetherston stated I'm not familiar with the proposal, I haven't seen the original bridge, considered like a corrugated metal arch if you will, with the natural, you're concerned I guess with the natural stream bottom.

Chairman Rogan stated (inaudible).

Ted Kozlowski stated yea, I'm, I think I would rather see a box culvert instead of a pipe just because it's a vernal pool and I think with a pipe we are going to have more disturbance, we are going to have more fill, more natural area covered over, am I right.

Mrs. Ryan stated well it depends on the size of the box culvert.

Andrew Fetherston stated what is the span that you think it would need to be.

Mrs. Ryan stated right now the bridge is an 80 foot span...

Mr. Metcalf stated it's a huge structure, I wouldn't want to (inaudible) back there.

Andrew Fetherston stated right.

Rich Williams stated is there a vernal pool out there. I've heard that...

Mrs. Ryan stated Ted said it was a vernal pool.

Mr. Metcalf stated I'd say no.

Mrs. Ryan stated yea, is it up for discussion.

Ted Kozlowski stated its just that you have 80 foot span bridge and you're going to put a pipe in, you're going to bring in a lot of fill no.

Mrs. Ryan stated just around that culvert, yea.

Mr. Metcalf stated the reason its so long is we just bridged (inaudible).

Mrs. Ryan stated but there is really not an attributing area, what happens is ground water rises up in the spring.

Mr. Metcalf stated and actually its all dry been (inaudible).

Rich Williams stated (inaudible).

Andrew Fetherston stated there is nothing but a bridge that is going to span that distance without putting a pier in you know you have to put something in, there is nothing that long that would span it, I guess, you

know you could reduce the cost with a corrugated metal structure, it could be faced with stone, could be made pretty, it doesn't have to be an eyesore but nothing is going to span that, I don't think is going to span that distance, it's going to be a lesser distance, it's going to require fill, it's going to require, it could be something that's 3 sided with a natural stream bottom but you're not going to get as far back as that bridge would have spanned but I can see a tremendous cost with an 80 foot crossing.

Mr. Metcalf stated we knew that 2 years ago, I guess.

Rich Williams stated especially if it looks like the Hudson Valley Trust, nobody laughed.

Chairman Rogan stated everybody's tired, not that you're not funny, see you got a laugh.

Mrs. Ryan stated I'll laugh on the way home.

Ted Kozlowski stated the other thing is that fill in the wetland, is that going to trigger an Army Corps permit.

Mrs. Ryan stated it could possibly.

Andrew Fetherston stated is that an isolated wetland or is that...

Rich Williams stated no, it's...

Andrew Fetherston stated (inaudible) by Army Corps.

Rich Williams stated hydrologically its connected to a larger wetland system.

Ted Kozlowski stated its connected, it's part of a system.

Mrs. Ryan stated it wasn't claimed by the DEC but it's a Town wetland.

Andrew Fetherston stated is it an Army Corps wetland, is the question.

Ted Kozlowski stated we don't know...

Andrew Fetherston stated yea.

Ted Kozlowski stated but the amount of fill that is going to be involved and your in essence really, see the whole idea for the bridge was preserve the wetland and it was designed as a compromise, now that becomes pretty much filling in that wetland.

Mrs. Ryan stated no filling in the wetland just filling in around this...

Ted Kozlowski stated you're putting in a culvert which is basically for a stream, not for a wetland, so I have to look at it...

Mrs. Ryan stated the culvert...

Board Member McNulty stated what's the span of the culvert going to be.

Ted Kozlowski stated I don't know.

Mrs. Ryan stated the culvert with headwalls...

Chairman Rogan stated in other words, what's the free flow.

Andrew Fetherston stated you'd get less than half.

Board Member McNulty stated I mean are you going from 80 foot span to...

Andrew Fetherston stated you might get 30, larger...

Chairman Rogan stated wow.

Andrew Fetherston stated really, the cost is still big.

Mrs. Ryan stated but still there is no contributing area to this, this is ground water that gets in there, its not surface runoff.

Andrew Fetherston stated you weren't sizing it for flow, massive flood flow rather...

Ted Kozlowski stated you know I think the best thing Theresa, we have to go re-visit it, you know I'll go with you to look at it.

Mrs. Ryan stated okay.

Rich Williams stated and let me throw one more thing our because I'm standing here looking at this, I didn't realize the bridge came that far down into the wetlands, suppose we move the bridge up to the top, I mean then you're really isolating your disturbance to a, just a finger, the upper end of the wetland, you're isolating your impacts up in there rather than trying to bridge and...

Mrs. Ryan stated put it in the middle you mean.

Ted Kozlowski stated I thought...

Rich Williams stated separate the wetlands.

Ted Kozlowski stated I thought we asked that question when this was being designed Rich and I thought the answers was you needed to make these wide turns with trucks and stuff...

Mrs. Ryan stated no, the reason why is when you asked for the bridge...

Rich Williams stated the shortest span.

Mrs. Ryan stated this was the shortest span and that reduced the cost.

Chairman Rogan stated what does a bridge like that cost.

Mr. Metcalf stated 400, \$450,000 minimum.

Chairman Rogan stated wow.

Board Member McNulty stated I think we're...

Chairman Rogan stated that's a lot different than \$66,000 wireless...

Andrew Fetherston stated what's the issue with the access that's there.

Mrs. Ryan stated you can't put these radii in and its right, this house is like right on the property line, this one is really close.

Rich Williams stated but the house.

Andrew Fetherston stated how much is the house.

Ted Kozlowski stated how much is the house, isn't that house for sale, that would probably be a lot cheaper.

Mr. Metcalf stated guess what, when I knock on the door, it's amazing what happens to the price.

Chairman Rogan stated you have to send Theresa.

Unknown Speaker stated Gary wants to put a cell tower now, it's only \$66 grand.

Chairman Rogan stated someone said just buy a cell tower and just lay it down and drive over the top of it.

Mr. Metcalf stated (inaudible) it's be right up against the house.

Rich Williams stated Andrew I'm telling you.

Chairman Rogan stated wow.

Board Member McNulty stated that looks like a better access where its at now.

Mrs. Ryan stated we needed that for the, yea, we had demonstrate that the tractor trailers that pick up and deliver manure dumpsters can turn in and out of there...

Chairman Rogan stated we go over this...

Mr. Ryan stated see there is no shoulder so you're taking your radius right off the face of the sidewalk.

Rich Williams stated so there are some issues.

Ted Kozlowski stated no, one of the issues...

Mrs. Ryan stated you're trying to get there halfway...

Ted Kozlowski stated and I can understand the economic situation but you know you worked this out in the initial planning, you work it out and everybody agrees and then a few years later you come back and say you can't do it because of the economics and then we change it to, to me that sets precedents, it's a way of getting around it and I'm not saying at all that you are trying to do that and I understand the economics on it but you have understand from the standpoint of what we are trying to do here, you know we did work this out, we worked, we all were in the same room, we all put it together and a couple of years the economics wasn't an issue, now it is and...

Chairman Rogan stated it sounds like a lot of money even back then.

Ted Kozlowski stated yea and how come it wasn't an issue then when this all came up and now it is.

Mr. Metcalf stated it was, it definitely was.

Ted Kozlowski stated I am not trying to give you a hard time because I do understand and I will for everybody's benefit, I will go back and look and try to give the right recommendation, I hope you see from my standpoint, as a person that has been given the ability to help preserve the natural resources of the Town, you know we did work out what we thought was the best thing, the best compromise and now you're coming back and we have to compromise again and degrade that wetland resources more and that is a hard thing to you know have to do and we certainly, its no disrespect to you and no, you know, it's a nice thing that you're doing for the property but it is a challenge for me.

Mr. Metcalf stated right, well there is no disrespect intended, it is purely financial and we are here asking you to consider something else, that is really it.

Ted Kozlowski stated and you know maybe there is a different answer, maybe if we look at it a different way, maybe we can come up with something that isn't as filling...

Chairman Rogan stated at the end of the day its going to be a great project, my only frustration with this project is there is not 150 acres of open meadows to attach to this, you know, that would really be something.

Mr. Metcalf stated yes it would.

Andrew Fetherston stated Shawn.

Chairman Rogan stated yes sir.

Andrew Fetherston stated the only other thought I have is that an 80 foot span, the cost is in the depth and thickness of the members that are carrying that load across, especially the type of load they are speaking about, if you could cut that load, cut that span into thirds by piles, absolute minimum footprint and impact, a driven pile taking up a large telephone pole of impact that the wetland is gone, maybe shortening that span, it may be worth another look to see what the economics works out and if that's also, you know conducive to the wetland minimizing the impact. Richie and I said we were going to be up here tomorrow, maybe we'll take a drive by and take a look, you know, there may be another way, those members, if they get skinnier...

Mr. Metcalf stated absolutely.

Andrew Fetherston stated you know, there may be another way.

Chairman Rogan stated okay, so let's see what you all can come up with that would be reasonable and a compromise and bring it back and we are certainly obviously willing to listen and help you out.

Andrew Fetherston stated I think maybe the applicant's engineer definitely should look at shortening the span up with possibly some piles, some other structures to cut that span in half and see what it does to the economics, you're going to have pile driving.

Mrs. Ryan stated we can also look at it what it would mean, what the extent of the disturbance would be if we put a culvert in, we can look at that too.

Board Member McNulty stated how much fill you would actually need...

Mrs. Ryan stated how much additional disturbance...

Board Member Cook stated before you do that, meet with Ted and review it with Ted please.

Ted Kozlowski stated and then when we come up with a plan, we'll look at the economics and make sure that we're not back here in another 2 years.

Mr. Metcalf stated well that's the thing, we know pretty quickly what's going to work and we wanted to go forward so...

Chairman Rogan stated okay.

Mrs. Ryan stated okay.

Chairman Rogan stated thanks for your patience, I know it was a long meeting tonight.

Mr. Metcalf stated its all right.

Chairman Rogan stated see when you come back 2 years later, they put you at the bottom of the agenda, new projects are up top.

Mr. Metcalf stated and when I'm here for 2 years I'm still on the bottom.

Chairman Rogan stated that's right, no normally we want Theresa right up front, thank you.

Mrs. Ryan stated thank you.

Chairman Rogan stated nice to see you.

Mrs. Ryan stated you too.

Chairman Rogan stated Carl, we are going to need you for this last thing, the project updates.

**d. Front Street Gallery**

The Secretary stated we have the Front Street Gallery sign...

Chairman Rogan stated Rich, do you want to pull us back together with the Front Street Gallery conversation. Rich had given us, for you gentlemen, these are two of the signs that Rich printed out, which was some of the design impetus for the Hamlet color creation, the idea of giving identity to those, to that Hamlet color scale and one was Peterson's Landscaping and the other was Patterson Presbyterian, I don't remember looking at this one...

Board Member McNulty stated what are these Michelle.

Board Member Montesano stated yea its nice.

The Secretary stated this is what Mary Souter dropped off this afternoon, this was a different lettering and colors, she dropped this off about 7:35 and said that she couldn't stay for the meeting, I can only assume she ran out of ink.

Rich Williams stated yea, I think you have that already.

Chairman Rogan stated is it possible that...

Rich Williams stated the second one.

Chairman Rogan stated is it possible to use the same font that is involved in, what would you call a font that, its more a historic kind of style.

Rich Williams stated gothic.

Chairman Rogan stated is it gothic.

Board Member McNulty stated I think the problem that might be there is the letters, it's a small sign...

Rich Williams stated block something...

Board Member McNulty stated this is the sign that is going to be suspended from the building...

Rich Williams stated correct.

Chairman Rogan stated yes.

Board Member McNulty stated so its small, we're talking maybe 2 foot wide, it was.

Rich Williams stated (inaudible).

Chairman Rogan stated so they...

Board Member McNulty stated so maybe double the size of the (inaudible).

Rich Williams stated she wanted to do it this way at this point.

Chairman Rogan stated so this sign would be a...

Board Member McNulty stated a landscape.

Chairman Rogan stated a landscape so it's a very small sign...

Rich Williams stated but it's 2 by 1.

Chairman Rogan stated so its only this big, we're spinning our wheels on this.

The Secretary stated they were attempting to stay with their color scheme.

Board Member McNulty stated which is that other one.

The Secretary stated which is this one.

Chairman Rogan stated yea, we already allowed this one, I think if we could change the font of the, we already allowed this one, which one.

Rich Williams stated you allowed that one in the transom.

Chairman Rogan stated right.

Rich Williams stated that color, that...

Chairman Rogan stated that font, now that I'm thinking about it though, should be the same between the two signs, we shouldn't be switching them.

Rich Williams stated I'm just looking, the colors are reversed there.

Chairman Rogan stated I still think the style of the lettering should be the same for uniformity between the 2, maybe we oopsed on this one in terms of not considering that but at this point since we've already approved it, why don't we...

Board Member McNulty stated I think a little difference is okay, I don't think every sign should...

Chairman Rogan stated font is a funny thing to mix up on a business though...

Board Member McNulty stated no I mean overall for the Town, for every sign to have the same font, it could look like Disney Land after awhile.

Rich Williams stated that's true but if the intent is to create you know, an identity, uniformity and historic uniformity, you really need to take a look at you know the fonts, the styles, even Peterson's, the difference between Peterson's and the church sign...

Chairman Rogan stated its very different, I almost think the mistake we made, we should have picked a sign like Peterson Landscaping and just said, I know its restrictive but this color, this font and been done

with it for a very confined area and even though it limits people it does then create that identity, they do it down in Mahopac, on 6N...

Board Member McNulty stated yea, it looks nice.

Chairman Rogan stated and it looks really nice, they do it some of the nice shopping centers where all of the signs are, if you want that kind of identity...

Board Member McNulty stated what if that sign was cut into an oval or, that art gallery sign and it was in an oval shape, you know in a smaller scale, that would kind of...

Chairman Rogan stated I think given what we approved I'll leave it to you guys on, you know.

Board Member Montesano stated known as that...

Chairman Rogan stated probably even find the block here so it ties in.

Board Member Montesano stated deal that's fine.

Chairman Rogan stated compliments this and again Rich, in fairness, what we approved over the transom, if they reverse the colors on it and they are identical, it kind of ties everything together, it kind of is what it is.

Board Member McNulty stated ask them if they'd consider an oval shape.

Rich Williams stated sure.

Chairman Rogan stated what do you think Charles.

Board Member Cook stated I would just with this one, it's going to come off of this.

Chairman Rogan stated 2 foot by 1 foot.

Board Member McNulty stated I would want to not though, their sign above their window has white across the top and the bottom like their business card, I don't think we want that on the hanging sign, we want it all...

The Secretary stated wait.

(Tape 2, Side 1 Ended – 9:55 p.m.)

The Secretary stated not for me.

Chairman Rogan stated no, that's true.

Rich Williams stated you want to just approve...

Board Member McNulty stated I think the background color should be the entire sign.

Rich Williams stated okay, all right, that's fine.

Chairman Rogan stated we need a, is this application, what is this just figuring out what we approved earlier, we approved a horizontal so you can take care of it. Project update...

Board Member McNulty stated they might not (inaudible).

Rich Williams stated yea, I mean it doesn't fit in the box so, I was comfortable just saying.

Board Member Montesano stated round and round we go, don't forget to be wheels.

**a. Project Update**

Chairman Rogan stated Project Update, first off Justin's Auto Body, we sent them a letter, we have this outstanding issue that the property owners, basically I think feel that they don't need, that they should need a site plan and this the difference philosophically of what we believe and they believe right.

Rich Williams stated yup.

Chairman Rogan stated okay.

Board Member Cook stated that plus they put the sign up in the right of way, is that correct.

Rich Williams stated yea and then somebody may have moved, I don't recall, I remember going up and then somebody telling them they had to move it and so they moved it, again without the permits.

Board Member Cook stated so there are 2 issues on this one, we don't have a site plan for this location and we don't have a sign application for the sign they installed.

Board Member McNulty stated and we don't have a cooperative landlord, correct.

Chairman Rogan stated no.

Rich Williams stated the landlord is adamant that you know, this has been my right, I am going to continue to do it, I don't care what you said.

Chairman Rogan stated have we ever been to court with this owner over this application...

Rich Williams stated oh we have...

Chairman Rogan stated did we lose.

Rich Williams stated well no not on this application.

Chairman Rogan stated no this application, the concept of what they're doing out there.

Rich Williams stated yes.

Chairman Rogan stated we lost.

Rich Williams stated well no we didn't lose, they didn't submit what they needed to submit to the courts so it was dismissed without prejudice.

Chairman Rogan stated they mean, the Town.

Rich Williams stated the Town, the Town hired special council...

Chairman Rogan stated okay.

Rich Williams stated they went in with Paul Piazza, they absolutely made a mess out of it, they didn't have their facts straight, so the whole thing go dismissed without prejudice, so that they could re-file once they got their act together and they never re-filed.

Chairman Rogan stated what are our options Carl.

Carl Lodes stated when it was dismissed without prejudice, how long ago, I mean approximately.

Rich Williams stated 3 years.

Carl Lodes stated this is on, I'm sorry, Justin's.

Rich Williams stated yes.

Carl Lodes stated I think that a continuing violation, I don't see why you couldn't go back.

Chairman Rogan stated can we ask for some of the information to be sent over so Carl can take a look at this.

Carl Lodes stated if they violated a law back then, it's a Zoning violation, it's a continuing violation.

Rich Williams stated yea, the problem is the property owner is saying and its complicated because it was a gas station, gas stations were permitted in the NS-1 zoning district at the time, garages were not permitted in the NS-1 zoning district, the property owner came in, took out the gas pumps, converted from a gas station...

Chairman Rogan stated go ahead, don't stop on my account Rich.

Rich Williams stated did you hear Andrew...

Chairman Rogan stated yes, I'm looking at the agenda to see what's going on.

Rich Williams stated okay, they converted it from a gas station to a garage without having to get site plan approval or anything, rented it out as a garage for years even though I kept saying no, you can't you can't but the Building Inspector just didn't care, you know finally at one point it became vacant and it sat vacant for a long time, whether it was the applicant's intent that it stay vacant for more than a year or not, probably not but it did remain vacant so therefore, if it was pre-existing non-conforming, it would have lost that status. Then he tried to market it for a garage, people were coming in here and my response was, yes our Code permits it, no, there's no site plan, they would need to come in and get site plan approval, in order to

open it up as a garage again and that got into a big sticking point and then the Building Inspector took him to court for something slightly unrelated and I don't recall what it was but this court didn't want to hear it so they sent it down to Southeast and Judge Vercollone without getting a good take on the facts, felt that and the attorney kind of went in there and said well, you know maybe its non-conforming, maybe its not, our attorney, he dismissed the whole thing...

Carl Lodes stated without prejudice.

Rich Williams stated without prejudice.

Carl Lodes stated I'll take a look at it.

Chairman Rogan stated okay because our intention is just to get a site plan on it, we're not saying they can't use it for what they want to do but we want to hammer down a site plan on it.

Board Member Cook stated can I suggest this, there are similar issues on all of these open projects, Carl sits with Rich, goes through them...

Chairman Rogan stated see what our options are.

Board Member Cook stated what our and you know if we have to go to court or whatever, that you know you recommend that back to either us or the Town Board or whoever and get something, the basic thing here with the exception of, I think Verizon Wireless at Route 311 and the Dunning Subdivision obviously...

Chairman Rogan stated Dunning is done.

Board Member Cook stated yes, the rest of them have ignored...

Chairman Rogan stated well except, Eurostyle Marble, Rich I would suggest we hand deliver to the operator, rather than, we've mailed and it was returned, it seems like we've just got to do a hand deliver.

Rich Williams stated I am just going to have to find the time to go out there and give it to him but we're going on a year now that they don't have a C.O..

Chairman Rogan stated I mean, can your staff go out and do a hand deliver and hand deliver notice.

Rich Williams stated can my staff...

Chairman Rogan stated no.

Rich Williams stated absolutely.

Board Member McNulty stated can the Code Enforcement Officer do that.

Chairman Rogan stated its just hand delivering a notice.

Board Member McNulty stated but can we tell the Code Enforcement Officer that he's got to deliver this.

Rich Williams stated but they're not.

Board Member McNulty stated well how do we change that.

Rich Williams stated did you see the CC on this...

Board Member McNulty stated I don't have a copy, I have a copy in the e-mail, I didn't bring it with me.

Chairman Rogan stated okay Rich.

Rich Williams stated all right.

Board Member Cook stated basically on all these points we have sent letters, depending on the issues, we've had response back, all right, so by far one way or another these folks are in violation, so we need to know that next step is to get them to comply.

Carl Lodes stated okay, I'll talk a look.

Board Member McNulty stated and how do we take up with the Town Board to force the ECI to go out and do something.

Carl Lodes stated not the ECI.

Rich Williams you want the ECI out there, be careful.

Chairman Rogan stated the ECI is Ted.

Board Member McNulty stated oh no.

Chairman Rogan stated Code Enforcement Officer.

Rich Williams stated I was (inaudible).

Chairman Rogan stated we won't go down that road.

Board Member McNulty stated I meant the Code Enforcement Officer.

Chairman Rogan stated yea.

Board Member McNulty stated that would handle that.

Board Member Cook stated well I think when we get...

Board Member McNulty stated I know I'm new on this Board but I might ruffle some feathers, I don't know.

Board Member Cook stated that's okay, we get a response of a course of action from Council and if that's the case, then we forward it on the Town Board and say the enforcement issues here are not being handled...

Chairman Rogan stated how would you like to handle them...

Board Member McNulty stated we need to clean up our in house act here.

**11) MINUTES**

Board Member Montesano stated all right, minutes for February 23<sup>rd</sup> and March 4<sup>th</sup>...

Chairman Rogan stated need a second these.

Board Member Cook seconded the motion.

Chairman Rogan asks for all in favor:

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

The motion carried by a vote of 4 to 0.

Chairman Rogan stated motion to adjourn...

Board Member Montesano stated motion to adjourn.

Chairman Rogan stated no, no, no, we have Johnny Petrillo's...

Board Member Cook stated yea, Richard, what is this on the Petrillo performance bond...

Chairman Rogan stated remember we required a bond for the fence.

Board Member Cook stated yes.

Chairman Rogan stated like a certain amount above what it would cost, I can't believe we didn't get that.

Board Member Cook stated right, I mean he came to us, we had to recommend it to the Town Board.

Rich Williams stated it got set and based on the fact that he was going to post it and establish it, then he would eligible for getting a Certificate of Occupancy and moving into the building...

Chairman Rogan stated but he didn't actually get the, he shouldn't have gotten the C.O. until he posted the bond.

Rich Williams stated well unfortunately the Town Clerk who wrote the memo, lives almost right across the street.

Chairman Rogan stated but procedurally though...

Board Member Cook stated no, no, but come on, what is this, so he's in the house.

Board Member McNulty stated so we add this to what Carl is going to look at.

Rich Williams stated the Town Clerk came to me and said how come he's living in the house, I don't have a bond, what is going on and I said I don't know if you, if you feel there is an issue, write a memo to myself and the Town Board...

Chairman Rogan stated oh, oh, so he hasn't gotten a C of O yet...

Rich Williams stated I'm not so sure, John Petrillo.

Board Member Cook stated please add this to your list...

The Secretary stated as of couple weeks ago when I covered Cheryl, he didn't have one.

Board Member Cook stated if you want this copy, you can have that copy.

Rich Williams stated he didn't have one.

The Secretary stated unless he came in and paid for it in the last 2 weeks or so...

Chairman Rogan stated okay.

Board Cook stated thank you.

Board Member McNulty stated that's the best thing to do, unfinished open business.

Chairman Rogan stated so in essence we have to find out whether or not a C of O was formally issued, if it wasn't issued...

Rich Williams stated I'm being told it wasn't.

Chairman Rogan stated it wasn't...

The Secretary stated well 2 weeks ago it wasn't, I don't know if he's come in since.

Chairman Rogan stated then that is an enforcement, it's not even an issue for this Board, that's, if somebody is illegally living in a house, that's not our issue, the good thing is the protective posting the bond, if that, at least we haven't released the C of O, so we haven't let the horse out of the barn so to speak.

Board Member McNulty stated maybe we should forward notice to the Building Department not to at this point.

Chairman Rogan stated it's one, well no...

Rich Williams stated he legally can't because we don't have a bond, he has been put on notice.

Chairman Rogan stated right, he pays the bond, he gets his C of O.

Board Member McNulty stated I guess make sure I guess everyone down the line knows.

Rich Williams stated apparently not.

Chairman Rogan stated Ted.

Ted Kozlowski stated yes sir.

Chairman Rogan stated anything you want to talk about tonight, you look exhausted.

Ted Kozlowski stated no.

Chairman Rogan stated Carl, what is your friends name, I'm sorry.

Carl Lodes stated I'm sorry, Laura Roberts.

Chairman Rogan stated Laura Roberts, hi.

Laura Roberts stated nice to meet you.

Chairman Rogan stated nice to meet you.

Board Member Montesano stated good evening.

Laura Roberts stated I'm sorry.

Board Member Montesano stated good evening, great learning.

Carl Lodes stated Laura is going to (inaudible).

Chairman Rogan stated well that's nice and sad at the same time, with all due respect.

Carl Lodes stated I'm getting too old (inaudible).

Chairman Rogan stated I'm happy for you, you're not getting too old but you should enjoy.

Board Member Montesano stated just don't believe that word.

Laura Roberts stated what's that.

Chairman Rogan stated Laura Roberts.

Board Member Montesano stated be allowed to go into semi-retirement.

Chairman Rogan stated motion to adjourn.

Board Member Cook seconded the motion.

Chairman Rogan asks for all in favor:

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

The motion carried by a vote of 4 to 0.

The meeting adjourned at 10:08 p.m.