

TOWN OF PATTERSON
PLANNING BOARD MEETING
May 29, 2008 Work Session

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APPEALS**

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Mary Bodor, Vice Chairwoman
Marianne Burdick
Lars Olenius
Martin Posner

PLANNING BOARD

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

**Planning Board
May 29, 2008 Work Session Meeting Minutes**

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

Present were: Chairman Rogan, Board Member Pierro, Board Member Montesano, Board Member DiSalvo, Board Member Cook, Rich Williams, Town Planner and Ted Kozlowski, Town of Patterson Environmental Conservation Inspector and Anthony Molé from the Town Attorneys Office, Curtiss, Leibell, Herodes & Molé P.C.

The meeting began at 7:29 p.m.

There was one audience member.

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

1) WALLACE W/W APPLICATION – Public Hearing

Chairman Rogan stated Wallace wetlands/watercourse application. Everybody has been out to this lot, we've had it for a long time and there is nothing really that new on this. We are just looking to forward the process to allow them to see if this lot is build-able through Health Department and other agencies. Rich, do you have anything on this you want to.

Rich Williams stated I did do a memo on this.

Chairman Rogan stated okay.

Rich Williams stated there are still clean up issues that Jack needs to take a look at.

Chairman Rogan stated okay.

Rich Williams stated probably the biggest one is the penetration through the walls, it seems that the pipe is going high on the wall. You know I have consistently asked, we still don't have an application that identifies all of the impacts to the buffer that we now have on the plan. We have a plan that they are obvious but we don't actually have an application that spells all that out. It is on for public hearing.

Board Member DiSalvo stated I was going to say, so if we don't have all of the information, what if we or he gets questions at the public hearing.

Rich Williams stated we do have all the information, we do have a plan showing all the impacts its just that in addition usually you submit an application that lists them all right down exactly what you are doing and we haven't gotten a new application since the initial one which is for putting a curtain drain in.

Chairman Rogan stated and you've stated that in you memo.

Rich Williams stated yeah and Ted has been letting it go like that, so as long as Ted's fine, I'm fine.

Chairman Rogan stated okay and remember the intent here is to get an approval so the guy can figure out if this is a build-able lot by today's standards. We've knocked him down to a.

Board Member DiSalvo stated a two bedroom.

Chairman Rogan stated not knocked him, we've reduced it to a two bedroom to reduce the impacts, it is a previously approved subdivision lot, if it were not I don't think we would be having all these conversations. So we are here in furtherance of this process and application.

2) **PADDOCK VIEW ESTATES – Public Hearing**

Chairman Rogan stated Paddock View Estates, just a standard public hearing, part of the paperwork process on this. The Town Board waived the fees on this, correct, on the application fees.

Rich Williams stated yes.

Chairman Rogan stated this is should not be anything new to anyone.

Board Member DiSalvo stated they had to re-notify everybody again.

Chairman Rogan stated sure.

Board Member DiSalvo stated because people were saying what is this new development, I said well it was kind of a paperwork error but its coming back and it's the same thing that was there last time.

Chairman Rogan stated okay, perfect.

Board Member Cook stated so are you going to give us an updated copy of the resolution.

Board Member DiSalvo stated (inaudible) the sidewalks there.

Rich Williams stated yes.

Board Member Cook stated it will come along with this.

Rich Williams stated this has to be a two step process so you'll get a preliminary resolution first and then they have to do another public hearing. Actually you could waive the public hearing at that point, there is a provision to waive the public hearing on the final if you so choose.

Board Member Cook stated but basically Rich, the resolution would be similar to the original one.

Rich Williams stated with a changed date.

Chairman Rogan stated yeah.

Rich Williams stated and there are going to be some changes to the plan.

Board Member Cook stated you'll have copies for us for that.

Board Member Pierro stated is there any new document on Paddock View.

Chairman Rogan stated no, okay.

3) BARJAC REALTY SITE PLAN – Public Hearing

Chairman Rogan stated okay Barjac Realty Site Plan public hearing.

Board Member Pierro stated any new document there.

Rich Williams stated there is nothing that has been submitted.

4) PONDVIEW ESTATES – Wetland/Watercourse Permit Application

Chairman Rogan stated Pondview Estates, we have the wetland/watercourse permit application on.

Rich Williams stated there have been some new documents submitted a couple of months ago on that one, which Gene has reviewed and had some very minor comments and I reviewed and have a few more comments, nothing significant, nothing that is going you know effect the wetlands/watercourse application. Having said all that I got a packet of four plans today, their submission to the Army Corps of Engineers for the permit they need from the Army Corps of Engineers. I haven't looked at those plans, I'm assuming they are the same plans essentially that I have already reviewed.

Chairman Rogan stated and our approval of a wetlands/watercourse permit would be, would have a contingency that they have to get that Army Corps permit prior to the start of work.

Rich Williams stated there is no necessity but you can do that contingent.

Chairman Rogan stated I think that would make sense.

Board Member Cook stated Rich.

Board Member DiSalvo stated and we spoke about the walking path around the pond, which you mentioned that it is not in the permit but its on the plan.

Rich Williams stated its on the plans, it goes around the dam and.

Board Member DiSalvo stated where we walked that day.

Rich Williams stated and then over by the road, they have enough loop walking path. They don't have one that goes around the lake.

Board Member DiSalvo stated it was a little hard on that other side, parallel to the road, so.

Board Member Cook stated Rich, there are several memos in the file to them, the applicant, that they have not answered.

Rich Williams stated correct.

Board Member Cook stated there are a couple of Gene memos, there is a DEC letter, your letter, you know, are they planning on responding.

Rich Williams stated yes but all of those have to do with the individual land development permit or erosion control permit, if we have to issue, you know I issue. The other issue is the fire tank, I think we have come to some resolution on the fire tank except for one small issue which I have to get back to them on, they put the fire tank right on the course main, so, you have to look at two sheets at the same but anyway minor clean up stuff.

5) PAPIITTO SITE PLAN – Extension of Site Plan Approval

Chairman Rogan stated Papitto Site Plan, we are looking for a, they are looking for an extension of 120 days.

Rich Williams stated just grab a chair.

Board Member DiSalvo stated hi.

Chairman Rogan stated hi, how are you doing Jeff.

Board Member DiSalvo stated I've still got one more comment on Pondview.

Rich Williams stated excuse me.

Anthony Molé stated do you have the bond in place for Papitto.

Chairman Rogan stated Papitto.

Rich Williams stated I don't think so.

Anthony Molé stated I saw some correspondence back and forth between Antoinette and the bonding company, they proposed using a separate, their own sheet that referenced a bunch of New Jersey law. Which they would absolutely have to take out other than that the sheet looked fine, which is pretty much what we would require anyway, I just don't know if they did that and post their bond or not.

Rich Williams stated I don't believe we've got a bond in place at this point because they are redesigning the project at this point, just so everybody knows. Minor stuff, what they are doing at this point, so I've been told, is they have been having trouble getting the easement to discharge on the neighbors property.

Chairman Rogan stated okay.

Rich Williams stated so they are going to take and oversize the pipes to accommodate the hundred year storm going right down to the County drainage system and the County is, this is what I'm getting third hand now, so understand that. The County has said that their drainage systems is such that it will handle the one hundred year storm going through their drainage system.

Chairman Rogan stated I like that better then going onto that neighbors yard, that was not the best situation.

Board Member DiSalvo stated yeah, I wouldn't do it.

Chairman Rogan stated so, does anybody.

Board Member DiSalvo stated getting back to Pondview for one second.

Chairman Rogan stated oh I'm sorry.

Board Member DiSalvo stated remember we were talking about the wetlands permit and Ted was like how are they going fix the dam, how are they going to like get out there.

Rich Williams stated right.

Board Member DiSalvo stated how are they going to get out there.

Rich Williams stated by the road that they are putting in.

Board Member DiSalvo stated so they are doing a road first.

Rich Williams stated they are doing an access road coming out on the dam, they are pulling the breech out and I've got some comments on their sequencing of what they are doing.

Board Member DiSalvo stated I thought they were going to be out there on a barge or something.

Chairman Rogan stated during the winter time right.

Rich Williams stated they are putting a sump in and they may end up putting a coffer dam in the lake to de-water the area around the dam and some other things and we do have a dam repair plan.

Board Member DiSalvo stated how would they stop like the algae and stuff that would be growing in there, do they put like a filter, like a water fountain, you know, like you see in a lot of these new ponds, especially like up in Silo Ridge the golf course.

Chairman Rogan stated like an aerator.

Board Member DiSalvo stated yeah, will they do something like that.

Rich Williams stated you possibly, aerations sometimes will improve water quality depending on the source and what the pollutant of concern is and what is going on is in the lake, sometimes aeration can do more damage then good, so, you know it all depends on what is going on with that lake. The way we have it, the way Pondview is set up right now, everything from the road and everything from the condos is going to.

Board Member DiSalvo stated and behind the houses, right now are going through.

Rich Williams stated a whole series of stormwater ponds designed to treat in a sequence.

Board Member DiSalvo stated before it gets there.

Rich Williams stated yeah until it gets to the lake, now they are using the pond there to attenuate the twenty-five and one hundred year storm.

Board Member DiSalvo stated but right now, everything from those people's back yards, the guy across the street, the stormwater, everything is getting in there and the silt and everything. So would they request, would they have to dredge it, is what I'm saying, do they think its deep enough.

Board Member Montesano stated they just pulled a twenty-two incher out of there.

Rich Williams stated they are not going to dredge it, they are raising the level of the dam by about three feet.

Chairman Rogan stated so are they in essence raising water level.

Rich Williams stated yes.

Chairman Rogan stated not by three feet though.

Rich Williams stated well, they are raising the level of the dam by about three feet so that they have three more to attenuate the twenty-five and one hundred year storm.

Chairman Rogan stated understood, so that doesn't mean the intention is to raise the actual level of the water even with the three foot extension.

Board Member DiSalvo stated so they would build up the berms there.

Rich Williams stated correct.

Chairman Rogan stated because again that water level is pretty close to that flat area that Rich and I walked out, you guys went back around the other side.

Board Member DiSalvo stated yeah we went the other way.

Chairman Rogan stated but that is not much of a grade difference there, so that whole lot would flood.

Rich Williams stated the dam is coming around there a little bit, so.

Board Member Montesano stated they just pulled a twenty-two inch carp out of that puddle over there, Monday.

Chairman Rogan stated (inaudible) carp, yeah.

Board Member DiSalvo stated really.

Rich Williams stated you want to jump in and do this or.

Chairman Rogan stated we want to finish Papitto first.

Board Member Cook stated I have something to say real quick.

Chairman Rogan stated yeah.

Board Member Cook stated they have a new sign.

Board Member DiSalvo stated who.

Board Member Cook stated Papitto.

Rich Williams stated Papitto.

Board Member Cook stated did we approve a sign or.

Chairman Rogan stated what kind of sign.

Board Member DiSalvo stated it says Papitto Construction a green one or something.

Board Member Cook stated yeah.

Rich Williams stated there is a sign on the site plan.

Board Member DiSalvo stated right, right.

Rich Williams stated which hasn't been signed yet.

Chairman Rogan stated so in essence they have put up a.

Rich Williams stated they put the sign up before you signed the site plan, they do have a conditional approval on the site.

Chairman Rogan stated is it in the proper location.

Rich Williams stated I haven't checked.

Chairman Rogan stated okay, so what we are basically approving.

Board Member Cook stated its.

Board Member DiSalvo stated its one of these engraved on, like in the Hamlet right. It's like a gold leaf.

Board Member Montesano stated its green and gold leaf.

Rich Williams stated is it. I didn't notice.

Board Member Cook stated it is an attractive sign, its just.

Board Member DiSalvo stated speaking of signs what about Mayfield.

Chairman Rogan stated point well taken, I'm glad you brought it up. Does anyone want to do a motion on the extension, the 120 day extension on Papitto.

Board Member Montesano stated in the matter of Papitto Site Plan, 867 Fair Street, I make a motion that we grant them a 120 day extension.

Board Member Cook seconded the motion.

Chairman Rogan asks for all in favor:

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

Motion carries by vote of 5 to 0.

Chairman Rogan stated motion carries.

Board Member DiSalvo stated so they are off the agenda.

Chairman Rogan stated given that Jeff Contelmo from Insite Engineering is here, do we want to jump down to, I'm assuming it would be under other business, Rich.

16) OTHER BUSINESS

Chairman Rogan stated other business and discuss Patterson Crossing, the idea of setting a special meeting for June 12th, is that the or, basically two weeks from tonight.

Board Member Pierro stated is that enough notice.

Chairman Rogan stated two weeks is enough notice, 7:30.

Rich Williams stated if we can get it in the paper it will be published next.

The Secretary stated Wednesday.

Rich Williams stated next Wednesday and that will give us more then five days.

Chairman Rogan stated regular time, 7:30p.m. here, I don't see any reason to have it, I mean we haven't had that kind of turn out for these meetings.

Board Member DiSalvo stated no.

Chairman Rogan stated the intent would be to get everybodys input on the, our final review of the Final Environmental Impact Statement that we've been given and discuss and questions that anyone has and barring any problems, consider the next step and potentially a resolution.

Board Member DiSalvo stated can we ask him about the film.

Board Member Montesano stated I don't know, we can ask.

Chairman Rogan stated well let's make a motion on this meeting first.

Board Member Pierro stated I make a motion that we schedule a public hearing in regards to Patterson Crossing for June 12th.

Board member DiSalvo seconded the motion.

Chairman Rogan stated its not a public hearing.

Board Member DiSalvo stated a work session.

Chairman Rogan stated no, a special meeting.

Board Member Pierro stated special meeting, I'm sorry, I misspoke.

Chairman Rogan stated its okay, Maria seconded it.

Chairman Rogan asks for all in favor:

Board Member Cook	-	aye
Board Member DiSalvo	-	aye

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

Motion carries by vote of 5 to 0.

Chairman Rogan asks for any opposed. Motion carries.

Chairman Rogan stated since we are going to set a special meeting on it, why don't we discuss any issues that we might have on it, since this isn't part of the agenda, it is other business, it would seem more appropriate to discuss any questions anybody has at that time. Everybody get their thoughts together and we will have a real good you know, informative meeting.

Board Member Pierro stated the only issue you had me intrigued about was the sidewalk issue that we've.

Chairman Rogan stated okay.

Board Member Pierro stated you got me going on that, I was looking through it.

Chairman Rogan stated well, okay.

Board Member Pierro stated we need to find some more wording on that.

Board Member Montesano stated the thing would be, we can approve a sidewalk from point a to point z but point b.

Chairman Rogan stated that is not under our jurisdiction.

Board Member Montesano stated right, that section we are stuck with.

Chairman Rogan stated understood.

Rich Williams stated yeah but the reality is the project frontage really you don't have anything in Patterson.

Board Member Montesano stated that is what I'm saying.

Board Member Pierro stated right.

Rich Williams stated yeah, so.

Board Member Montesano stated I'm saying that we can approve it from b up to z but we can't get point a.

Chairman Rogan stated we can talk about internal.

Board Member Montesano stated oh yeah.

Chairman Rogan stated internal street traffic.

Board Member DiSalvo stated yeah, connections.

Board Member Montesano stated the trick would be if we told them where are interested in having the sidewalk put from point b to the rest of the area and they would have to discuss the rest of Kent anyway.

6) KENT SUPPLY CO. – Consideration of Final Approval

Chairman Rogan stated Kent Supply.

Jeff Contelmo stated that's it.

Chairman Rogan stated that's it.

Jeff Contelmo stated thank you.

Chairman Rogan stated have a great evening. Kent Supply.

Jeff Contelmo stated you too.

Board Member Pierro stated take care Jeff.

Chairman Rogan stated how are they doing on Kent Supply, they have a bond estimate. Kent Supply, it looks like we are moving right along.

Rich Williams stated we met with Kent Supply, in between now and the last Planning Board meeting, we worked out the design details, we do we have plans for the stormwater report, we should be okay.

Chairman Rogan stated so we'll have a reso [resolution] for that.

Rich Williams stated yes.

Chairman Rogan stated great.

Rich Williams stated now that we finished up all the wetlands issues.

Chairman Rogan stated uh-oh. Excuse me, I'll get a chair.

Board Member DiSalvo stated you shouldn't be carrying that bag either on your shoulder.

Ted Kozlowski stated well just, (inaudible).

Rich Williams stated what did you do to your knee.

Chairman Rogan stated (inaudible) limping around.

Anthony Molé stated (inaudible) took it out.

Rich Williams stated hey you can give me my ladder back.

Ted Kozlowski stated well you give me mine back.

Anthony Molé stated trick ladder, is that what it was.

Ted Kozlowski stated I have comments.

Rich Williams stated comments on what.

Ted Kozlowski stated whatever I missed.

Board Member DiSalvo stated oh.

Ted Kozlowski stated sorry guys.

Chairman Rogan stated nothing yet.

Rich Williams stated wow.

Chairman Rogan stated alright, we move along.

7) MARTINS SUBDIVISION – Revised Submission/Site Walk Comments

Chairman Rogan stated Martins Subdivision, we have site walk comments, everybody did the site walk.

Board Member Pierro stated it looked okay to me.

Chairman Rogan stated yeah. Ted did you go on Martins with us.

Ted Kozlowski stated no, I was in the Bahamas burning my body and drinking pina coladas.

Chairman Rogan stated well that is a good use of time.

Board Member Montesano stated and then he fell and hurt his knew.

Board Member Pierro stated they had, just after we were up there they had a machine up there, I think they were doing some stormwater pits and.

Board Member DiSalvo stated maybe they were closing up the holes.

Chairman Rogan stated maybe.

Rich Williams stated I did get a call from Steve [Miller] who has heard that we were concerned about the pits.

Board Member Pierro stated yeah I called him.

Rich Williams stated and said they were going to get a machine up there in the next couple of days.

Chairman Rogan stated Ted you wouldn't believe the deep test holes that we witnessed up there, they look like they had been dug in a child's play sandbox, I have never seen such veins of sand.

Ted Kozlowski stated wow.

Board Member Pierro stated gimosh, is that a soil type, a sand type, I went to research it online.

Ted Kozlowski stated I've never heard of that.

Chairman Rogan stated it was unbelievable though.

Ted Kozlowski stated wow.

Chairman Rogan stated you couldn't even, it was just pure and Rich's comment was, and Gene's rightfully so, wondered if it would perc too fast. It was so much sand, that's all it was.

Ted Kozlowski stated could it perc too fast, is that a problem.

Chairman Rogan stated oh yeah.

Board Member Pierro stated oh yeah, they have to mediate it to slow it down.

Chairman Rogan stated they have treated perc, I think when it's faster then three minutes.

Ted Kozlowski stated is that natural sand, has that been disturbed.

Rich Williams stated that's the main soils out there.

Chairman Rogan stated weird, it was very strange. But we will see. The other comments we will discuss, they were pretty straight forward, minor changes that everybody kind of spoke about in terms of how the site lays out, it was, the roadway following the existing contours a little better, nothing too crazy. Okay.

8) FRANTELL DEVELOPMENT CORP. – Request for 6 month extension

Chairman Rogan stated Frantell six months.

Board Member Pierro stated make a motion.

Chairman Rogan stated sure.

Board Member Pierro stated Frantell Development Corp. I make a motion that we grant a six month extension.

Board Member DiSalvo seconded the motion.

Chairman Rogan asks for all in favor:

Board Member Cook - aye

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

Motion carries by vote of 5 to 0.

Chairman Rogan stated okay, get that one off the agenda.

Board Member DiSalvo stated what does he have, that building, that lot for sale now.

Chairman Rogan stated does he.

Board Member DiSalvo stated there is a sign there.

Rich Williams stated there is a sign up, he's looking to get rid of that.

9) BURDICK FARMS SUBDIVISION – Performance Bond Recommendation

Chairman Rogan stated Burdick Farms subdivision performance bond recommendation.

Rich Williams stated we received a performance bond estimate from the project engineer that went to our Town Engineer who is currently reviewing it, hopefully he will have that ready.

Chairman Rogan stated okay, great.

Board Member Pierro stated so we don't have that.

Board Member Montesano stated no.

Anthony Molé stated other news on Burdick Farm, he did, Noblet did file an appeal.

Board Member DiSalvo stated yeah, we have it here.

Anthony Molé stated so we have to respond to that.

Chairman Rogan stated okay.

Anthony Molé stated we got an extension on that, I think until the end of July.

Chairman Rogan stated that is something that you will be working on.

Anthony Molé stated I don't anticipate the appellate division over turning the supreme court on this.

Rich Williams stated have you researched this issue of, does this stop of the process and stop the clock.

Anthony Molé stated I have not had a chance to look that up.

Chairman Rogan stated thank you.

Anthony Molé stated the question that Rich raised was does that stop the proceeding here while the appeal is pending and I think it may, so I am going to look into that, so we know what we can or can not do at this point with the appeal pending.

Chairman Rogan stated okay.

10) PFISTER SITE PLAN – Site Walk Comments

Rich Williams stated okay, so Pfister is off the agenda, we don't have to worry about Anthony being here.

Board Member Cook stated wait, I have a couple questions.

Anthony Molé stated I have a couple of answers I think.

Ted Kozlowski stated I have to talk to you about Pfister too.

Anthony Molé stated okay. Rich proposed two questions to me, one was how does this compare with the Fire Department carnival and the other is is this a permitted use, okay. I took a look at the Code and took some notes here, 154-16, is the one we are looking at as far as the temporary permits for carnivals, I don't feel it is anywhere near the same animal, its clear that it is for philanthropic purposes, if it is a fund raising a event, it's a maximum of seven days, it can only be held by a church, school or fire department so I don't think this even comes close to that at all.

Rich Williams stated so there is a provision in our Code which addresses his initial issue.

Anthony Molé stated yes, the second part, you are going to have to follow me a little bit because I jump around, again this is my opinion, I think this may be a good case to go to the ZBA for an interpretation of what constitutes, you know a, what does 154-34 H, which is the commercial C-1 zones section referring to what was it, active recreation, I think this fits within active recreation, okay. Now, I see this more as an activity as the patron partake in, okay in terms of what is described as an active recreation activity in the Code, you have a copy of the Code, I can look through it real quick to show. What I did was I looked through C-1 which is where they are and I looked through all the other districts to see if there is any other use permitted or accessory in any other districts that would fit a rodeo, there's not. The only use that it may fit under is the one that is also listed under C-1, which is active recreation. If we look at those, it basically says, active indoor and outdoor for profit recreational sports facilities, archery ranges, swimming pools, bowling, baseball, golf ranges, excepting amusement arcades. A few other sections, it was 154-30, the I district and the CR district, had similar definitions and they all kind of say the same thing, all the items listed are something that you go to do, you go to play golf, you to whatever.

Board Member Pierro stated ski area.

Anthony Molé stated exactly.

Chairman Rogan stated not as much of a spectator activity.

Anthony Molé stated yeah and the word recreation and I think a rodeo fits more in a word entertainment, you are going to watch, it's a spectator sport you are not participating in it,

Chairman Rogan stated like a concert.

Anthony Molé stated right, so I think there is a difference there but again that is my opinion, it could be, I just made a note to myself, it would be similar to putting in a minor league baseball stadium, you know, going to watch the game, you aren't going to play the game. I think the only thing permitted in the Code is going to play the game, so I don't think it really fits and I think they would need a use variance but it wouldn't hurt them to go to ZBA to get an interpretation as to whether a rodeo fits within inactive recreational spots facility.

Board Member DiSalvo stated how does Thunder Ridge get in, when they were doing the concerts, is that a permitted use at that site.

Rich Williams stated that is in the CR district and the definition of what they can do there is a lot more liberal then the one that Anthony just wrote.

Anthony Molé stated yeah the CR district is designed for commercial recreational use, it's a little more broad, it allows more uses then C-1 does.

Board Member Pierro stated that was a question that came up when they wanted to do the paintball because it was an actively involved thing.

Anthony Molé stated that would fit under.

Board Member Pierro stated right.

Board Member DiSalvo stated maybe we should have done this first before he wasted his time (inaudible).

Board Member Montesano stated might as well (inaudible).

Rich Williams stated I took a look at it and you know, I can tell you his original draft and I respect what Anthony is saying and I don't disagree with anything he's said but as the original drafter, if somebody came in you know with a baseball stadium I would say that would fit in that definition, when I drafted it, that was my intent but certainly if there is any, if it is unclear at all, it has to go to ZBA.

Anthony Molé stated and yeah, that is my opinion but I'm not the one to interpret the Code for you, so it would have to be a ZBA decision.

Board Member DiSalvo stated so really the only location in Patterson would be under all those kinds of (inaudible).

Anthony Molé stated it could be possibly in the CR district but I don't even know if a rodeo would fit into a CR because if you look at the CR definition 442 A, its not that different then this definition, it's a little different but its active indoor and outdoor recreational sports, such as bowling, baseball, golf, golf ranges, fishing, horse back riding, its names about 15 or twenty items but they are all things you do when you go there.

Board Member DiSalvo stated right.

Anthony Molé stated that is the difference.

Chairman Rogan stated sounds like the answer to your question.

Anthony Molé stated between entertainment and recreation.

Chairman Rogan stated Thunder Ridge may not have fit within the definition based on Anthony's interpretation, maybe that should be you know, potentially.

Board Member Montesano stated what I am looking at is, is his agricultural.

Board Member DiSalvo stated yeah but that doesn't cover that.

Board Member Montesano stated what I'm worrying, what I want to know is does he have a loop hole here to get this thing done.

Anthony Molé stated not that (inaudible).

Board Member Pierro stated I don't believe that this is an agricultural use.

Ted Kozlowski stated its not an agricultural use.

Board Member Pierro stated no.

Ted Kozlowski stated it's a recreational.

Board Member Pierro stated it's a spectator.

Board Member DiSalvo stated its more like commercial end, like Dutchess Stadium.

Board Member Montesano stated I just want, I have seen ranches where they, working ranches and they have rodeos. I just wanted to make sure (inaudible).

Chairman Rogan stated I don't disagree with what Anthony is saying, it makes sense that there is intent of what the Code is and there's, if you are going to, we are no the ZBA, we are not the people to really, you know.

Board Member Pierro stated we don't have the authority to (inaudible).

Board Member Montesano stated now if you take people out of the audience and put them on the bulls does that maybe it an act of recreation.

Board Member DiSalvo stated a mechanical one.

Anthony Molé stated and the argument they can if they wanted to make it, the argument is well its not allowed anywhere in the Town and it should be allowed somewhere and show me where it's allowed and you know (inaudible).

Board Member Montesano stated Madison Square Garden if you can afford it.

Chairman Rogan stated in that issue, it just speaks to whether or not it's an allowed use, I can't think of the word, not allowed.

Board Member Pierro stated permitted.

Chairman Rogan stated permitted use, that doesn't even speak to all the site issues and everything.

Board Member DiSalvo stated no just singling that, yeah.

Chairman Rogan stated that is a whole separate.

Board Member DiSalvo stated not just singling rodeo but any type of.

Chairman Rogan stated right.

Board Member DiSalvo stated like you said baseball, sports.

Chairman Rogan stated spectator type.

Board Member DiSalvo stated soccer game.

Chairman Rogan stated yeah but like the ball fields up here are different because you are bringing your kids and they are playing. Its not like you are going to watch a professional, going and paying to watch a professional or something.

Board Member Pierro stated right.

Anthony Molé stated this is a professional thing, its sanctioned by the.

Chairman Rogan stated if the polo riding facility were open to the public, that is kind of an ify.

Rich Williams stated he is a private farm.

Board Member Pierro stated private farm, yeah.

Chairman Rogan stated yeah, I mean he's not, I'm saying, I'm trying to (inaudible) if somebody said we want to have a polo facility and its open and you can pay 50 dollars for a ticket and come and watch, that would tend to fall in the same spectrum.

Rich Williams stated and that is also in a residential zoning district. They have a couple issues there if that were true.

Chairman Rogan stated they have a better site to get into that site. Alright, so then I guess the question Rich said was then do we keep him on the agenda for, if nothing else to discuss this and do a recommendation that they go for an interpretation to ZBA.

Board Member DiSalvo stated we have to make a recommendation.

Board Member Pierro stated for the sake of time, why don't leave him on the agenda and just send him to ZBA. Instead of taking him off the agenda and then he calls us and says am I on the agenda.

Chairman Rogan stated yeah, exactly, that is what I just said.

Board Member Pierro stated let's leave him on and send him to ZBA.

Chairman Rogan stated alright, can we.

Board Member DiSalvo stated have it explained like.

Anthony Molé stated (inaudible).

Chairman Rogan stated well Anthony won't be at the meeting.

Board Member Pierro stated right.

Chairman Rogan stated he's going to Bermuda to break his ankle, because you aren't available.

Anthony Molé stated North Carolina, not so far.

Board Member DiSalvo stated oh so he'll be able to.

Anthony Molé stated oh no, that is not this meeting though, this meeting I can't go because I have a BAR Association thing.

Chairman Rogan stated Anthony is going to the BAR.

Board Member Montesano stated intoxication (inaudible).

Rich Williams stated (inaudible) is that what you said.

Anthony Molé stated no, I will be here the next meeting.

Chairman Rogan stated okay.

Anthony Molé stated (inaudible) I'll be in North Carolina.

Chairman Rogan stated okay great.

Board Member Pierro stated I may miss the first couple of issues on the calendar for the 5th meeting, my daughter is getting an award at the high school and I.

Ted Kozlowski stated I will be late for that meeting as well.

Chairman Rogan stated what do you have on Pfister.

Ted Kozlowski stated on Pfister, there has been a lot of soul searching on my part on this because he defiantly has violations there and there is this whole business with the agriculture practices and other things and I had some very long conversations with DEC Brian Drum and Enforcement and they did a series of I guess, Google Earth's and they looked at the site over the years from above. DEC and Brian Drum went out there because he has agriculture going on there, DEC has a exemption for agriculture, I guess you guys all know that with regards to the wetlands, however, Pfister does have violations that are non-agricultural that are within the wetland. Also, DEC made it very clear to me when I told them because they know about what is going on in the Town, they would not permit bull riding in the wetlands, its not agriculture they would not get an exemption, you know Brian isn't the final word but he said it would be very tough to get a permit from DEC, so they if they are including any of this in the wetland, which a good portion of that site is wetland, its not going to happen according to Brian Drum. What they would like to do and I agree, I would like to do this too, we would like to meet with Mr. Pfister, Brian Drum and myself and an ECO to go over this and try to educate and be very nice about it, not make an threats and try to get them to address the big issues, I'm not looking to have him pull cattle out of the wetland that he has farmed for years but I am looking for him to clean up the site, now I understand that has been going hopefully since I've been last there, a lot has happened, so I need from Rich or somebody his phone number and make the call and hopefully he will be conducive to a meeting that no one wants to, you know.

Chairman Rogan stated it seems like you are reaching out for the olive branch.

Ted Kozlowski stated that is what we are trying to do.

Board Member Pierro stated something has to be done though.

Ted Kozlowski stated right, now, DEC wants to do that, they want to take that route first and try to partner with him and he is kind of co-jurisdictional things and I agree with that and hopefully we'll get somewhere. I don't know, so we are looking for next Friday, not this Friday but the following Friday which is the day after the Planning Board meeting, I was hoping that he would be on the agenda so we could say that at the meeting and say hey look, we want to.

Chairman Rogan stated great.

Ted Kozlowski stated try to resolve whatever issues we've got out there and see what happens.

Board Member Pierro stated day of.

Board Member DiSalvo stated was Robert Pfister there.

Ted Kozlowski stated it's the Friday, its that Friday.

Board Member Pierro stated Friday, the 6th.

Ted Kozlowski stated I'm sorry what.

Board Member DiSalvo stated was Pfister there on the property when you went with DEC.

Ted Kozlowski stated when I went on.

Board Member DiSalvo stated you said that.

Ted Kozlowski stated I don't know I wasn't there, it was while I was away burning my body.

Board Member DiSalvo stated so this guy went on his property (inaudible).

Ted Kozlowski stated oh I don't know if he went on his property or not.

Board Member DiSalvo stated oh I thought you said you went there.

Chairman Rogan stated it sounds like he did it through Google.

Ted Kozlowski stated they zoomed it in through Google Earth. They saw all the junk and all the stuff and that is not agricultural.

Board Member DiSalvo stated well.

Board Member Montesano stated (inaudible) is not agriculture.

Board Member Pierro stated you don't need permission to satellite it.

Board Member DiSalvo stated but how old are those pictures.

Ted Kozlowski stated Maria.

Board Member DiSalvo stated we have a case before us now in Putnam Valley, where the pictures that the Town has are four years old. Its still dragging in court.

Ted Kozlowski stated all I know is when I was out there I saw garbage, okay.

Board Member DiSalvo stated but how old are those pictures compared to what it looks like now.

Ted Kozlowski stated I don't know but we want to go out to the site and look at it, alright, so whatever is there on June 6th, is what's there.

Chairman Rogan stated considering what he said to us, it probably will look a lot better then what it did when we all were out there.

Ted Kozlowski stated yeah hopefully it will.

Board Member Pierro stated yeah, considering Ted was there with permission and made observations and they were probably verified by what's on Google Earth, whether they are totally accurate or there are twenty less pieces, it doesn't really make a difference.

Chairman Rogan stated okay.

Ted Kozlowski stated and I'm hoping that this gets resolved.

Board Member Pierro stated that would be nice.

Chairman Rogan stated again, even that doesn't address all of our site plan issues, these are two aspects of this application that have to be resolved but neither one of them speak to the significant concerns that the Board has, that they have to figure out a way to address. So we will move forward methodically like we do and not waste the guy's time as we had promised him but work progressively.

11) TRACTOR SUPPLY SITE PLAN/TOJANT SUBDIVISION – Revised Submission

Chairman Rogan stated Tractor Supply site plan, revised submission.

Rich Williams stated they are doing the bog turtle survey.

Chairman Rogan stated okay.

Rich Williams stated I got a call actually, they were out there today, I haven't had a chance to look at the plans that they resubmitted.

Chairman Rogan stated you're up.

Ted Kozlowski stated can I combine Tojant and Tractor Supply.

Chairman Rogan stated sure.

Ted Kozlowski stated just a technical on the Tojant one.

Rich Williams stated Tojant.

Board Member DiSalvo stated toe jam.

Board Member Montesano stated toe jam.

Ted Kozlowski stated this has to be signed off by DEC, its technical but there is really no flagging on the entire eastern boundary so I'm assuming that they are saying it goes right up to Route 22 but DEC is probably not going to sign off on that unless it's a complete circuit with the wetland flagging. They only flagged the side of where Tractor Supply is going to be, the western side of that wetland and then there are some flags missing, specifically number 7, there is a big gap between 6 and 8, on the flagging and that really should, that is a technicality but that is going to have to get resolved.

Board Member DiSalvo stated who is doing the flagging.

Ted Kozlowski stated Beth Evans, no, it was Insite but it was there.

Rich Williams stated Mike Nowicky.

Ted Kozlowski stated so I guess the surveyors couldn't find flag seven and there is nothing on the eastern side between Route 22 and the wetland, so that's a technicality but they really have to address that. The other thing on Tractor Supply, I looked over the plans and they are dismantling the barn but there is no, I didn't see, I might have missed it or maybe Rich knows because he's looked over these things.

Rich Williams stated I haven't looked at these plans yet.

Ted Kozlowski stated I don't know how they are restoring the site after they remove the barn. There is nothing on the plans, on the site plan that I saw, you know once they remove the building what are they putting there. The other thing was and I don't know why they are doing this, in the buffer they have this landscape, this line of landscaping in the buffer between the service road and the wetland and I don't know why its there, I don't think its needed and I feel its unnecessary. It is disturbing the existing buffer and also I am going to ask you guys to consider and that will be my recommendation when the wetlands permit comes through that where the old barn is, where they are going to remove it, all along the service road to the detention basin. I would like to see a fence there because that whole section is going to be abused because there is a service road, it will be storage and I know there will be encroachments over time and there will be papers and crap going right in there. So I would rather you know, I would hope that the Board would look at these plans and look at how that plays up because the buffer line goes right up to the edge of the service road and you know what is going to happen.

Board Member DiSalvo stated it will be A & P all over again.

Board Member Pierro stated and I think for security they would be willing to put a fence up.

Ted Kozlowski stated they don't have a fence, they just have this line of vegetation that they are planting in there and it just isn't going to work.

Board Member DiSalvo stated throw a cup out the window and.

Board Member Montesano stated they don't believe in fences.

Ted Kozlowski stated just look it over when you, I think it plays into.

Chairman Rogan stated okay.

Board Member DiSalvo stated they didn't start taking the barn down did they, because they would need a demolition permit.

Board Member Montesano stated just hope they don't volunteer the fire department to do it.

Board Member Cook stated tying into what you are saying is, there are a couple of DEC and a DEP letter addressed to the applicant that is still hanging out there.

Ted Kozlowski stated yeah, Rich have you gotten any updates on the bog turtle search.

Rich Williams stated unofficially, it is not going to be determined to be habitat.

Board Member Pierro stated there was a blip on the, not that I believe everything I read on the internet on Patterson 12563 that Mark Emmitt, he's a tough cookie.

Rich Williams stated I received a call from the principal of the project and apparently Mark Emmitt who is a local resident, called Tractor Supply. Called the people of Tractor Supply, the main office, to let them know that he was the one who was personally responsible for getting off the Planning Board minutes, for

forcing the Planning Board to get the minutes up on the website and if Tractor Supply needs any help at all getting into Patterson, he will take care of it.

Board Member Pierro stated oh yeah.

Board Member DiSalvo stated who is this guy.

Chairman Rogan stated yeah, who is he.

Board Member Pierro stated he's an English guy, I've never met him.

Board Member DiSalvo stated where does he live.

Rich Williams stated is he asking for (inaudible).

Board Member Pierro stated I think he's looking for a shake down.

Chairman Rogan stated yeah.

Board Member Pierro stated is he the short fellow.

Chairman Rogan stated (inaudible) manager position.

Rich Williams stated he's not too short no.

Ted Kozlowski stated what does he want.

Board Member DiSalvo stated is that the one that comes into the Assessors'.

Rich Williams stated he wants Tractor Supply.

Chairman Rogan laughs.

Board Member Pierro stated you have to go on Patterson 12563, if you give me your e-mail address, I will send you the e-mails he's putting on the website.

Board Member DiSalvo stated (inaudible – too many speaking).

Chairman Rogan stated I don't have enough energy for what we do, never mind for this kind of stuff.

Board Member Pierro stated yeah, I get them e-mailed to me automatically so.

Board Member DiSalvo stated he never got the pictures we accumulated and.

Rich Williams stated yes and I don't want to get into it too much because Tom Raveson is coming in to give you all of the information on the design.

Board Member DiSalvo stated the design and everything.

Rich Williams stated he did hire an architect, they did design some things, they did present it to Tractor Supply and Tom will explain everything to you.

Chairman Rogan stated Tom is excited.

Rich Williams stated no.

Board Member DiSalvo stated why.

Board Member Pierro stated because he is spending a lot of money.

Ted Kozlowski stated they want, what they want and that's it, isn't it.

Board Member Montesano stated well there are an awful lot of Tractor Supply's that you'll suddenly find now that are really nice looking buildings and not the standard flat roof goofy looking Dunkin' Donuts type fiasco.

Chairman Rogan stated you guys did a lot of hard work getting those pictures though.

Board Member DiSalvo stated well.

Rich Williams stated you've seen Tractor Supply's that would approve.

Board Member Montesano stated yes.

Rich Williams stated do you have pictures of those.

Board Member DiSalvo stated I gave you the ones from New Milford.

(Board Member Pierro's cell phone rings.)

Rich Williams stated oh you do like New Milford.

Board Member DiSalvo stated I don't like Amenia.

Board Member Montesano stated Amenia is the store which they retrofit.

Rich Williams stated but you like.

Board Member Montesano stated New Milford was nice because it gave you the impression that there was something there.

Board Member DiSalvo stated yeah, the overhang, the fake windows.

Board Member Montesano stated when we looked at this way, I'm trying to think of where we were at Tractor Supply that I saw the whole building.

Board Member DiSalvo stated (inaudible – too many people speaking.)

Anthony Molé stated on the website, do they have pictures of different locations.

Board Member DiSalvo stated I gave you all the pictures Rich.

Rich Williams stated yeah, no, we have them and they have them.

Board Member Montesano stated I was someplace and I'm trying to think of where it was that they have a colonial style building.

Chairman Rogan stated on what.

Board Member DiSalvo stated on Route 9.

Board Member Montesano stated Dunkin' Donuts even annoys with me that crap that they never did it because the guy up in Dover, he's got a beautiful Dunkin' Donuts building.

Board Member DiSalvo stated (inaudible).

Chairman Rogan stated I'll tell you what, you don't even have to look that far, just go to Mahopac, the Dunkin' Donuts they did there, is really nice colonial.

Board Member DiSalvo stated except trying to get in there and get out.

Chairman Rogan stated I haven't really been a customer.

Board Member DiSalvo stated you can't make the turn in the drive thru with your pickup truck.

Board Member Montesano stated you can't.

Board Member DiSalvo stated you can't.

Board Member Montesano stated I did.

Board Member DiSalvo stated did you run on the side walk.

Anthony Molé stated international plays have changed, McDonalds has barns in some areas (inaudible).

Chairman Rogan stated the best example was the golden arches in Sedona are turquoise not golden, so I said if they want it bad enough. Michelle for the meeting, could you please pull the file on this and have the pictures that Mike and Maria.

Board Member DiSalvo stated you gave us some too that you took from.

Chairman Rogan stated just have them all so we can look through them, thank you.

Board Member DiSalvo stated A & P, and we did the Radio Shack.

Board Member Montesano stated that illegal barn that is sitting across the street, I mean the barn that is sting across the street from that property by the real estate office.

Chairman Rogan stated right so we are going to see some pictures.

Ted Kozlowski stated pictures.

Chairman Rogan stated okay.

Ted Kozlowski stated its got to look nice, it's the entrance to our Hamlet.

Chairman Rogan stated absolutely.

Board Member DiSalvo stated we only get to do this once you know.

Chairman Rogan stated I agree with you Maria.

12) GREEN CHIMNEYS SITE PLAN – Revised Submission

Chairman Rogan stated Green Chimneys Site Plan revised submission. What are they changing Rich, Green Chimneys. I actually saw Theresa out there, I was at Green Chimneys doing an inspection for the Health Department and they were out there pointing around and looking.

Rich Williams stated just new updated plans for the buildings that are proposed.

Board Member Montesano stated metal roofs.

Ted Kozlowski stated I checked the wetlands and wetland flagging was.

Board Member Montesano stated I understand that they are getting very (inaudible).

Ted Kozlowski stated correct and I have to have a very good conversation with Rich about that (inaudible). That detention basin, is in the wetlands.

Rich Williams stated don't care.

Anthony Molé stated he's got a cell phone now, you can call him anytime.

Chairman Rogan stated yeah, day or night.

Ted Kozlowski stated what's that.

Anthony Molé stated he's got a cell phone now.

Board Member DiSalvo stated who has a cell phone.

Chairman Rogan stated Rich.

Rich Williams stated and he's using it.

Anthony Molé stated yeah and if it goes to voicemail I dial again.

Board Member DiSalvo stated when do we close the book on Green Chimneys.

Ted Kozlowski stated never, it's never going to close.

Board Member DiSalvo stated no, as far as building more buildings and buildings and buildings.

Chairman Rogan stated as long as they can.

Board Member Pierro stated when they have the build out.

Chairman Rogan stated if they come in with a proposal and you say look this is too much it doesn't, its not safe, it doesn't until then is there a bulk coverage.

Board Member DiSalvo stated we did it with Watchtower.

Board Member Montesano stated that gentleman is retiring isn't he.

Rich Williams stated that was one of the reason that we made them go back to the ZBA to get the special use permit, you know, it was so we had that target number, and yeah there is and they are under it.

Chairman Rogan stated okay, so that is our answer though, they've got a restriction in bulk coverage, until they get up close to that.

Board Member DiSalvo stated even with the new barn that went in too.

Rich Williams stated the new buildings they are putting in, they are still under.

Board Member DiSalvo stated you need like a bicycle to get around that place.

Rich Williams stated the problem is the peripheral land that is all wetlands and unusable.

Board Member DiSalvo stated its unusable.

Board Member Pierro stated it all is added up.

Chairman Rogan stated it is the same thing we have been talking about for four or five years now with four acre zoning and maybe in the future looking towards actual usable area, even some of these subdivisions we are talking about backyards and maybe just going to, you have to have.

Rich Williams stated open space zoning.

Board Member Pierro stated right.

Chairman Rogan stated yeah, I think that is great, if you have four acres and 3 ½ or 3 of it is wetlands or steep slopes, what do you really have, you are promoting open space and that's great.

Ted Kozlowski stated you (inaudible).

Chairman Rogan stated you have a what, a view.

Board Member Pierro stated Deerwood.

Ted Kozlowski stated Deerwood and you have Doug Wallace.

Chairman Rogan stated well that land isn't absent of any value, I mean that still promotes open space in a sense that you don't have people on top of each other but it doesn't promote good usable of those lots.

Board Member Montesano stated they keep going into that dotted line.

Chairman Rogan stated right.

13) ICE POND SUBDIVISION – Preliminary Subdivision Application

Chairman Rogan stated Ice Pond Subdivision, we have our official application, preliminary subdivision application. I saw some stakes that looked pretty recently put in the woods there up Ice Pond Road.

Ted Kozlowski stated I've got some comments.

Chairman Rogan stated okay.

Ted Kozlowski stated you guys open up the plan, I want to show you something.

Chairman Rogan stated who's opening, Mike.

Board Member Montesano stated alright.

Board Member DiSalvo stated be careful where you put this over.

Ted Kozlowski stated this will answer most of my wetlands comments. If you look at.

Board Member Montesano stated grab an end.

Ted Kozlowski stated if you look at lots 23 to 27.

Board Member DiSalvo stated the whole thing.

Chairman Rogan stated okay.

Board Member DiSalvo stated the last page maybe.

Chairman Rogan stated okay.

Ted Kozlowski stated if you look at those lots, 23 to 27.

Board Member Pierro stated right.

Ted Kozlowski stated every one of those properties extends into the wetland or extends into the buffer, I would like to see the property lines follow the stone walls on the other side of the wetlands so the wetlands are completely out of the property owners property. If you follow what I'm saying, these stone walls here, they are shown on the other plans.

Board Member Pierro stated this is the buffer.

Anthony Molé stated area variances or (inaudible).

Board Member DiSalvo stated (inaudible – too many speaking).

Ted Kozlowski stated there is another plan that has the stone walls.

Board Member Pierro stated here.

Ted Kozlowski stated yeah.

Rich Williams stated pulling the lot lines in you said.

Board Member Pierro stated sorry Shawn.

Chairman Rogan stated its all right, go ahead.

Rich Williams stated (inaudible).

Board Member Montesano stated no its got to be the next map.

Board Member Pierro stated next map, next map.

Board Member Montesano stated all right, here we go.

Ted Kozlowski stated yeah if you see the stone walls.

Board Member Pierro stated yeah.

Anthony Molé stated (inaudible).

Chairman Rogan stated don't worry.

Board Member DiSalvo stated (inaudible).

Board Member Pierro stated he went into the bushes to get a turkey out of there, he was all scratched up anyway.

Chairman Rogan stated right.

Ted Kozlowski stated you see the stone walls here, the stone walls, if you make the property lines follow

the stone walls, the stone walls are natural delineations of the property lines and they keep all those properties out of the wetlands so those owners can't touch the wetlands.

Chairman Rogan stated and in fairness that stone wall, the area to the wetlands side of the stone wall isn't usable anyway under.

Ted Kozlowski stated right.

Chairman Rogan stated so.

Ted Kozlowski stated but the property, they are showing the property lines going over those stone walls and then people can take the stone walls down and do whatever.

Board Member Pierro stated and they would be throwing.

Ted Kozlowski stated those stone walls are great protection.

Board Member Pierro stated and they would be inclined to be dumping your yard waste and everything over the stone wall.

Chairman Rogan stated well they'll do that anyway.

Board Member Pierro stated they'll do it anyway but if they don't own the property they will be less inclined.

Chairman Rogan stated right.

Ted Kozlowski stated right, so if they are leaving that wetland as open space, let's just make the property lines.

Board Member DiSalvo stated now we've reduced the lot size.

Ted Kozlowski stated well can they skew this a little bit.

Board Member DiSalvo stated can we make them bigger, the lots.

Chairman Rogan stated in that area you are probably talking about removing one lot and making them all a little bigger.

Rich Williams stated well.

Board Member Pierro stated let them add it up and see what comes out.

Rich Williams stated in that line of lots you can not make them bigger unless you remove the lots.

Board Member Pierro stated right.

Chairman Rogan stated that is what I just said.

Rich Williams stated but.

Ted Kozlowski stated you know, that is a consideration that I would like to see happen and it just makes my life easier and it makes, it just is a.

Board Member DiSalvo stated maybe they won't come back in again.

Ted Kozlowski stated it's done you know.

Board Member Pierro stated but how much of a reduction in size of the lots are we talking about.

Ted Kozlowski stated not a lot.

Board Member Pierro stated and could we give them a variance.

Chairman Rogan stated well (inaudible – too many speaking).

Rich Williams stated do they need one.

Chairman Rogan stated let's find out.

Board Member Montesano stated what do they need one for.

Board Member Pierro stated they might.

Rich Williams stated I have to take a look at it.

Board Member Pierro stated okay.

Board Member DiSalvo stated each lot is going to be different.

Chairman Rogan stated notice these property lines are only going into wet, they are not going all the way to the road, just like this piece here.

Board Member Pierro stated right.

Chairman Rogan stated you are talking about that thin strip and this little and this little bit.

Board Member Montesano stated the object is (inaudible – too many speaking). So if you have, for arguments sake, if there is, what five lots, so if one comes in at 38,000 feet, we can give them a variance on that.

Chairman Rogan stated so its not like they go all the way to the road, that is not very much.

Board Member Pierro stated I think there are going to be other reasons why lots get removed here, you know.

Board Member Montesano stated if you go to the stone wall.

Chairman Rogan stated it sure would.

Board Member Montesano stated they could still get the same prices.

Board Member Pierro stated that is the stone wall.

Board Member Cook stated that is the stone wall.

Chairman Rogan stated yeah.

Board Member Pierro stated so Ted is suggesting that that be the property line.

Board Member Montesano stated I mean we can afford.

Board Member Pierro stated this way off this is (inaudible).

Chairman Rogan stated let's try to have one conversation.

Board Member Montesano stated (inaudible) if he complies with that and it costs him some square footage on there, in other words, if we have forty thousand square foot lot, if by doing this, one of them gets reduced to let's say 38,000 or 35,000, we can give them, we can ask for a variance on that one lot but the whole idea is the benefit is well worth it.

Chairman Rogan stated that is exactly what you guys were (inaudible).

Board Member Pierro stated what is the zoning there.

Board Member DiSalvo stated 40,000.

Board Member Montesano stated 40,000.

Ted Kozlowski stated this is a cluster right.

Rich Williams stated this is an R-4 with a cluster overlay.

Board Member Pierro stated cluster overlay, so the lots are about an acre.

Rich Williams stated an acre to an acre and a half.

Board Member DiSalvo stated that's still not enough.

Chairman Rogan stated what did you say Maria.

Board Member DiSalvo stated that is still not enough, an acre of land, look at the size of these house and the septic and we are back in the boat.

Board Member Montesano stated go over to Centennial, look at the size of those house.

Board Member DiSalvo stated we don't want that over here.

Board Member Montesano stated I realize that.

Chairman Rogan stated and in fairness, the reason its not enough is because we are not on a community sewer system, if this was all community sewer then now you are talking a different, that is the way it should be.

Board Member DiSalvo stated that is the way cluster works great, central water and central sewer.

Chairman Rogan stated right, I agree.

Board Member Montesano stated all the property that we are trying to salvage here, is useless to them to begin with.

Chairman Rogan stated it is.

Board Member Montesano stated so if it is an incentive to say we can, we will allow you the 35,000 square foot lot. If you take this into consideration and even if its one lot or even one and half, its worth it just to avoid that aggravation.

Chairman Rogan stated and not to be cruel on this one, but you can also say we don't want your lot lines going in the wetland period and figure it out.

Board Member DiSalvo stated right.

Chairman Rogan stated we don't even have to say we are willing to do a variance at this point in time, we are in the beginning of this process.

Board Member DiSalvo stated yeah, don't start it off that way.

Ted Kozlowski stated let's just say.

Board Member Montesano stated we can try that approach too.

Ted Kozlowski stated they can never come before us for a wetland permit because they are not in it and.

Board Member Montesano stated its not their property.

Ted Kozlowski stated but it also from the road standpoint, it protects the stone walls and you've got this.

Chairman Rogan stated which we have been very vocal about.

Board Member DiSalvo stated right.

Ted Kozlowski stated you've got this aesthetic feel to it now, you've got the wetland and then you go after the stone walls, so it a natural barrier and that you know, we are always asking for barriers between the properties.

Board Member DiSalvo stated its right along the road, people don't want to see houses through here.

Chairman Rogan stated right.

Ted Kozlowski stated so I would and those stone walls are pretty nice as I recall.

Chairman Rogan stated some of them are amazing.

Board Member DiSalvo stated they have like those big thick ones that are as wide as this table.

Chairman Rogan stated I've never seen anything like that in Putnam.

Board Member Pierro stated no.

Board Member DiSalvo stated imagine how many they built by hand.

Board Member Montesano stated that was some farm back then. I have to tell you.

Board Member DiSalvo stated so what do you want to say, take every house of the buffer.

Chairman Rogan stated no, no.

Ted Kozlowski stated just follow the stone walls for the property lines.

Chairman Rogan stated kept the property lines out of the.

Board Member Montesano stated keep the property lines.

Rich Williams stated just so you know, that was one of the original recommendations that I had for (inaudible) but they have been ignoring it from day one.

Chairman Rogan stated oh.

Ted Kozlowski stated you've been telling them all along, it just makes sense.

Chairman Rogan stated right.

Board Member Montesano stated when did making sense get anybody.

Board Member DiSalvo stated they are starting out (inaudible).

Chairman Rogan stated all right, let's have that conversation with them and we can look at the plans, we will have others I'm sure because there were a lot of other areas that we walked that were difficult.

Board Member DiSalvo stated and the archeological site in the front there.

Board Member Montesano stated I was hobbling.

14) NRA SUBDIVISION – Revised Submission

Chairman Rogan stated NRA Subdivision, they went to ZBA, didn't they.

Rich Williams stated they are before the ZBA currently. They made an appearance and ZBA is going to go a site walk out there.

Chairman Rogan stated okay.

Rich Williams stated they are also going to the cabin/house.

Anthony Molé stated Rich there was comment I made to the ZBA that I mentioned to you that it was a little concerning that he didn't have intention of going through with the subdivision but just getting the approval, is that something that he's been known to say in the past.

Board Member Pierro stated yeah.

Rich Williams stated I have never met the owner, that was made by his representative.

Anthony Molé stated okay.

Rich Williams stated made the same comment to me and yeah I picked up on it right away while we were up on the hill talking about that and said listen, if he gets the subdivision approval he has to build the road.

Chairman Rogan stated right.

Rich Williams stated and at that point he's got to do a single family home up there, you know why is he wasting his time, you know.

Anthony Molé stated because he's going to have to post the bond and we will have to call if he doesn't get it done in the allowed time.

Rich Williams stated right.

Chairman Rogan stated but in thinking about this specific situation, it is a shame that the system doesn't allow somebody to get an approval, post the bond but not because in essence, what is hurting the guy here is as soon as he has the subdivision now he has an individual lot which the house doesn't meet single family residence and he doesn't have fifty acres. I could see the situation and say let the guy get the approval post the bond but not actually effectuate the subdivision, the creation of his single lot until he either meets those requirements or, you know, in other words don't let him pull a first building permit for a house until he meets the needs for that lot, stipulate that. I know following through on it is a difficult thing, you can understand somebody wanting to protect the value of the property for the future and conditions to build are going to get any more difficult.

Anthony Molé stated that could potentially be a condition of the Zoning Board approval, couldn't it Rich, in other words.

Rich Williams stated there are two problems with that line of thought, first is you know having to track the bond, so often we have seen where bonding companies after three or four years carrying the bonds.

Chairman Rogan stated okay.

Rich Williams stated they just cancel them, they don't care about.

Chairman Rogan stated so in fairness you don't even post them, you post the bond before you get the first building permit, on the standards at that time, they have to, somebody has to review the bond.

Rich Williams stated it is.

Anthony Molé stated there is a second problem too, let's say you get past the bond issue, they put in the public improvements or we've called the bond or the bonding company is coming to approve it themselves or pay for the cost of it.

Chairman Rogan stated right.

Anthony Molé stated now you have a problem, well he has a problem where ten years go by and he never developed any of the lot and now he wants to pull a building permit to develop one of the lots.

Chairman Rogan stated right.

Anthony Molé stated if he doesn't meet current zoning at the time, he can't, he would have had to have vested rights.

Chairman Rogan stated right.

Anthony Molé stated even if he has a subdivision plat.

Rich Williams stated and we have a similar situation down on [Route] 22 which has been a nightmare for us with people coming in, they've got the subdivision, there is no bond, there is no road, they never constructed the road.

Board Member DiSalvo stated what is this.

Rich Williams stated excuse me.

Board Member DiSalvo stated which property is this.

Rich Williams stated across from Robin Hill Corporate Park.

Board Member DiSalvo stated those signs are up there for sale.

Rich Williams stated and it would very difficult for us to stop a sale of one of the individual lots to an individual property owner. We are getting this all the time where they want to come in and develop just one lot. You know, well I got a lot that is fronting on [Route] 22; let me develop that one lot but your frontage is on the road that is not built.

Chairman Rogan stated got it.

Rich Williams stated and you know we are always fighting that demon that's coming at us and you don't want to put the Town in that kind of a position where.

Chairman Rogan stated right.

Rich Williams stated we are actually.

The Secretary stated that was good.

(Side 1 Ended – 8:24 p.m.)

Rich Williams stated having to fight with a potential property owner. Nobody wins on that one.

Chairman Rogan stated the reality of this one is, if the guy wants to go through with a subdivision, he has to make that lot a legitimate lot with a single family home, meet the zoning set backs depending on what the ZBA says and create a single family home or he enjoys what he has as a what it is, a hunting camp on so many acres or he divides it where he keeps fifty acres with that house, which you know.

Rich Williams stated the thing that I'm not understanding at all is, I mean to make a single family house, according to Dave Raines, he has a generator, he doesn't need utilities but even utilities, obviously he's got money so the money really shouldn't be an issue and he needs to put a well and a septic it, he needs to bring the building up to a few more building codes.

Chairman Rogan stated okay and meet his set backs.

Rich Williams stated he's got his set backs, he meets his set backs, he meets all the other requirements up there for a single family home.

Chairman Rogan stated so it becomes not as much as issue of that as it does of having to pay taxes on a subdivision of now let's say a ten lot subdivision, the day its approved, it doesn't change what's out there for say except on paper but it does change your assessments.

Rich Williams stated sure.

Board Member DiSalvo stated yeah.

Chairman Rogan stated you know instead of having three quarters of a million dollar assessment now you've got ten lots each two hundred thousand dollars.

Rich Williams stated but even if he doesn't go forward with the subdivision, I'm not understanding why he just doesn't want, why he is going to the ZBA, why not just put the well and the septic in, make it a single family home, the only other outstanding issue is the driveway, well he could come into the Planning Board and get a waiver if he could you know convince you its appropriate.

Chairman Rogan stated are you saying all this in the ZBA meeting.

Board Member DiSalvo stated he's getting in there now.

Chairman Rogan stated to the ZBA and to.

Rich Williams stated some of it has been said.

Anthony Molé stated well I think, the suspicion I had and I had that very same question when I heard that he made that comment and my suspicion is that he wants to keep it as the cabin because he doesn't intend to not use it as a cabin and hunting grounds or what he uses it for, for years and years until he actually develops the subdivision.

Rich Williams stated he can have the single family house and use it in the same manner.

Ted Kozlowski stated he told me when I first met him two years ago when we walked that site, he told me that he had no intention of doing this subdivision, he just wanted it now before laws and changed and stuff.

Chairman Rogan stated yeah and I understand that process.

Anthony Molé stated he should be advised on the record at the meeting that getting your approval now does not guarantee you are going to be able to develop those lots five, ten, or twenty years down the line.

Ted Kozlowski stated right.

Anthony Molé stated if the laws change, the laws change, if he doesn't have vested rights then.

Rich Williams stated and we are having that problem now in a couple of instances, I think we are about to get a variance application in for somebody who bought two lots out of a subdivision. They are one acre lots in a four acre now, single and separate ownership they are merged, well they didn't buy them to merge them, they bought them to develop them in the future.

Chairman Rogan stated sure.

Rich Williams stated but now our Code, by operation of law has merged those lots and she wants to somehow un-merge those lots.

Chairman Rogan stated well that happened with people that bought lots, bought two lots, built one of them and held on to the other one for future, we have Plameri up on our road.

Rich Williams stated that is who I was talking about.

Chairman Rogan stated oh that's the one.

Rich Williams stated yeah.

Chairman Rogan stated oh okay, they are merged.

Rich Williams stated they are merged by operation of law.

Anthony Molé stated non-conforming, merged to make them more conforming.

Chairman Rogan stated oh, wow that's funny it's the same one.

Board Member Montesano stated there is a gentleman that I know that bought seven acres of land in the Town of Southeast to use for future building for his family, by the time his kids got together that they were ready to develop it and they changed the zoning on him and he got one house on seven acres and not the five or six he thought he would.

Chairman Rogan stated well that, that is a little different though from the standpoint that that was seven acres of raw land whereas if you had seven acres and it was one acre zoning and you had gone through and gotten seven lots and now you can only build one house, that is a little different you know.

Board Member Montesano stated but the idea is that this is what most people are thinking.

Chairman Rogan stated I mean, yeah.

Board Member Montesano stated that the laws never change, the biggest one was up at Lake George where they went from a residential area along the lake and they turned it into, the Town changed the code so that it became commercial property. People went ballistic because now they had their own private part of the lake that was all residential, the town came in and changed it because two or three of the town people had property on the lake that was getting offered for commercial property. But the idea is they changed it.

Anthony Molé stated the word everybody throws around is grandfathered, everyone thinks they are grandfathered no matter what.

Chairman Rogan stated right.

Board Member DiSalvo stated well how do we deal with like Wallace, Dough Wallace, isn't that an approved lot.

Chairman Rogan stated it is.

Rich Williams stated it is an approved lot but if Doug Wallace owned two or three of the lots side by side, then he would have the same problem where those lots would be merged.

Chairman Rogan stated provided they didn't meet the zone.

Rich Williams stated he owns the one lot by itself, it is an isolated lot.

Chairman Rogan stated right.

Board Member DiSalvo stated don't you have some instances in Putnam Lake with these little lots there.

Rich Williams stated all the time we are running into it.

Ted Kozlowski stated but you don't.

Board Member DiSalvo stated but can you automatically merge the lots, don't the people have to request it because we run into that with the Assessment Board.

Chairman Rogan stated depends on the ownership.

Board Member DiSalvo stated because we tell them to merge and they don't want to do it.

Rich Williams stated ask Anthony.

Ted Kozlowski stated the thing is.

Anthony Molé stated technically they are not merged into one tax map but they are merged by operation of law under the Code, yeah that happens a lot.

Chairman Rogan stated by operational law.

Ted Kozlowski stated Anthony.

Board Member DiSalvo stated do they ever know that they are merged, the people.

Anthony Molé stated probably not.

Chairman Rogan stated does the tax department know that.

Anthony Molé stated you know unless they (inaudible).

Ted Kozlowski stated the thing with Doug Wallace is that he is not the original subdivider.

Board Member DiSalvo stated subdivider.

Ted Kozlowski stated that was subdivided in the 80's.

Anthony Molé stated okay.

Ted Kozlowski stated and it was sold once or twice.

Chairman Rogan stated right.

Ted Kozlowski stated he bought it in the 90's.

Rich Williams stated he bought it from the original subdivider.

Anthony Molé stated well the subsequent owner would still have the same rights that the original subdivider had by owning the parcel but the problem is that what New York State law says, is that if you have, it is no longer the common law single separate and it was approved and you got your approval way back when therefore you are grandfathered in, now its you have to single separate, you have to have your approval back then, you have to abide by the approvals and you have to invest substantial time and money and everything in building up the property which means at least having a foundation in before the zone changes.

Ted Kozlowski stated and none of that happened.

Anthony Molé stated so, none of that happened so you are not grandfathered in.

Ted Kozlowski stated no.

Rich Williams stated and understand just so you are clear, the original subdivider was Doug Wallace's father.

Chairman Rogan stated right.

Ted Kozlowski stated so.

Rich Williams stated Doug bought it from him so.

Ted Kozlowski stated but it changed hands.

Chairman Rogan stated in fairness Doug isn't going to build a four bedroom house either which is probably what it was subdivided for so, he's not in essence, he's you know. There is a lot of compromises going on in this.

Board Member DiSalvo stated right.

Chairman Rogan stated you know, I think you'd be hard pressed, you'd really have to build a strong case to not allow any building on that property unless the whole thing was like underwater and all wetlands.

Board Member DiSalvo stated a bamboo hut.

Chairman Rogan stated I honestly think you.

Ted Kozlowski stated well like Rizzo's lot.

Board Member Montesano stated stilts.

Chairman Rogan stated right, fair enough.

Ted Kozlowski stated I can't really see with Rizzo's lot.

Board Member DiSalvo stated right and they have never come back.

Ted Kozlowski stated being developed, I just can't see it.

Chairman Rogan stated right.

Ted Kozlowski stated but I don't know and I was late and I'm hoping that we can go back to Doug Wallace because I have comments and I'm not going to be there for the meeting.

Chairman Rogan stated well we are on it right now so let's.

Board Member DiSalvo stated yeah, let's run with it.

Ted Kozlowski stated well the plans that were submitted and you know I'm not clear but obviously, and maybe you guys talked about it when I wasn't here but the house shows no deck, it shows no whatever and those latest plans.

Board Member DiSalvo stated is it right there.

Ted Kozlowski stated it looked like a wetland line but no wetland shown, you know that line with the two dots.

Rich Williams stated that is.

Ted Kozlowski stated if that's it then, if that is the wetland line then he has to stock pile the 1,000 gallon septic tank, the leaching pits the level spreader, they are all in the wetland.

Rich Williams stated they are all in the buffer.

Chairman Rogan stated the buffer, not the wetland.

Ted Kozlowski stated well look at this, see its unclear to me on the map that he shows.

Board Member DiSalvo stated we talked about this the last time.

Board Member Montesano stated that one.

Ted Kozlowski stated he's got this line, that is usually a wetland line.

Chairman Rogan stated that is the buffer line.

Ted Kozlowski stated well its not identified.

Chairman Rogan stated okay.

Ted Kozlowski stated I don't know what that is.

Chairman Rogan stated we've been looking at that line for five years.

Rich Williams stated that is the buffer.

Board Member DiSalvo stated where.

Rich Williams stated this goes with Kyle Kayler's plans.

Chairman Rogan stated however long, I don't know.

Ted Kozlowski stated so this is the buffer.

Rich Williams stated that is the buffer.

Ted Kozlowski stated okay so, I don't think his permit application reflects that.

Rich Williams stated I've heard that before.

Ted Kozlowski stated yeah.

Board Member DiSalvo stated does he want a deck on the house, they should do it now, right.

Ted Kozlowski stated well if he does, he's in the buffer, there is no, I mean, who is going to buy a two bedroom square, rectangle like that.

Board Member DiSalvo stated if its priced right a lot of people now.

Ted Kozlowski stated and now want to improve it, you know. So the wetland permit doesn't include this, its an incomplete permit and we are doing a public hearing on an incomplete permit.

Board Member DiSalvo stated that is what I was saying before.

Ted Kozlowski stated so this is crazy because this was not.

Rich Williams stated but you were there when they set the public hearing.

Ted Kozlowski stated I didn't say the, no one asked me if the permit was complete and I didn't see this.

Chairman Rogan stated we said, actually, if we pull the minutes, I think verbatim, Ted you're okay with this and you said yeah go ahead approve it, I think what was said, you were in (inaudible).

Ted Kozlowski stated all I, my understanding was, the wetland permit was for the septic, he wanted to do the.

Chairman Rogan stated in essence that is what it is for.

Ted Kozlowski stated right, now he is including that.

Chairman Rogan stated we made him include that, all he wanted was a permit for the, we made him go through all this.

Board Member DiSalvo stated to see if he could do this.

Ted Kozlowski stated okay.

Chairman Rogan stated we said show the house, shoe the driveway, show the well, show everything else, so I mean, in fairness, the guy, all they wanted to do was test to see if they could do a septic system in, you know.

Ted Kozlowski stated again, there is no deck, there is no nothing.

Chairman Rogan stated yeah.

Ted Kozlowski stated no sheds, no pools.

Chairman Rogan stated it's a horrible lot, I think everybody agrees that this is the worst lot we are reviewing.

Ted Kozlowski stated Rizzo is the worst.

Chairman Rogan stated yeah well we aren't reviewing that right now.

Board Member DiSalvo stated well they disappeared for awhile..

Chairman Rogan stated yeah.

Board Member Montesano stated they'll be back, as soon as he figures out that he has an angle.

Board Member Pierro stated almost as bad as Tambini, the one that Tambini built on Cornwall Hill Road.

Board Member DiSalvo stated whos that.

Board Member Pierro stated the white house with the silt fence still up after four and half years.

Board Member DiSalvo stated they did a lot of work with all these little statues around there.

Ted Kozlowski stated oh on your road.

Board Member Pierro stated yeah.

Ted Kozlowski stated I stopped at their house the other day.

Board Member Pierro stated right.

Ted Kozlowski stated I knocked on their door, introduced myself, I woke them it was 11:30 on a Saturday morning, she's irish and he's Italian.

Board Member DiSalvo stated think they were (inaudible).

Board Member Pierro stated yeah, right.

Ted Kozlowski stated I said you know ma'am you can take that orange fencing down, that was just for the construction, I don't want you to feel that the Town is making you keep that up.

Board Member Pierro stated yeah.

Chairman Rogan stated oh this is the one right by your house.

Ted Kozlowski stated do you know what she told me, I want it up, it keeps the deer out. She is using their fence as a deer fence.

Chairman Rogan stated it also keeps the wetland plants out of her yard that are encroaching.

Ted Kozlowski stated its just I pass by that.

Board Member DiSalvo stated (inaudible – too many speaking).

Ted Kozlowski stated every time I pass by it I'm laughing.

Board Member DiSalvo stated they took their wreaths down from Christmas in like November.

Ted Kozlowski stated I tried asking her nicely, you know you can take it down its okay.

Board Member Pierro stated she's coming to my house this week to dig up some pacasandra, some what do you call that colius, some hostas on the front lawn, I will try to hint to here.

Board Member DiSalvo stated say hey do you need any help taking that fencing down.

Ted Kozlowski stated and who is throwing spaghetti on your road.

Board Member Pierro stated I don't know.

Board Member DiSalvo stated she told you.

Ted Kozlowski stated she told me that somebody drives down Cornwall Hill Road and throws.

Board Member Pierro stated throws spaghetti out the window.

Ted Kozlowski stated her car is covered, I'm not covered.

Board Member Pierro stated they don't like her car parked on the.

Ted Kozlowski stated he son or somebody won't park the car on the road because it gets hit with spaghetti.

Chairman Rogan stated they have to change the road name Spaghetti Hill Road, oh boy.

Board Member Pierro stated I have a gut feeling I know who it is but I don't.

Chairman Rogan stated who cares.

Ted Kozlowski stated I had a wonderful time talking to her.

Board Member DiSalvo stated who makes spaghetti.

Board Member Montesano stated is it cooked or raw.

Anthony Molé stated (inaudible).

Ted Kozlowski stated so you've heard about that.

Board Member Pierro stated yeah.

Board Member Montesano stated so is it cooked or raw and is it spaghetti or macaroni.

Board Member Pierro stated last week, two weeks ago, on the record.

Board Member DiSalvo stated or is it spaghetti o's.

Board Member Pierro stated I planted grass seed where the County plows up the front of property, I planted some grass seed.

Board Member DiSalvo stated we saw it when we were there.

Board Member Pierro stated yeah and,

Board Member DiSalvo stated is there spaghetti on it now.

Board Member Pierro stated no bikini underwear.

Rich Williams stated what.

Board Member Pierro stated bikini underwear, two pair out on my front lawn.

Board Member DiSalvo stated I think you are hallucinating.

Board Member Montesano stated who did you steal them from Dave.

Ted Kozlowski stated I think that is wishful thinking Dave.

Board Member Pierro stated no, I swear to God, the groupies are coming back. I went to reach down and pick it up but then I said no, I gotta get a stick, I was walking down the street with two pair of bikini underwear on a stick.

Chairman Rogan stated I would have loved to have seen that, like a flag.

Anthony Molé stated I would love to see that.

Board Member Pierro stated oh boy.

15) FOX RUN PHASE II SITE PLAN - Discussion

Chairman Rogan stated Fox Run Phase II Site Plan.

Board Member Pierro stated I don't know why I didn't I have a camera in the front of my house and I got a camera in the back of the house.

Chairman Rogan stated Fox Run.

Board Member Montesano stated get a stick.

Chairman Rogan stated we are going downhill fast.

Board Member DiSalvo stated talk about something grandfathered.

Chairman Rogan stated Michelle I apologize that the last conversation was unable to be transcribed because too many people talking at once.

Rich Williams stated it doesn't work that way Shawn.

The Secretary stated no, it doesn't.

Board Member Pierro stated don't worry about it.

Board Member DiSalvo stated picture with the bikini underwear.

The Secretary stated it certainly will make the record.

Chairman Rogan stated so what is going on with Fox Run Phase II.

The Secretary stated it will.

Chairman Rogan stated you know, I noticed that your name doesn't appear in the minutes too often Michelle.

Board Member Pierro stated not at all.

Chairman Rogan stated but you do a lot of talking.

The Secretary stated no, I really don't.

Rich Williams stated it will be this time.

Chairman Rogan stated Fox Run Phase II.

Ted Kozlowski stated (inaudible).

Board Member Montesano laughs.

Board Member DiSalvo stated yeah well.

Rich Williams stated phase II.

Chairman Rogan stated what's going on.

Rich Williams stated as we discussed a little bit before hand, they had initially come with an 80 unit multi-family housing project, they claimed they had vested rights, the Town disagreed with that assumption and it ended up in court, the Town prevailed. They are now back in with a 48 unit multi-family housing project and they are looking to have the zoning changed to allow them to do it, so they made application to the Planning Board.

Anthony Molé stated Town Board.

Rich Williams stated not yet, they have not but that's, that would be if they want to.
Anthony Molé stated to show that they want to.

Rich Williams stated and our Code requires them to get a recommendation from the Planning Board anyway at some point, so it is probably better for them to come to the Planning Board first anyway. The Planning Board can evaluate whatever they want to evaluate on the site, maybe take a site walk out there and then recommend to the Town Board to approve it or deny it or approve it with modifications or.

Board Member DiSalvo stated and its all coming out the same driveway.

Rich Williams stated yes.

Board Member Montesano stated now.

Board Member Pierro stated I know its not an issue but.

Board Member Montesano stated we beat them in court on the one size project, now they are coming in with something smaller.

Board Member DiSalvo stated we didn't, because didn't we suggest about single family homes the first time around.

Rich Williams stated the first time around he claimed that he had vested rights which means that he could go build a multi-family housing project under the zoning in effect prior to 1976.

Board Member DiSalvo stated that is what we were just talking about.

Chairman Rogan stated yeah.

Rich Williams stated alright, we said, you can't do that, the only thing that is permitted out there at this time is single-family residences.

Anthony Molé stated how many units were they proposing originally.

Board Member DiSalvo stated 200.

Anthony Molé stated ball park.

Rich Williams stated when they came back in this last.

Anthony Molé stated when they came in the first time for Phase II, before court.

Chairman Rogan stated oh.

Rich Williams stated before court, okay, that was 80 units, so.

Anthony Molé stated they cut it almost in half.

Chairman Rogan stated twenty buildings, yeah 80 units.

Board Member DiSalvo stated yeah but it will be more density.

Board Member Pierro stated what kind of capacity do they have with the new sewage treatment plant there.

Rich Williams stated there are a lot of questions out there now, that being one of them, you know they have an easement. We have the easement documents here that gives them the right to tie into the waste water treatment plant, the water treatment plant and use the driveway going out however, you know, one of the arguments that we were making from day one, well that is fine, they may have had the right because they constructed but the driveway is now lived past its usable life and the waste water treatment plant is past its usable life and they are building a new sewage treatment plant out there.

Board Member DiSalvo stated we approved that last year.

Anthony Molé stated (inaudible) gain access to the proposed phase II.

Rich Williams stated correct.

Anthony Molé stated how does that affect the walkability if they were single families.

Chairman Rogan stated driving through a multi-family.

Board Member DiSalvo stated sort of like another Heritage Hills but not all around the totem pole.

Board Member Montesano stated look at Blackberry Village, in Brewster.

Board Member Pierro stated you drive through.

Board Member Montesano stated you drive through the private homes and then you go into a condominium.

Board Member DiSalvo stated yeah that is a hell of a lot of nice then.

Chairman Rogan stated what.

Board Member Montesano stated well I realize that but I'm just saying that is what they are doing, they are doing it in reverse, they already have the condominium.

Board Member DiSalvo stated Blackberry Village, is there a separate egress there.

Board Member Pierro stated no.

Board Member Montesano stated no, everything goes through the same road. There is more than road that you can enter and exit from.

Board Member DiSalvo stated yeah I was back in there.

Board Member Montesano stated but when you go into the condominium section in the back.

Board Member DiSalvo stated but it's a whole different land then what this is going to sit on, up a mountain.

Board Member Montesano stated that was done at a time where it was designed that way, these are coming in with the band aid effect.

Rich Williams stated that is a valid point that you are making Maria, if you go out there and walk the site, there is a very small area of a very large lot that has some potential but probably most of the lot doesn't have any potential for development at all.

Board Member DiSalvo stated just going to blast everything down like Heritage Hills.

Board Member Montesano stated they tried to come in a couple of years back, they were going to put the pool that was supposed to be put in on the original. They were putting a pool back there weren't they.

Board Member DiSalvo stated there was a pool.

Rich Williams stated they did put the pool back in there but that is all part of phase I.

Board Member Montesano stated I know they had to come in.

Chairman Rogan stated I don't know, I never.

Board Member Montesano stated I know they had to come in because they had to get permission to put the pool back out because that was one of their selling points to make it into condominiums.

Board Member DiSalvo stated (inaudible).

Rich Williams stated so that is where we are with Fox Run, that they are back in making an application.

Board Member Pierro stated it will be interesting.

Rich Williams stated yeah, they tried to talk to me a couple times about it.

Board Member DiSalvo stated that is not a town road.

Ted Kozlowski stated it looks like its going to be along night.

Chairman Rogan stated there are bigger fish to fry.

Board Member DiSalvo stated that is not a town road, their road, per se, is it up to Town, can that road handle all the sets of traffic, is it wide enough.

Rich Williams stated are we talking about Bullet Hole or are we talking about the driveway.

Board Member DiSalvo stated we are talking about the driveway road.

Rich Williams stated in the memo that I did, it was one of the questions that I raised, it was built to 1970 standards.

Board Member DiSalvo stated right.

Rich Williams stated I don't know if it would still meet our standards for today's Code even if it does, what surface condition does the road have and would that be appropriate for the traffic or would they need to pave all the way out.

Anthony Molé stated that is not a town road.

Board Member DiSalvo stated no.

Rich Williams stated it is not a town road.

Board Member DiSalvo stated and go back on to Bullet Hole now.

Rich Williams stated now we are back on to Bullet Hole.

Chairman Rogan stated on a tough turn.

Board Member DiSalvo stated whether they go that way or that way.

Chairman Rogan stated that is a, there is almost always, there seems like there are close calls from either Tammany Hall or from Fox Run, that whole roll.

Ted Kozlowski stated yeah, that is not a fun area.

Chairman Rogan stated if you slow down to make the turn on to Tammany Hall, you've got that hill right there and you've got the bus and kids and people in and out, its bad.

Board Member DiSalvo stated and the firehouse.

Board Member Montesano stated figure Fox Run was put up first and then Bullet Hole developed all the way through and it got way over.

Chairman Rogan stated yeah.

Board Member DiSalvo stated and its going to get more.

Board Member Montesano stated and the road was never touched so, other then to re-pave it.

Rich Williams stated Charlie touches it all the time.

Ted Kozlowski laughs.

Board Member DiSalvo stated I know he does.

Board Member Montesano stated depends, did he have the tires or was he out there.

Chairman Rogan stated who else would.

Board Member DiSalvo stated (inaudible).

Rich Williams stated (inaudible).

Chairman Rogan stated anybody have any other business that they would like to discuss.

Board Member Pierro stated where are we going with the special council.

Chairman Rogan stated oh right, thank you for bringing that up.

Board Member Pierro stated a recommendation to the Town Board.

Board Member DiSalvo stated make a recommendation now.

Chairman Rogan stated we discussed on the record of making a recommendation that the Town Board get us special council, Maria actually started to make the motion based on the minutes and we never completed it, so we are just looking to finalize that formally.

Board Member Montesano stated make your motion again.

Rich Williams stated last night.

Anthony Molé stated back to the drawing board, come back with a recommendation.

Board Member DiSalvo stated make a motion that we recommend to the Town Board to seek private.

Board Member Montesano stated special council.

Board Member DiSalvo stated special council regarding Patterson Crossing.

Anthony Molé stated none of the three.

Board Member Montesano seconded the motion.

Chairman Rogan asks for all in favor:

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

Motion carries by vote of 5 to 0.

Rich Williams stated they didn't say no to any of the three they just.

Anthony Molé stated okay.

Chairman Rogan stated they didn't not act because we didn't officially have a, I mean, because we are not even recommending anybody.

Rich Williams stated that was one of the reasons, because they didn't have a recommendation again, I talked to you, I was reluctant about there was nothing in the minutes.

Board Member DiSalvo stated but that has nothing to with us moving forward on this, which is what we are going to do.

Chairman Rogan stated no, not at all.

Board Member DiSalvo stated right.

Chairman Rogan stated just the further it goes, the harder it is going to be for whoever picks this up to.

Rich Williams stated understand that I've got some real concerns about the findings statement and what in it and I've got copies here for everybody to take with them.

Chairman Rogan stated okay.

Rich Williams stated you know just so everybody is aware, they submitted a findings statement to me, I completely re-wrote it, completely.

Chairman Rogan stated because in essence its our findings statement, not their but they are trying to help.

Rich Williams stated correct.

Chairman Rogan stated craft it.

Rich Williams stated right and they admitted that there were big gaping holes in there, they just pushed out what they could push out. They took mine and re-wrote mine completely.

Board Member DiSalvo stated so now we have theirs again.

Rich Williams stated and then gave it back to me and now I've re-written theirs but.

Board Member DiSalvo stated the time wasted doing that.

Anthony Molé stated usable (inaudible).

Rich Williams stated oh.

Chairman Rogan stated oh well but.

Rich Williams stated well actually its not. It's been a very productive process between my office and theirs but what I've got here for you is their findings statement with my changes all marked in it so you can

compare the different between what my recommendation for the findings statement is and what they are proposing.

Chairman Rogan stated okay.

Rich Williams stated and you know the two big issues that I took out of theirs, its all crossed out, has to do with annexing the Kent parcel into Patterson and some of the zoning issues that they are looking to build case for that is going on in the Town of Kent.

Chairman Rogan stated right.

Rich Williams stated which they feel is appropriate to be in there because we are lead agency and they are looking to build the record.

Chairman Rogan stated trying to build themselves up.

Rich Williams stated yeah for the future court challenge and you know I'm just, yeah we're lead agency but we also are the Town of Patterson Planning Board and we need to stay focused on the environmental impacts, the potential economic benefit of the project and what is going on overall with the project and ignoring the changes to the zoning that is going on in Kent and the other craziness and legal challenges that they are going to have to deal with over there.

Board Member DiSalvo stated so take the new development that is going to go in across the street, that new strip mall they want to put in. Are they looking at traffic surveys based on Patterson Crossing being completed for their project.

Chairman Rogan stated who knows, we're not involved in that process.

Rich Williams stated I can't, I have no idea.

Chairman Rogan stated but they should be.

Board Member DiSalvo stated they are hoping to get in first.

Chairman Rogan stated in fairness to what Rich is saying about the findings statement, there are some liberties in the Final Environmental impact Statement that are helping them to try to build their case for this Kent, trying to change zoning on them and everything.

Anthony Molé stated it means they could, you know, this among other things.

Chairman Rogan stated there is a lot of information there that has been added that you can read into what you want.

Anthony Molé stated interala.

Rich Williams stated interala.

Board Member DiSalvo stated flatten.

Board Member Pierro stated during the process, correct. Mulling the process, yes.

Ted Kozlowski stated well then say it, you know say it.

Board Member Pierro stated legalies, we have to tell each other how intelligent we are.

Board Member Montesano stated hey look it took him 15 years of college to be able to say that.

Board Member Pierro stated right.

Anthony Molé stated (inaudible).

Chairman Rogan stated Rich, for our edification, if its highlighted and underlined, it means you added it, if its crossed out you deleted it.

Rich Williams stated right, some of the underlined sections are where I moved some things from other areas or.

Board Member DiSalvo stated how about just highlighted.

Board Member Montesano stated you mean like that one.

Rich Williams stated and for those of you who would like it I you know, electronically, this is in color it looks so much better.

Board Member Pierro stated that's fine, that would be wonderful.

Chairman Rogan stated could you, is it too much to e-mail.

Rich Williams stated at this point it was way too much to e-mail for an adobe but I can give you a disk.

Board Member Pierro stated cut us some disks, that would be good.

Chairman Rogan stated you know what though, I don't think I'm going to get in here between now and next Thursday so I am just going to read this, so you don't have to get one for me.

Rich Williams stated I can do it before you leave.

Chairman Rogan stated oh okay, then I'll take it.

Board Member Pierro stated I will too, I won't get into it before Thursday either but.

Board Member DiSalvo stated when do you want to go back, Ted.

Board Member Pierro stated too much going on.

Rich Williams stated one knee wasn't enough.

Board Member Pierro stated Michelle, can I have a big rubber please.

Ted Kozlowski stated (inaudible).

Board Member DiSalvo stated anything else under other business, that was it just Patterson Crossing.

Chairman Rogan stated we're done.

Board Member Pierro stated so was there a recommendation to the Town Board to discuss separate attorneys or three separate attorneys.

Board Member Montesano stated no.

Anthony Molé stated I don't know, I wasn't there, there were three names on the list but I don't know who.

Board Member Pierro stated and who were they.

Rich Williams stated it was brought up last night at the Town Board meeting for special council.

Board Member Pierro stated right.

Rich Williams stated Mike Griffin has solicited a proposal from Jim Lobe's firm, (inaudible), there was Greg Folchetti and there was Rick O'Rourke. They were put on the table last night.

Board Member Pierro stated okay.

Anthony Molé stated so the one thing the Board can do is add to or pick from or whatever you want to do as far as, I mean is the Town Board looking for a recommendation, looking for a motion.

Chairman Rogan stated I'm sure they'd love one.

Anthony Molé stated just saying we need an attorney or are they looking for a recommendation from the Planning Board.

Rich Williams stated well some of the Board Members have just gotten a proposal from Jim Lobe's firm, they wanted the time to digest it, Joey Capasso had, I guess to your firm recommended an attorney which Tim didn't know anything about.

Anthony Molé stated none of knew anything about him.

Board Member Pierro stated what's his name.

Anthony Molé stated I don't recall it, it wasn't a name that I was familiar with.

Board Member DiSalvo stated Pat D'Iorio.

Rich Williams stated I have no idea.

Chairman Rogan stated I've heard that name.

Anthony Molé stated this wasn't (inaudible).

Board Member DiSalvo stated I think he may have mentioned it to, who is the other attorney that comes here.

Rich Williams stated Jennifer.

Board Member DiSalvo stated Jennifer, yeah.

Anthony Molé stated Jennifer.

Board Member DiSalvo stated he said he gave a recommendation to her.

Anthony Molé stated we have a letter.

Chairman Rogan stated does he know them, he knows them well.

Board Member DiSalvo stated yeah, D'Iorio's father was a judge wasn't he, in Westchester.

Board Member Pierro stated upstate New York

Board Member Montesano stated he have a brother named Tom.

Board Member Pierro stated my cousin used to work with him.

Chairman Rogan stated its hard as you had said in the minutes, its hard because it seems like there are conflicts all over the place, so who knows who, its almost like who doesn't know some one.

Board Member Montesano stated there is a guy, oh no, he's going to.

Board Member DiSalvo stated a couple of them I met with Town business.

Chairman Rogan stated oh I see.

Board Member DiSalvo stated you know and contractor business.

(Inaudible - too many speaking).

Rich Williams stated we are never going to get this on the tape.

Anthony Molé stated yeah they represented Vinny Conditio for Burdick Farms.

Board Member Pierro stated oh.

Board Member Montesano stated make a motion to.

Anthony Molé stated (inaudible) same side now.

Board Member DiSalvo stated did Ted want to go over something else that we talked about.

Anthony Molé stated (inaudible – too many speaking).

Board Member Montesano stated he left the room, make a motion to adjourn so that we don't have to have all this on the tape.

Chairman Rogan asks for a second.

Board Member DiSalvo seconded the motion.

Chairman Rogan asks for all in favor:

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

Motion carries by vote of 5 to 0.

Board Member Pierro stated that will wind up being problems with (inaudible).

The meeting adjourned at 8:52 p.m.